

Regular Meeting

This formal 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; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

**PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

**CHANGE TO AGENDA**

Mayor Manheimer said that before we begin with the agenda, she announced that New Business item B is removed from the agenda. This is the proposed reparations resolution. She was asked by more than a majority of Council to remove the proposed reparations resolution from tonight's agenda. Council remains unanimously committed to the previously passed reparations resolution. But, we need time to chart a path forward on reparations. So, before the Council begins considering specific initiatives, more than a majority of Council asked that we pull the proposed funding resolution from tonight's agenda in order to have time to schedule a council worksession, with the new council, to develop a road map for how to proceed with the implementation of the already adopted reparations resolution. This work session will be scheduled in the very near future. This will allow Council to set aside time solely dedicated to a discussion around reparations, which we haven't yet had, to discuss, in-depth, how to move forward. Let me reiterate that Council remains unanimously supportive of the reparations resolution already adopted, but more than a majority of Council requested that this item be removed from tonight's agenda so we have time to first develop a roadmap for moving forward. She has asked the City Manager to schedule a worksession for the new Council to have this necessary discussion and provide direction to the staff. Since the agenda item regarding funding for a reparations fund has been pulled, those who signed up in advance to speak on that item will have the opportunity to sign up and speak when it reappears in the future, or we will be happy to add you to Informal Discussion & Public Comment this evening.

**I. PROCLAMATIONS:**

**RESOLUTION NO. 20-209 - RESOLUTION OF APPRECIATION TO BRIAN HAYNES**

Mayor Manheimer read the resolution.

Resolution No. 20-209 was adopted by acclamation.

Councilman Haynes made a brief statement regarding his term on City Council and his wishes for the community's future.

Mayor Manheimer thanked Councilman Haynes for his service to Asheville and acknowledged his receipt of the appreciation resolution, a plaque, and a City pen.

**RESOLUTION BOOK NO. 42 - PAGE 23**

**RESOLUTION NO. 20-210 - RESOLUTION OF APPRECIATION TO JULIE MAYFIELD**

Mayor Manheimer read the resolution.

Resolution No. 20-210 was adopted by acclamation.

Councilwoman Mayfield made a statement regarding her term on City Council and the numerous projects that have been accomplished during her tenure.

Mayor Manheimer thanked Councilwoman Mayfield for her service to Asheville and acknowledged her receipt of her appreciation resolution, a plaque, and a City pen.

**RESOLUTION BOOK NO. 42 - PAGE 24**

**RESOLUTION NO. 20-211 - RESOLUTION OF APPRECIATION TO KEITH YOUNG**

Mayor Manheimer read the resolution.

Resolution No. 20-211 was adopted by acclamation.

Councilman Young made a brief statement regarding his term on City Council and expressed gratitude to staff and the community who helped him be a voice for everyone.

Mayor Manheimer thanked Councilman Young for his service to Asheville and acknowledged his receipt of his appreciation resolution, a plaque, and a City pen.

**RESOLUTION BOOK NO. 42 - PAGE 25**

**II. CONSENT AGENDA:**

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 27, 2020**
- B. RESOLUTION NO. 20-196 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORFOLK-SOUTHERN RAILROAD (NSRR) TO ALLOW CONSTRUCTION OF "THE DISTRICT" SIDEWALK PROJECT WITHIN NSRR RIGHT-OF-WAY**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into an agreement with the Norfolk-Southern Railroad (NSRR) in the amount of \$105,583 to allow construction of The District sidewalk project within NSRR right-of-way.

**Background:**

- On October 27, 2020, the City Council authorized the City Manager to enter into a contract with Moore & Son Site Contractors, Inc. of Mills River, North Carolina (Moore & Son) to construct The District Sidewalk Project.
- The District sidewalk project includes construction of:
  - sidewalk,

- ADA sidewalk ramps,
- a raised pedestrian crosswalk,
- high-visibility crosswalk lines, and associated components.
- A portion of the project occurs within NSRR right-of-way, which necessitated NSRR review and approval of the construction plans for the work within NSRR right-of-way.
- Approval of the work within the NSRR right-of-way includes the City signing an agreement to reimburse NSRR's administrative, engineering review, hardware upgrades, construction of the crossing within the railroad right of way, and safety personnel costs.
- NSRR estimates these costs as approximately \$105,583.
- City staff will attempt to structure the timeline of the sidewalk project so as to reduce the City's costs to NSRR, thereby minimizing the time NSRR personnel is on-site.
- Construction of the entire sidewalk project is scheduled to be 120 days with an expected construction start of December 1, 2020.

**Vendor Outreach Efforts:**

- N/A

**Council Goal(s):**

- Transportation and accessibility

**Committee(s):**

- None

**Pro(s):**

- Improved connectivity and accessibility for the neighborhoods surrounding The District apartment complex.

**Con(s):**

- Construction will be disruptive to adjacent residences.
- Efforts will be made to minimize disruptions.

**Fiscal Impact:**

- Funding for project costs associated with this agreement were planned as a part of GO Bond pedestrian accessibility investments.
- The total maximum cost of this contract is \$105,583.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville an agreement with NSRR in the amount of \$105,583.

**RESOLUTION BOOK NO. 42 - PAGE 1**

**C. RESOLUTION NO. 20-197 - RESOLUTION AUTHORIZING THE CITY PURCHASING MANAGER TO PROCURE NEW RADIOS THROUGH MOTOROLA FOR ASHEVILLE RIDES TRANSIT OPERATIONS USING SOLE SOURCE PROCUREMENT**

**Action Requested:** Adoption of a resolution authorizing the City Purchasing Manager to procure new radios through Motorola Solutions, Inc. for Asheville Rides Transit (ART) operations using sole source procurement as permitted under N. C. G. S. 143-129(e)(6).

**Background:**

- During September 2020, Motorola Solutions, Inc. notified the City that the transit system's existing on-board and handheld radios will no longer be serviced because they have exceeded their 10-year service life.
- A sole source procurement through Motorola Solutions, Inc. is needed to ensure compatibility with existing transit operations equipment and other City of Asheville radio equipment.
- Motorola Solutions, Inc. has provided a quote with an estimated total project cost of \$158,098.20.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- None

**Pro(s):**

- Replaces equipment that has exceeded its 10-year service life.
- The new equipment is expected to have a 10-year service life.
- Ensures continuous communication between ART's drivers and dispatchers including emergency situations.
- Federal Funds will provide 80% of the project cost.

**Con(s):**

- None

**Fiscal Impact:**

- The total purchase cost is \$158,098.20.
- An existing FTA grant will be used to fund 80% (\$126,478.56) of the purchase and the Transit Capital Fund budget will be used to provide the 20% match (\$31,619.64).
- Both the grant and the City match are already budgeted in the Transit Capital Fund.

**Motion:**

- Motion to adopt a resolution authorizing the City Purchasing Manager to procure new radios using sole source procurement through Motorola Solutions, Inc. for Asheville Rides Transit (ART) operations.

**RESOLUTION BOOK NO. 42 - PAGE 2**

**D. RESOLUTION NO. 20-198 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE CONTRACT WITH SWIFTLY, INC. FOR REAL-TIME PREDICTION TRANSIT INFORMATION SOFTWARE**

**Action Requested:** Adoption of a resolution authorizing the City Manager to ratify and amend the agreement with Swiftly, Inc., for Transit Real-Time Passenger Information services to exercise the option to renew for years three (3) and four (4) of the contract, through December 16, 2022, and increase the contract amount by \$110,743 for a total amount of \$179,922.10 to cover expenses for those years.

**Background:**

- On September 17, 2018, the City entered into a Service Contract with Swiftly, Inc. to provide Transitime Real-Time Passenger Information services for the Asheville Rides Transit system.

- The original budget for the Transitime Real-Time Passenger Information services for FY 2018 (September 1, 2018 to September 1, 2019) was \$38,180 for Year 1 of the Service contract, with the option to renew for three additional years.
- The City exercised the option for year two of the contract and paid \$30,999 for services rendered.
- Staff is requesting approval to increase the contract amount by \$110,743 for year three and year four of the contract for a total contract amount of \$179,922.10.
- The cost for years three and four are expected to be \$52,902.00 and \$57,841.10, respectively.
- The costs for each of these years has increased from year one and two due to increased fleet size, as well as the addition of several operational modules intended to improve on-time performance monitoring for drivers and staff, and improved scheduling software.
- The total amount of the contract with these changes exceeds the execution authority of the City Manager.
- Staff is requesting that the City Manager be authorized to execute the agreement including the original agreement of the total contract amount for the provision of Transitime Real-Time passenger services through December 16, 2022.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- None

**Pro(s):**

- Ensures sufficient funding is available to pay for services as required by contractual agreement.
- Assures the City is able to pay for services rendered for FY 2021 and for FY 2022.
- The additional modules being purchased will greatly enhance the data collection and monitoring of key transit operational performance measures and will allow City and ART staff to make better data-based decisions to improve route performance.

**Con(s):**

- Increased cost of annual contract services.

**Fiscal Impact:**

- Funding for year three of the contract is already included in the adopted FY 2021 Transit Services Fund budget. Funding for year four will be included in the recommended FY 2022 Transit budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to ratify and amend the agreement with Swiftly, Inc., for Transit Real-Time Passenger Information services to exercise the option to renew for years three and four of the contract through December 16, 2022 and increase the contract amount by \$110,743 for a total amount of \$179,922.10 to cover expenses for those years.

**RESOLUTION BOOK NO. 42 - PAGE 3**

- E. RESOLUTION NO. 20-199 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE YOUNG TRANSPORTATION CONTRACT UNTIL APRIL 30, 2021, TO CONTINUE TO ADDRESS PUBLIC TRANSPORTATION PASSENGER CONCERNS**

**ORDINANCE NO. 4838 - BUDGET AMENDMENT FROM THE FEDERAL  
TRANSIT ADMINISTRATION CARES ACT FUNDS**

**Action Requested:** Adoption of a resolution and budget amendment authorizing the City Manager to amend the contract with Young Transportation for supplemental transit service by increasing the contract amount by \$560,000, from \$962,000 for a total of \$1,522,000 and extending the contract term to April 30, 2021.

**Background:**

- The City received \$3,668,469 amount of CARES Act funding to assist with providing transit services during the pandemic.
- COVID-19 pandemic has impacted ART operations significantly in the number of drivers available to provide service, bus capacity, additional cleaning and providing the necessary safety for drivers and passengers.
- The lack of drivers and 60% cut to bus capacity resulted in having to cut routes and passengers being left behind frequently as buses reached the 10-person limit quickly, particularly during peak hours.
- In response to these issues, on May 26, 2020, the City Council awarded a contract to Young Transportation for \$962,000 to provide supplemental transit service support by using additional buses and drivers from Young Transportation to pick up stranded passengers and to supplement ART driver numbers.
- The original contract anticipated using four Young Transportation buses for 12-hours per day seven days per week from June 1, 2020 to December 31, 2020.
- Starting June 1st, staff realized that four Young Transportation buses were insufficient to meet the needs of the riders.
- The City requested that Young Transportation provide three more buses and drivers to help drive routes and pick up stranded passengers.
- The current limited number of riders on the bus is 13 plus the driver.
- At this time, the City continues to utilize four Young Transportation buses and drivers at a cost of approximately \$36,000 per week.
- At this rate of expenditure, the original \$962,000 in the contract will be depleted by approximately the third week of November.
- Staff is recommending increasing the contract with Young Transportation by \$560,000 to be paid from CARES Act funds remaining.
- The \$560,000 will provide at least 15 additional weeks (through 1st week of March) of Young Transportation service at the current four bus level.
- This will leave a balance of \$423,167 of CARES Act Funding to use for other needs.
- Congress has not passed any additional COVID-19 relief funding packages.

**Vendor Outreach:**

- The original Bid Invitation was posted on the North Carolina Historically Underutilized Business (HUB) website and staff contacted seventeen businesses via email that are registered as HUB businesses and/or Disadvantaged businesses. Additional vendor outreach to local transportation companies was also conducted. No bids were received by disadvantaged or minority businesses.

**Council Goal(s):**

- Transportation and Accessibility.

**Committee(s):**

- None

**Pro(s):**

- Adding an additional \$560,000 to the Young Transportation contract will provide an additional 15 weeks of supplemental service; this amount is expected to last through the first week of March at the current four supplemental bus level.

**Con(s):**

- The City has spent nearly \$2.6 M of its \$3.68 M in CARES Act funds.
- Staff is not aware of any additional funding that will be available for transit.
- The City is currently spending approximately \$36,000 per week on the Young supplemental service and will run out of CARES Act funding before the end of the fiscal year.

**Fiscal Impact:**

- No City funds are being used to provide the supplemental service through Young Transportation at this time.
- CARES Act funds are being used.
- If this expenditure is approved by City Council, the balance in the CARES Act funding will be \$423k.

**Motion:**

- Adoption of a resolution and budget amendment authorizing the City Manager to amend the contract with Young Transportation for supplemental transit service by increasing the contract amount by \$560,000, from \$962,000 to \$1,522,000 and extending the contract term to April 30, 2021.

**RESOLUTION BOOK NO. 42 - PAGE 4  
ORDINANCE BOOK NO. 33 - PAGE 187**

**F. RESOLUTION NO. 20-200 - RESOLUTION AUTHORIZING THE CITY  
MANAGER TO ENTER INTO A CONTRACT WITH STRATEGIC SECURITY  
CORP TO PROVIDE SECURITY SERVICES AT MULTIPLE CITY FACILITIES**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Strategic Security Corp. in the amount not to exceed \$250,000 for a period of one year and to execute four, one-year renewal options with no more than a 3% annual increase in the cost of the contract to provide security services for no more than five consecutive years.

**Background:**

- The City Hall Operations (CHO) Division of the Capital Projects Department provides a variety of functions including overseeing security services at the Public Works and City Hall Buildings.
- The firm GuardOne previously provided security guard services at a cost not to exceed \$140,000 per year. The hourly rate charged by GuardOne was \$17.70 per hour. Strategic Security Corp charges \$22.66 per hour. In addition, a guard was added last winter at Public Works to provide full time consistent coverage during all hours of operation.
- A Request for Proposals (RFP) was issued recently requesting proposals and costs for providing Security Guard services.
- Scoring of the proposals was based upon a weighted combination considering qualifications and costs. The recommendations were not based exclusively on the lowest cost. The use of the following criteria ensured that the overall approach to work was best suited to meet the City's needs and not just the lowest bid.
  - Evaluations were based upon the below weighted categories

- Development of Team 25%
  - Portfolio Summary 15%
  - Approach to work weighted at 20%.
  - Proposed cost has a 40% weighting.
- Six companies submitted proposals and costs. Using a weighted scoring system, Martin Edwards & Associates scored the best, but was unable to meet the needs of the City. Strategic Security Corp. scored second highest and is being recommended as the service provider.
  - Martin Edwards & Associates - Linden NC - 8.69
  - Strategic Security Corp - Commack NY (Local Charlotte North Carolina Branch) - 8.52
  - GuardOne Security - HQ Lawrenceville GA (Local branch Matthews NC) - 8.51
  - Allied Universal Security Services - HQ Conshohocken, PA (Local branch Charlotte, NC) - 8.39
  - SAKOM -- HQ Appleton WI (Local branch Greenville SC) - 8.13
  - Global Guardian - McLean VA - 4.56
- The transition of these service providers occurred at the time of the reopening of city facilities during the COVID-19 pandemic and due to unexpected complications with another contractor which resulted in an interim contract.
- There will be an expected annual increase to the cost of the contract of 3%.

**Vendor Outreach Efforts:**

- Staff performed outreach through solicitation processes using the State's Interactive Purchasing System.
- Strategic Security Corp is a certified female-owned business out of New York with a local branch in Charlotte, North Carolina.

**Council Goal(s):**

- Smart City

**Committee(s):**

- None

**Pro(s):**

- Provides security for both staff and visitors
- Consistent security services at multiple buildings
- Flexibility to add additional staff if security needs change

**Con(s):**

- Security personnel will be learning about the security of City facilities in a transition period while COVID still impacts facility activity.
- Annual costs show an increase of \$110,000 compared to the prior contract.

**Fiscal Impact:**

- The current adopted General Fund budget included \$140,000 to continue the prior security contract.
- Funding needed to cover the higher costs in the current year will come from vacancy savings in the Capital Project Department.
- The contract is contingent on budget appropriations to cover the costs in future fiscal years.

**Motion:**



- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Strategic Security Corp in the amount not to exceed \$250,000 for a period of one year and to execute four, one-year renewal options with no more than a 3% annual increase in the cost of the contract to provide security services for no more than five consecutive years.

**RESOLUTION BOOK NO. 42 - PAGE 5**

**G. RESOLUTION NO. 20-201 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A CONTRACT AMENDMENT WITH HAZEN AND SAWYER P.C. FOR THE EDWIN PLACE, CELIA PLACE, AND CANTERBURY DRIVE DRAINAGE IMPROVEMENTS PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute Contract Amendment #3 with Hazen and Sawyer, P.C. in the additional amount of \$97,833.58 for a total contract amount of \$783,813.58 and to enter into change orders, if needed, not to exceed a contingency amount of \$117,572.00 (15%) for a total professional services budget of \$901,385.58 for the Edwin Place, Celia Place, and Canterbury Drive Drainage Improvements Project (Contract Amendment #3).

**Background:**

- The original contract amount for the project was \$602,000.
- Amendment 1 did not increase the contract amount.
- With Amendment 1, the scope of Floodplain Impact Documentation was reduced, and additional Landscape Architect services and additional survey of the Charlotte Street area were added.
- Amendment 2 increased the contract amount to \$685,980, within the total project budget.
- That Amendment extended the pipe system improvements to the existing Murdock Avenue outfall, with associated regulatory documentation for the extension, additional grading and drainage plans and additional meetings with property owners and agencies for buy-in, as well as permitting additional scope items.
- This Amendment (Amendment 3) will increase the current contract amount to \$783,813.58.
- Amendment 3 divides the project into a third construction phase and includes additional documentation of decisions made regarding the basin and design analysis.
- A third plan and construction phase allows the project to be constructed in a sequence that makes more sense for the neighborhood and builds upon the benefits from the other two phases.
- There are significant drainage and flooding issues along the project corridor from Canterbury Drive, Sunset Parkway, Celia Place, Edwin Place and Murdock Avenue.
- This project will create improvements in flood storage capacity and conveyance in this area.
- The RFQ for this project was advertised on May 20, 2016, with Statements of Qualifications received on June 9, 2016.
- Thirteen (13) consulting firms submitted Statement of Qualifications. Qualifications were reviewed and Hazen and Sawyer, PC. was selected as the best qualified firm.
- The Contract was entered into between the City of Asheville and Hazen and Sawyer, P.C. on January 5, 2017.
- The Stormwater Division has spent an extensive amount of time on Public Outreach and working with property owners in obtaining Stormwater Easements.
- Negotiation and acquisition of the easements for Phase 1 and Phase 2 are complete, but the complexity of the project and participation from these property owners have caused project design delay.

- Construction for Phase 1 has an anticipated start date next Summer in FY22, with a 12 month construction period. Phase 2 will start immediately after in FY23 with 12 months for construction, and Phase 3 will begin afterwards, in FY24 with 12 months for completion.

**Vendor Outreach Efforts:**

- The City of Asheville RFQ informed all bidders of the policy to (1) provide minority and women-owned businesses (MWB) firms an equal opportunity to participate in all aspects of their contracting and procurement programs and (2) to prohibit any and all discrimination against persons or businesses in pursuit of these opportunities.
- All bidders were required to provide a statement indicating how outreach was to be performed, and the selected firm would be required to provide documentation indicating their outreach efforts.
- Staff performed outreach to MWB businesses through solicitation processes which included posting on the State's Interactive Purchasing System and the City of Asheville website.
- Past engineering firms who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- Hazen and Sawyer indicated good-faith efforts to identify and incorporate MWB companies for partnering on the project.
- Hazen and Sawyer contracted with a minority-owned firm to perform geotechnical investigations for the project.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- The contract amendment will allow Hazen and Sawyer to divide the project into an additional phase of construction, to include design and construction administration as well as additional downstream analysis to verify project impact and improvement to the drainage basin.
- The capacity of the existing stormwater system will be increased to allow passage of larger storm events safely through the system. Detention and water quality elements will be added along the corridor to offset any increases in pipe flow due to improvements in the drainage system.
- The project will provide a conveyance system that is sustainable and decreases flooding to surrounding homes and property.
- The project also provides an improvement to public safety because roadways will be less likely to flood, allowing passage of traffic and emergency vehicles.

**Con(s):**

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

**Fiscal Impact:**

- Funding for this contract is already 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 Hazen and Sawyer, P.C. in the amount of \$97,833.58 and to enter into

change orders to this contract, if needed, not to exceed a contingency amount of \$117,572.00 (15%) for a total project budget of \$901,385.58 for the Edwin Place, Celia Place, and Canterbury Drive Drainage Improvements Project (Contract Amendment 3).

**RESOLUTION BOOK NO. 42 - PAGE 6**

**H. ORDINANCE NO. 4839 - ORDINANCE AMENDING THE FISCAL YEAR 2020-21 FEES & CHARGES MANUAL TO INCLUDE A BEAR-RESISTANT TRASH CART FEE**

**Action Requested:** Adoption of an ordinance amending the fees and charges manual for Fiscal Year (FY) 2020-21 to establish a fee of a \$10 per month upcharge for the rental of a bear-resistant trash cart.

**Background:**

- More than a third of the calls that the NC Wildlife Resources (NCWRC) receives about bears statewide come from Buncombe County.
- Asheville residents are experiencing an increase in human-bear interactions and there are safety risks associated with these increasing issues.
- City residents file numerous complaints with the City regarding bears getting into their trash. One Buncombe County resident was injured in 2018 in a bear interaction involving a trash cart.
- Residents have frequently requested that the City provide bear-resistant trash carts.
- Securing garbage is identified as one of the top ways to reduce human-bear interactions and resulting problems.
- Fully-automated bear resistant carts that stay locked until the collection truck empties them are very expensive to order individually, so a bulk purchase is more economical.
- It is also important that bear resistant carts are compatible with City of Asheville (COA) collection vehicles.
- Sanitation staff recommends that the City provide uniform, tested carts to residents to limit problems. If the City owns the carts, Sanitation can handle any cart damage through its warranty with the vendor.
- The City cannot be liable for damage to bear carts that individuals have purchased.
- BearWise research shows more success in bear cart programs when residents financially invest in some way.
- BearWise is a program developed by bear experts in the southeastern United States that shares ways to prevent conflicts, provides resources to resolve problems, and encourages community initiatives to keep bears wild.
- A one-year rental commitment prevents residents from requesting cart swaps during down times for bears.
- Staff recommends offering bear carts at the recommended rental fee for the pilot program.
- If the program is successful, staff recommends that Council consider using future revenues from the rental program to support provision of bear carts for lower-income residents through a rebate program.

**Vendor Outreach Efforts:**

- Bear-resistant carts are a new technology and are specialized products with limited options.
- NCWRC and Sanitation staff tested numerous varieties and have chosen to purchase the cart that is most consistently effective with Sanitation collection trucks, most effective at keeping bears out, and most user friendly.
- The cart is available for purchase on the Omnia cooperative contract.

**Council Goal(s):**

- Clean & Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- Provides a solution to residents who are experiencing negative bear interactions and incidents with their trash.
- Protects human life and wildlife, and prevents waste management and litter issues for residents and the community.
- Residents will have access to bear resistant carts at a reasonable cost and that function with COA waste collection equipment.
- Residents will not experience their trash being scattered over the neighborhood by bears regularly, and potentially dangerous human-bear interactions may be prevented.

**Con(s):**

- Residents will have to pay the \$10 monthly upcharge for a bear-resistant trash cart.
- Availability of carts will be on a first-come, first-served basis for the duration of the pilot program.
- The pilot order of bear-resistant trash carts is limited to the number of carts that can be purchased from available funding in the Sanitation Division's FY 2020-21 operating budget.

**Fiscal Impact:**

- The pilot order of bear-resistant trash carts will be funded from the Sanitation Division's FY 2020-21 operating budget.
- This funding allows for a purchase of 340 bear-resistant carts for \$220 each plus shipping and tax for a total of \$81,052.50.
- The proposed monthly fee is \$10/month upcharge (one year minimum) for a bear-resistant cart.
- With full participation, the program could generate revenue of \$3,400/month, resulting in a return on investment within approximately two years.

**Motion:**

- Motion to adopt an ordinance amending the fees and charges manual for Fiscal Year 2020-21 to establish a fee of \$10 per month upcharge for the rental of a bear-resistant trash cart.

**ORDINANCE BOOK NO. 33 - PAGE 188**

- I. **RESOLUTION NO. 20-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT, AND ACCEPT IF AWARDED, FROM THE NORTH CAROLINA'S ALLIANCE OF YMCA'S REMOTE LEARNING SITE GRANT FUND TO FACILITATE REMOTE LEARNING OPPORTUNITIES DURING THE COVID-19 PANDEMIC**

**ORDINANCE NO. 4840 - BUDGET AMENDMENT TO ACCEPT GRANT FROM THE NORTH CAROLINA'S ALLIANCE OF YMCA'S REMOTE LEARNING SITE GRANT FUND TO FACILITATE REMOTE LEARNING OPPORTUNITIES DURING THE COVID-19 PANDEMIC**

**Action Requested:** Approval of a resolution to apply for and accept funds from the NC Alliance of YMCA's Remote Learning Site Grant; and adopt a budget amendment in the Special Revenue Fund in the amount of \$431,338 to fund the Recreate and Educate Program.

**Background:**

- The NC Alliance of YMCA's are responsible for the distribution of federal CARES Act relief funding to agencies providing remote learning sites as appropriated through HB 1105, Coronavirus Relief Act 3.0.
- On October 19, 2020, the NC Alliance of YMCA'S announced that 116 organizations statewide with 287 remote learning sites have been approved for the remote learning site grant.
- Together these organizations will serve about 14,000 students across the state.
- Per the legislation, the NC Alliance of YMCAs, with the YMCA of the Triangle as its fiscal agent, is administering the grant program that enables NC YMCAs, YWCAs, Boys and Girls Clubs, county and municipal parks and recreation departments, and qualifying CBOs in North Carolina to apply for funding to facilitate remote learning opportunities during the COVID-19 pandemic.
- The City of Asheville has an opportunity to apply for the reimbursement grant to cover expenses related to the planning and providing of remote learning support between September to December, as this support is only being provided because of COVID-19.
- Reimbursable expenses to operate the remote learning sites from September to December are \$431,338.

**Council Goal(s):**

- Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- Reimbursement of funds to support the Recreate and Educate program during COVID-19

**Con(s):**

- None

**Fiscal Impact:**

- Reimbursement of \$431,338 from the NC Alliance of YMCAs to facilitate remote learning opportunities.
- There is no required City match for this grant.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to apply for, and accept funding from the NC Alliance of YMCA the grant and a budget ordinance amendment in the Special Revenue Fund in the amount of \$431,338 to fund the Recreate and Educate Program.

**RESOLUTION BOOK NO. 42 - PAGE 7  
ORDINANCE BOOK NO. 33 - PAGE 190**

**J. ORDINANCE NO. 4841- BUDGET AMENDMENT TO BUDGET POLICE  
BUNCOMBE COUNTY ANTI-CRIME TASK FORCE FUNDS**

**Action Requested:** Adoption of a budget amendment in the amount of \$141,208.44 in the Special Revenue Fund to establish an expenditure budget for funds already received by the City.

**Background:**

- The funds are the result of Federal seizures secured as the result of a joint task force with the Buncombe County Sheriff's office.
- In July 2018 the rules changed and Federal seizures could no longer be distributed to task forces (ie. BCAT), but only to the member agencies.
- From that time on, APD began receiving its share of BCAT forfeitures at the Department level.
- There was an agreement forged between the County and APD as to how to disperse the funds in the existing BCAT account of which the County served as the fiduciary.
- There was a percentage agreement reached between the County and APD, and funds were transferred to APD in the amount of \$141,208.44.
- APD intends to use a portion of these funds as part of a fire-arm trade in initiative and they are currently working with the Purchasing Division.
- Additionally they plan to have the ability to access these funds for other future initiatives as needed.
- In order to spend the funds that have been received, a budget amendment is required in the City's Special Revenue Fund.

**Council Goal(s):**

- A Financially Resilient City

**Pro(s):**

- Provides expenditure authorization for funding that has already been received by the Asheville Police Department (APD).

**Con(s):**

- None.

**Fiscal Impact:**

- This budget amendment does not include a local match so there is no impact to the City's General Fund budget.

**Motion:**

- Motion to adopt a budget amendment in the amount of \$141,208.44 in the Special Revenue Fund to establish an expenditure budget for funds already received by the City.

**ORDINANCE BOOK NO. 33 - PAGE 191**

**K. RESOLUTION NO. 20-203 - RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FORMALLY INTERVENE IN THE NORTH CAROLINA UTILITIES COMMISSION DOCKET E-100 SUB 165 DUKE ENERGY'S 2020 INTEGRATED RESOURCE PLAN**

**Action Requested:** Adoption of resolution authorizing the City Attorney to formally intervene in the North Carolina Utilities Commission Docket E-100 Sub 165 of Duke Energy's 2020 Integrated Resource Plan if deemed appropriate by City staff.

**Background:**

- Every two years Duke Energy submits an Integrated Resource Plan (IRP) to communicate strategies for delivering reliable electricity at the lowest cost (typically a 10 to 20 year horizon).
- This is the first IRP that has been published since the City adopted a [100% renewable energy goal](#).

- The IRP models potential pathways to accelerate renewable energy deployment but reform of state policy is required. This is an opportunity to advocate for such reform.
- The North Carolina Utilities Commission (NCUC) hosts statutory IRP reviews for approval.
- To participate, the City must petition to become a formal intervenor by demonstrating standing.
- Intervention in the review allows the City to help shape the process and the final IRP content, potentially accelerating the transition to renewable energy in our utility territory.
- NCUC tends to give greater weight to public comments provided through this more formal intervention process, so the City's participation is critical to advance efficiency and renewable generation strategies aligned with our policies.
- The City of Asheville's [Moving to 100% - Renewable Energy Transition Pathways Analysis](#) identifies the need to participate in State and Utility actions to achieve the City's renewable energy goals.
- Sustainability staff have conferred with the City's Legal Department regarding filing an intervention petition and have determined that Legal has the ability to assist.
- City staff will continue to review the IRP with Duke Energy to determine if it is appropriate to file the petition.

**Vendor Outreach Efforts:**

- Not applicable

**Council Goal(s):**

- Equitable and Diverse Community
- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- Supports Resolution 17-104 Encouraging a State Goal of 100% Renewable Energy by 2050.
- Supports Resolution 18-279 Establishing a 100% Renewable Energy Goal for the City of Asheville.
- Supports Resolution 16-64 Establishing the Energy Innovation Task Force which is an on-going partnership between Buncombe County, City of Asheville and Duke Energy Progress for the purpose of researching, prioritizing, recommending and implementing recommendations to create renewable energy opportunities.
- Supports Resolution 20-18 Establishing the Creation of the Blue Horizons Community Council.
- Intervention will give the City an opportunity to promote the success of the existing partnership efforts with Duke Energy and Buncombe County through the Blue Horizons Project and Climate Collaborative.
- Action prioritized in Moving to 100% Renewable Energy Roadmap.
- The City is benefiting from free technical assistance from the Rocky Mountain Institute that will ensure the City's comments advocate for policies and practices that align with our renewable energy goal.
- The Rocky Mountain Institute is a nonprofit that engages businesses, communities, institutions, and entrepreneurs to accelerate the adoption of market-based solutions that cost-effectively shift from fossil fuels to efficiency and renewables.

**Con(s):**

- This will consume staff time to file the petition to intervene, draft comments, and monitor the docket.

**Fiscal Impact:**

- None anticipated

**Motion:**

- Motion to adopt a resolution authorizing the City Attorney to formally intervene in the North Carolina Utilities Commission Docket E-100 Sub 165 of Duke Energy's 2020 Integrated Resource Plan if deemed appropriate by City staff.

**RESOLUTION BOOK NO. 42 - PAGE 8**

**L. RESOLUTION NO. 20-204 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A VERIZON WIRELESS MASTER ENCROACHMENT AGREEMENT**

**Action Requested:** Adopt a resolution authorizing the City Manager to execute a Master Encroachment Agreement with Verizon Wireless.

**Background:**

- In 2017 the North Carolina General Assembly passed Session Law 2017-159, which gave cellular network providers a broad right to place cellular network infrastructure within municipal rights of way within the State.
- Under NCGS 160D-936, the City is limited to reviewing a cellular provider's application to install new small cell facilities for compliance with aesthetic standards.
- The City has worked with Verizon Wireless to develop a Master Encroachment Agreement, which sets forth the terms under which Verizon may submit new facility applications to the City for review.
- This agreement will provide for a more streamlined review process between the City and Verizon.

**Council Goal(s):**

- A thriving local economy.
- A connected and engaged community.

**Committee(s):**

- None

**Pro(s):**

- Will streamline the City's review of proposed cellular facilities in its rights of way pursuant to NCGS 160D-936.

**Con(s):**

- None

**Fiscal Impact:**

- Under the Master Encroachment Agreement, Verizon will pay an application of one hundred dollars (\$100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars (\$50.00) for each additional small wireless facility addressed in the application.
- Verizon will further be required to pay the City a technical consulting fee in the amount of five hundred dollars (\$500.00) per application.

**Motion:**



- Motion to adopt a resolution authorizing the City Manager to execute a Master Encroachment Agreement with Verizon Wireless.

**RESOLUTION BOOK NO. 42 - PAGE 9**

**M. RESOLUTION NO. 20-208 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY, THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY SCHOOLS BOARD OF EDUCATION REGARDING THE PROVISION OF NECESSARY AND ESSENTIAL INTERNET SERVICES TO CERTAIN COMMUNITIES**

Said resolution reads: "WHEREAS, pursuant to N. C. Gen. Stat. 160A-461, the City of Asheville can enter into interlocal agreements to execute any undertaking; and WHEREAS, in direct response to the COVID-19 pandemic, residents of North Carolina must rely substantially on internet services to access certain essential services, including, but not limited to, health care; and WHEREAS, in good faith based upon all available data and scientific information, it is believed that the COVID-19 pandemic will continue for an indefinite period of time to negatively impact the ability of (a) the public schools in the County of Buncombe and the Asheville City Schools District to provide fully in-person instruction; (b) public school students to access on-line instruction; and (c) residents of the County and City to access vital health and safety services made available through the internet, including, but not limited to, telehealth and emergency services information; and WHEREAS, the City of Asheville, Buncombe County, the Housing Authority of the City of Asheville, and Asheville City Schools Board of Education desire to enter into an interlocal agreement to provide necessary, basic and essential services to their respective constituents to mitigate and combat the negative impacts of the COVID-19 pandemic through the provision of no-charge wireless internet services for residents of the following communities: (a) Southside Communities along Livingston Street; (b) Hillcrest Apartments; (c) Pisgah View Apartments; (d) Klondyke Homes; and (e) Deaverview Apartments; and WHEREAS, the Housing Authority of the City of Asheville submitted a Request for Proposals for said services, including installation and annual Internet Service Provider fees for a 4 year term; and WHEREAS, Skyrunner Inc., a/k/a Skyrunner Internet, submitted a proposal that the Housing Authority of the City of Asheville intends to accept, contingent upon funding; and WHEREAS, The City of Asheville wishes to provide a portion of the funding for this endeavor; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Manager be, and she is hereby, authorized to enter into an Interlocal Agreement with the County of Buncombe, the Housing Authority of the City of Asheville, and the Asheville City Schools Board of Education regarding the provision of necessary and essential internet services to certain communities located in Buncombe County. Pursuant to this agreement, the City of Asheville shall provide the amount of \$50,000 toward funding this initiative."

**Motion:**

- Motion authorizing City Manager to enter into an Interlocal Agreement with the County of Buncombe, the Housing Authority of the City of Asheville, and the Asheville City Schools Board of Education regarding the provision of necessary and essential internet services to certain communities located in Buncombe County.

**RESOLUTION BOOK NO. 42 - PAGE 22**

Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

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 by roll call vote.

**III. PRESENTATIONS & REPORTS:**

**IV. UNFINISHED BUSINESS:**

- A. RESOLUTION NO. 20-205 - RESOLUTION TO UPDATE THE 2020-21 ACTION PLAN TO INCLUDE THE ALLOCATION OF \$154,711 IN COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUNDS AND THE REALLOCATION OF AN ESTIMATED \$1.1 MILLION IN HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS**

**ORDINANCE NO. 4842 - BUDGET AMENDMENT TO REVISE THE AMOUNT OF THE FISCAL YEAR 2020-21 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUND BUDGETS THAT WERE ADOPTED IN THE FISCAL YEAR 2020-21 ANNUAL BUDGET ORDINANCE BASED ON UPDATED INFORMATION**

Mayor Manheimer said that this public hearing was held on October 27, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to adopt the resolution authorizing submission of the City's Annual Action Plan for 2020-2021 to the U.S. Department of Housing and Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the Consolidated Annual Action Plan. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 – PAGE 10**

Councilwoman Mayfield moved to adopt a technical budget amendment to revise the amount of the Fiscal Year 2020-21 CDBG and HOME Fund Budgets that were adopted in the Fiscal Year 2020-21 Annual Budget Ordinance based on updated information. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

**ORDINANCE BOOK NO. 33 - PAGE 192**

- B. RESOLUTION NO. 20-206 - RESOLUTION TO UPDATE TO THE 2019-20 ACTION PLAN TO INCLUDE \$889,456 IN CDBG-CV FUNDS, WHICH MUST BE USED TO PREVENT, PREPARE FOR, OR RESPOND TO CORONAVIRUS**

**ORDINANCE NO. 4843 - BUDGET AMENDMENT TO BUDGET THE ROUND 3 COVID-19 GRANT FUNDS**

Mayor Manheimer said that this public hearing was held on October 27, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding

public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the proposed use of CDBG funds for COVID-19 / \$889,456 and submit to HUD through an Amendment to the 19/20 Action Plan. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

### **RESOLUTION BOOK NO. 42 – PAGE 13**

Councilman Haynes moved to adopt a budget amendment to budget the Round 3 COVID-19 grant funds. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

### **ORDINANCE BOOK NO. 33 - PAGE 193**

#### **V. PUBLIC HEARINGS:**

##### **A. PUBLIC HEARING TO AUTHORIZE THE CITY MANAGER TO SUBMIT THE 5 YEAR CONSOLIDATED ACTION PLAN FOR FISCAL YEARS 20/21 - 24/25 WHICH INCLUDES THE 20/21 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIP PROGRAM PROGRAMS TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT**

Community Development Program Director Paul D'Angelo said that this is the consideration of public hearing to authorize the City Manager to submit the 5-year Consolidated Action Plan for Fiscal Years 20-21 - 24-25 which includes the 20-21 Action Plan for Community Development Block Grants and the HOME Investment Partnership Programs to the U.S. Dept. of Housing & Urban Development. This public hearing was advertised on June 12, 2020. On June 23, 2020, City Council continued this public hearing until August 25, 2020. On August 25, 2020, City Council continued this public hearing until October 13, 2020. On October 13, 2020, City Council continued this public hearing until November 10, 2020.

**Action Requested:** Authorization for the City Manager to submit the 5 Year Consolidated Plan for Fiscal Years 20/21 - 24/25, which includes the 20-21 Annual Action Plan for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs, to the U.S. Department of Housing and Urban Development (HUD) and to sign all documents necessary to implement the plan.

#### **Background:**

- The Consolidated Plan (Con Plan) is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions.
- The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the CPD formula block grant programs:
  - Community Development Block Grant (CDBG) Program
  - HOME Investment Partnerships (HOME) Program

- Every five years, the Community Development Division must prepare and submit to HUD a Consolidated Plan that details our priorities, strategies and performance targets for the region, including Buncombe, Henderson, Transylvania & Madison Counties.
- The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan.
- Grantees report on accomplishments and progress toward Consolidated Plan and Annual Action Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER).
- For the market conditions and Housing Needs Assessment (HNA), the City of Asheville partnered with Bowen National Research to produce the Asheville, North Carolina Region [Housing Needs Assessment](#).
- For the 5 Year Consolidated Plan, the City of Asheville partnered with the Land of Sky Regional Council of Governments (LOSRC).
- The City of Asheville is the Entitlement Community for the CDBG Funding and the Participating Jurisdiction for the HOME Funding.

#### **Outreach:**

- Staff conducted outreach at 9 community events and meetings and held 7 focus group meetings bringing together housing advocates, developers and administrators from the public, private and non-profit sectors in each of the four Consortium counties.
- In addition, two evening public meetings were held at the Stephens Lee Community Center, and the Housing Needs Assessment was presented in a public meeting.
- In total, 258 people participated in the focus groups and public meetings.
- Additional public input was solicited through an online survey.
- The survey was available on the City of Asheville's Open City Hall platform, which automatically translates the survey into over 100 languages.
- A participation link was emailed to focus group invitees, past grant recipients, community stakeholders, and local governments and area agencies were asked to distribute the link to their contacts.
- A link to the survey was also published in the News section on the City of Asheville's website, and on the Community & Economic Development webpage.
- Availability of the survey was also publicized through the regional newspaper and through social media.
- Paper copies of the survey, in English and in Spanish, were available at each public meeting, and were distributed to under-represented community organizations.
- Over 300 responses were received and tabulated.
- The Draft Con Plan was widely distributed in October and November of 2020.
- It was posted on the City and LOSRC's website, and its availability was noticed through email to all who attended the focus group and public forum events, those who were invited but could not attend, and to the general public through newspaper and social media notices.
- The major objective of the citizen participation process has been to ensure that the diverse needs of the region have been heard, and that the broadest range of strategic responses to those needs have been explored.

#### **Housing & Community Development Priorities from Community & Stakeholder Outreach**

- |   |   |
|---|---|
| 1. New Rental for Households at or below 60% Area Median Income (AMI) | 4. Target Low-Wealth Neighborhoods for Improvement    |
| 2. Special Needs Housing  | 5. Preserve Existing Housing                          |
| 3. Promote Homeownership for Low-Income Households                    | 6. Coordinate Housing Development with Transportation |

- |  |   |
|--|---|
| 7. Create Sustainable Jobs for Low-Income Persons    | 12. Develop Multi-Modal Transportation              |
| 8. Job Training & Placement                          | 13. Develop and Improve Community Centers           |
| 9. Start-up and Growth of Small and Micro-Businesses | 14. Services that Support Affordable Housing & Jobs |
| 10. Support Services necessary for Employment        | 15. End Homelessness                                |
| 11. Improve Food Security, Healthy Food Availability | 16. Housing Services for Persons with Special Needs |
|  | 17. Youth Services                                  |

**Council Goal(s):**

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

**Committee(s):**

- Asheville Regional Housing Consortium Board - November 2, 2020 - Approval

**Pro(s):**

- Approval of the 5 Year Consolidated Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

**Con(s):**

- None

**Fiscal Impact:**

- The 5 Year Consolidated Plan includes the 20/21 Annual Action Plan which is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The funded programs will provide new construction and other economic activity in the City and the region, creating and sustaining employment and impacting moderate and low income communities.

Mayor Manheimer opened the public hearing at 5:42 p.m.

Ms. Ashley Cooper urged Council to step up our resources so we can follow through on what our plans lay out.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Smith moved to recess this item until December 8, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

**B. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS**

Councilwoman Mayfield moved to continue the public hearing to amend the Unified Development Ordinance to update open space requirements until December 8, 2020. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 20-207 - RESOLUTION AMENDING THE CITY OF ASHEVILLE LAND USE INCENTIVE GRANT POLICY**

Community Development Program Director Paul D'Angelo said that this is the consideration of an amendment to the LUIG Policy last updated in October 2019.

**Background:**

- In November of 2010, City Council first adopted a Land Use Incentive Policy that provided incentives to encourage development projects that fulfill important public purposes directly addressing annual strategic goals set by Council such as affordable housing.
- Council directed that the Policy be reviewed yearly after its adoption. Since that time, the Policy has been revised six times in March of 2011, January of 2013, August of 2014, September of 2015, September of 2018 and October of 2019.
- A continued goal of Community Development is to make policies easy to comprehend, usable & equated to an investment dollar amount to be used as a source in a pro forma / balance sheet.
- Changes of note, as guided by discussions with City Council & Legal include the following:
  - An \$80,000 per unit cap on subsidy over the affordability period;
  - At least 20% of the units (vs. 10%) must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI), to qualify for LUIG, along with an adjustment in points;
  - Clarity on -
    - Rental Assistance Scoring
    - Procedure for assessing Tax Value
    - Annual Rent Increases
    - LUIGI amount
    - The end of affordability period (Recommend Option 1)

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- AHAC - March 5, 2020, approved for HCD; HCD - September 29, 2020; October 20, 2020, approved unanimously to move to City Council

**Pro(s):**

- The proposed amendments come from staff, legal, and City Council based on recent usage of the updated LUIG Policy dated October, 2019.
- The policy follows Community Development efforts of creating policies that are easy to comprehend, usable & equated to an investment dollar amount to be used as a source in a pro forma / balance sheet.
- A cap of \$80,000 per unit follows the recommendations from the City Affordable Housing Workshop that occurred on September 6, 2019.
- A build with 20% units affordable requiring some level of subsidy follows the recommendations from the City Affordable Housing Workshop that occurred on September 6, 2019.

**Con(s):**

- The proposed cap could deter developers from accessing LUIG and in turn lead to fewer affordable units.

**Fiscal Impact:**

- In terms of the financial impact to the City, future LUIG grant subsidies should remain the same or potentially go down.

Mr. D'Angelo did a brief overview of the update to the LUIG policy (1) minimum qualification for length of affordability; (2) recommended cap on per unit subsidy; and (3) post grant guidance (a) reporting requirements; (b) guidelines when tenants exceed income thresholds; and (c) maximum rent increases.

In 2010, City Council first adopted the LUIG policy that provides incentives to encourage development projects that fulfil important public purposes like affordable housing. Commitment to developing policies that are simple, usable and equated to an investment dollar amount to be used in a pro forma/balance sheet. Goals achieved are quality affordable housing; and equitable and diverse community.

He provided an example of a LUIG.

He said to qualify, at least 20% of the units must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI) which would include at least 5% of the units accepting Rental Assistance like Housing Choice Vouchers (HCV).

He said the City will only support a LUIG for up to \$80,000 per unit of subsidy during the term of the grant although this figure may be adjusted upwards by City Council, if requested by the developer, based on the type of build, level of affordability targeted, length of affordability, shared parking agreement, etc., as well as when a City property tax increase/revaluation occurs.

He said that regarding post award, (1) Appendix 1 - rents plus additional guidance, assistance and clarity; (2) verification of income at initial lease-up is required and at yearly lease renewal; (3) if at renewal the tenant is over the 80% AMI income for that year but under 120% AMI, the City requires that you keep the tenant at the affordable rent; (4) if the tenant is over that 120% AMI income at renewal, they can either stay in their until with an adjustment to market rent or not renew their lease; (5) the City requires that income verification on affordable units for renewal occur 120 days before lease end to allow the tenant additional time if over income; (6) annual rent increases for an affordable unit should not exceed 2.5% and the rent cannot be more than that current year's rent as published in Appendix 1; and (7) one year before the end of the LUIG affordability period, all tenants in affordable units must be notified of this ending date - at the end of the LUIG affordability period, units that are occupied by income qualified tenants must be able to remain in tenancy at the affordable rent until lease renewal.

Ms. Ashley Cooper felt that the 80% AMI threshold is high; and hoped City Council will work for livable and workable housing for all.

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 for the adoption of the amended Land Use Incentive Grant Policy with the proposed changes as outlined. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 – PAGE 14**  
**VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

From advanced live call-ins, 7 individuals spoke to Council, including, but not limited to the following comments: reinstate open live public comments (without pre-registration); disappointment that the resolution regarding a funding commitment for community reparations was removed from this agenda; and need to address systemic racism.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 6:19 p.m.

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CITY CLERK

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MAYOR