

Tuesday – March 23, 2021 - 2:30 p.m.

## Budget Worksession

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 Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; 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.

City Manager Campbell said this budget worksession will be a review of the budget process; fees and Enterprise Funds overview (water rate realignment); and information on the American Rescue Plan.

Key takeaways from the worksession will be (1) pandemic has adversely impacted the Enterprise Funds operations and revenues; (2) assessing fees for customer impact (cost and service); (3) water fee realignment needed to fund system maintenance; and (4) American Rescue Plan can help to address, but planning will be critical.

Interim Finance Director Tony McDowell provided a brief review of the March 9 worksession (1) current year (Fiscal Year 2021) status: improving outlook, but uncertainty continues; (2) next year (Fiscal Year 2022) budget process: reviewing current services with equity lens both internally and externally; and (3) revaluation and employee compensation were highlighted as key opportunities and challenges for the upcoming budget year. He then outlined the Round One and Round Two external equity-focused budget sessions.

Regarding why we charge fees for services, (1) customer vs. community benefit; (2) ensure access; and (3) statutory requirements. Factors in setting fees and charges include (1) cost to provide service; (2) who benefits from service; and (3) fee studies. He used charts to demonstrate the General Fund Revenues (Fiscal Year 2020-21 budget is \$134,763,570) and the Enterprise Fund Revenues (Fiscal Year 2020-21 Enterprise Fund budgets total \$64,401,149). Significant General Fund fee revenues include (1) Solid Waste - \$5.0 Million; (2) Development Services Department, Planning & Fire Department fees - \$3.8 Million; and (3) Parks & Recreation - \$1.5 Million).

He explained that fees fully support service in Water Resources - \$33.2 Million; Stormwater \$6.6 Million; Parking - \$6.6 Million; and Street Cut - \$1.9 Million. Fees help fund, but a substantial amount is needed from other sources to support the service - Transit - \$12.3 Million (supported by federal grants, General Fund and Parking Fund); and Harrah's Cherokee Center Asheville - \$3.8 Million (supported by General Fund). He then highlighted the reasons why each Enterprise Fund needed support from other sources.

In summary, the COVID financial impact summary for Enterprise Funds include (1) Harrah's Center operating revenue down \$2.0 Million through the first 8 months of this fiscal year; (2) parking revenue down approximately \$2.2 Million through the first 8 months of this fiscal year; (3) transit farebox revenue loss estimated at \$700,000 since the pandemic began; (4) additional expenses of \$2.0 Million in transit for supplemental service by June 30; and (5) reviewing grant opportunities (including American Rescue Plan) to make up lost revenues.

Mr. McDowell said the Water Resources Fund is the largest Enterprise Fund. It has substantial capital and operating costs, with a consultant developed rate model.

Regarding the Water Resources Capital Fee, in 2018, the N.C. Supreme Court determined that cities were not permitted to charge water and sewer "impact fees." Thereafter, law firms began filing lawsuits against cities in North Carolina that had charged these fees in recent years. Asheville was named in two class action lawsuits based upon its capital fees for water service. These lawsuits were settled without any admission of liability by the City, and the settlement included an agreement to discontinue the capital fee. The lost capital fee revenue totaled \$7.5 Million in Fiscal Year 2021. Staff has been working with financial and rate consultants to develop a plan to begin recovering capital revenue.

Mr. Douglas Carter, President and Managing Director of DEC Associates, reviewed the City's plan on financial planning and water rate setting - retaining fair rates and sound finances. In summary, (1) Asheville Water System rate realignment recommendations due to external decisions are sound; (2) rate realignment retains fairness and comparability to peer utilities; (3) estimated future revenues would permit system expansion and adequacy of revenues; and (4) DEC believes that the rate changes will create sound ability to manage to system needs for the five-year forecast period and provide sound informational points to rating analyst as they evaluate the system and the new user fees.

Mr. McDowell reviewed a charge of the residential user impact and rate recovery. Regarding the Water Resources rate realignment, it (1) meets legal requirements; (2) eases into revenue recovery over time to lessen the burden on customers; and (3) provides sufficient resources to meet operating and capital needs and meet rating agency debt coverage ratios.

A brief American Rescue Plan overview includes (1) awaiting guidance from the U.S. Dept. of the Treasury; (2) \$26 Million direct allocation to City of Asheville; (3) provided in two payments (a) first half - 60 days from when signed into law; and (b) second half - one year later; and (4) December 31, 2024, is current deadline to spend.

He reviewed the key takeaways again, the upcoming City Council dates, and the dates for the external equity-focused budget sessions.

City Manager Campbell, along with other City staff, responded to various questions/ comments from Council, some being, but are not limited to: how much does the Transit Enterprise Fund receive from the General Fund; another way to look at the \$700 loss in fare box revenue is that those funds are being spent somewhere else in our community; do we have any idea when it might be safe for more riders to be on the buses; how many trips of Young buses have been required in south Asheville; regarding liquidated damages, have we been paying for bus routes that have not run; request for report on how many bus route trips have been missed; request to ask either Buncombe County or the Town of Black Mountain to fund the bus route to Black Mountain or discontinue that service; request for numbers on suspended late night service to north Asheville (UNC-Asheville); explanation of new rate structure which is based on industry standards for residential vs. commercial rates; why not go for full cost recovery next year for water fees; what type of users do we have for water; what percentage does the average residential customer pay per gallon vs. a laundry service at a hotel; who sets wholesale or commercial water rates; and request for the Finance Committee to receive a history on what our water rates look like over a 10-year period and compare that to the rate increases by MSD. For those questions that cannot be readily answered, those responses will be provided to Council.

At 3:47 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday - March 23, 2021 - 5:00 p.m.

## 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 Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; 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.

### **I. PROCLAMATIONS:**

### **II. CONSENT AGENDA:**

At the request of Councilwoman Roney, Consent Agenda "I" was removed from the Consent Agenda for discussion and/or individual vote.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 9, 2021**
  
- B. RESOLUTION NO. 21-50 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH BLANCHARD, MILLER, LEWIS & ISLEY, P.A., FOR GOVERNMENT RELATION SERVICES**

**Action Requested:** Approval of a resolution authorizing the City Attorney to enter into a contract for one year with Blanchard, Miller, Lewis, and Isley, P.A. in the annual amount of \$72,000.00 for government relation services, and the option to extend this contract for two additional one-year terms at the same annual rate.

#### **Background:**

- Approval of this contract will allow the City's Lobbyist to continue his legislative services.
- The previous contract was also for \$72,000 annually, and the renewal will continue at this same annual rate.
- The City has the option to renew the contract annually for up to two years.

#### **Council Goal(s):**

- Connected and engaged community

#### **Committee(s):**

- None

#### **Pro(s):**

- Will allow for continued legislative services in the North Carolina General Assembly.

#### **Con(s):**

- None

**Fiscal Impact:**

- The City of Asheville will pay \$72,000 annually to renew the government relations contract, and have the option to extend this agreement for up to two additional one year terms at the same annual rate.
- Funding for the contract is included in the General Fund budget.

**Motion:**

- Move to adopt a resolution authorizing the City Attorney to renew the government relations contract with Blanchard, Miller, Lewis, and Isley, P.A., for a one year term at a total cost of \$72,000, and to authorize the option to extend the contract for up to two additional one year terms at the same annual rate.

**RESOLUTION BOOK NO. 42 - PAGE 143**

**C. RESOLUTION NO. 21-51 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HYATT PIPELINE LLC FOR THE WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECT AREA 6**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a construction agreement with Hyatt Pipeline, LLC for the Water System Neighborhood Enhancement Project Area 6.

**Background:**

- On January 27, 2021, the Water Resources Department (WRD) issued an Advertisement for Bids for the Water System Neighborhood Enhancement Project Area 6.
- The scope of work for this project includes the installation of approximately 5,100 Linear Feet of 8-inch and 6,700 Linear Feet of 6-inch waterline and appurtenances along Livingston Street & Depot Street; Old Shoals Road Extension; Monte Vista Place; Downing Street; Frederick Street; Britt Drive; Hilltopia Road; Plateau Road; and Pine Tree Drive.
- This proposed project has been determined to be a critical installation that will increase the water system's reliability by replacing undersized and older waterlines that have high failure rates and also by providing improved water pressure and flow characteristics for domestic service and fire fighting capabilities.
- In response to the Advertisement for Bids, the WRD received the following seven (7) bids on February 25, 2021:
  1. Hyatt Pipeline, LLC: Canton, NC - Bid: \$2,038,917.55
  2. Appalachian Sitework, Inc: Waynesville, NC - Bid: \$2,071,865.23
  3. T.P. Howard Plumbing Company, Inc: Fairview, NC - Bid: \$2,191,000.00
  4. Cooper Construction Company, Inc: Hendersonville, NC - Bid: 2,311,138.00
  5. Huntley Construction Company: Asheville, NC - Bid: \$2,325,000.00
  6. Buckeye Bridge, LLC: Canton, NC - Bid: \$2,464,805.50
  7. Carolina Specialties Construction, LLC: Hendersonville, NC - Bid: \$2,700,190.05
- Following city staff's review of the bids, Hyatt Pipeline, LLC, was selected as the lowest responsible, responsive bidder.
- The WRD requests authorization to contract with Hyatt Pipeline, LLC. for the bid amount of \$2,038,917.55 plus a 10% contingency in the amount of \$203,891.75 for a total project budget in the amount of \$2,242,809.31.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women owned businesses through the solicitation processes which include posting on the State's Interactive Purchasing System

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

- No MWBE firms submitted bids as the prime contractor.
- The advertisement and bidding process adhered to the current Asheville Business Inclusion (ABI) policy.
- Staff coordinated the advertisement and bid with the ABI office to ensure compliance with the policy.

**Council Goal(s):**

- A Financially Resilient City and a Clean and Healthy Environment.

**Committee(s):**

- Not Applicable.

**Pro(s):**

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

**Con(s):**

- None.

**Fiscal Impact:**

- Funds needed for this construction agreement are already budgeted in the "Small Waterline Replacement Projects" within the Water Resources Capital Improvement Fund.

**Motion:**

- Move to adopt a resolution authorizing the City Manager to execute a construction agreement with Hyatt Pipeline, LLC, for the Water System Neighborhood Enhancement Project Area 6.

**RESOLUTION BOOK NO. 42 - PAGE 144**

**D. RESOLUTION NO. 21-52 - RESOLUTION CHANGING THE NAME OF THE FRENCH BROAD RIVER EAST BANK GREENWAY TO THE WILMA DYKEMAN GREENWAY**

**Action Requested:** Adoption of a resolution changing the name of the French Broad River East Bank Greenway to the Wilma Dykeman Greenway.

**Background:**

- The 3.5 mile greenway corridor is located on the east bank of the French Broad River between Broadway Street and Amboy Road.
- Nearly two-thirds of the corridor was recently completed with the RADTIP project and the remaining third will be designed during FY 2020-21.
- The City's Greenway Master Plan refers to the greenway as the French Broad River East Bank Greenway.
- Wilma Dykeman, born and raised in Asheville, was an author and environmental steward of the French Broad River.
- She highlighted pollution in the French Broad River in her 1955 book *The French Broad*, which won the first Thomas Wolfe Memorial Literary Prize.
- The City's existing comprehensive riverfront plan is named after Wilma Dykeman.

- The proposed name change is intended to recognize Dykeman's contributions, but will also aid in distinguishing the east and west-side greenways along the French Broad River.
- RiverLink assisted the City with public engagement by releasing a survey seeking input on the proposed name change and it indicated broad support of the name change.

**Council Goal(s):**

- Well Planned and Liveable Community

**Committee(s):**

- Greenway Committee - January 7, 2021 - recommend approval
- Multimodal Transportation Commission - February 24, 2021 - recommend approval

**Pro(s):**

- Honors Wilma Dykeman for her legacy of environmental stewardship of the French Broad River.
- Eliminates confusion of the greenways located on each side of the river.

**Con(s):**

- None

**Fiscal Impact:**

- None

**Motion:**

- Adopt a resolution changing the name of the French Broad River East Bank Greenway to the Wilma Dykeman Greenway.

**RESOLUTION BOOK NO. 42 - PAGE 145**

**E. RESOLUTION NO. 21-53 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR BOND COUNSEL CONTRACT WITH PARKER POE ADAMS & BERNSTEIN LLP TO FACILITATE THE ISSUANCE AND MANAGEMENT OF DEBT**

**Action Requested:** Adoption of a resolution approving contract for bond counsel

**Background:**

- The City of Asheville requires the legal services of bond counsel to review, prepare, and assist the City in matters related to bond issuance. These services include:
  - participation in meetings with City staff and, to the extent deemed necessary by the City staff, with the City Council;
  - preparation of the amendments and supplements to the Indenture, Installment Financing Contract and the Deed of Trust, as necessary, under which the Bonds will be issued and various resolutions and notices, relating to the authorization, execution and delivery of the Bonds;
  - preparation of all other papers required as a condition precedent to the execution and delivery of the Bonds;
  - assistance to the City with respect to matters before the Local Government Commission;
  - participation with the underwriter and its counsel in the review of the documents for the sale of the Bonds;

- preparation of necessary resolutions and documentation for approval by the Asheville Public Financing Corporation (“APFC”) and participation with counsel to the APFC related to the closing for the Bonds;
- and delivery of an opinion as to the validity of the Bonds and the federal and state tax treatment of the interest on the Bonds, subject to usual and customary exceptions.
- Parker Poe has a long-standing client relationship with the City, providing necessary bond counsel services to the City of Asheville with satisfactory results.
- Per State statute and City policy, this type of contract is exempt from competitive bidding.
- North Carolina law prohibits the City Attorney, or any assistant city attorney from performing this function, therefore external counsel is required.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Contracting with this firm provides necessary outside expertise that enhances the City’s financial management; and
- Statute requires outside bond counsel when issuing debt.

**Con(s):**

- None.

**Fiscal Impact:**

- This not-to-exceed \$500,000, multi-year contract, will be funded each year as needed, based on the services to be rendered to each department. Funding for this contract is included as part of the Capital Improvement Program (CIP)/Debt program.

**Motion:**

- Motion authorizing the City Manager to enter into a not-to-exceed contract in the amount of \$500,000 with Parker Poe Adams & Bernstein, LLP to provide bond counsel services for the City of Asheville.

**RESOLUTION BOOK NO. 42 - PAGE 146**

**F. RESOLUTION NO. 21-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SWIM CLUB MANAGEMENT GROUP INC. FOR MANAGEMENT OF CITY AQUATIC FACILITIES**

**Action Requested:** Resolution authorizing the City Manager to execute a contract with Swim Club Management Group, Inc., of Asheville, North Carolina, for management of City aquatic facilities.

**Background:**

- The Parks & Recreation Department operates three community pools & an interactive fountain from June - August.
- It has become increasingly difficult to recruit, hire and train qualified temporary seasonal workers.

- A Request for Proposals was advertised for interested companies to operate and maintain the three City of Asheville pools and Splasheville interactive fountain for one year with an option to renew for an additional two years.
- There were 3 proposals received:
  - Swim Club Management Group, Inc, Asheville, NC.: \$191,900
  - USA Pools of North Carolina, Charlotte, NC: \$279,250
  - Pool Management, Inc, Cumming, GA: \$206,161
- Swim Club Management Group, Inc. was selected based on the qualifications, understanding of the scope of services, cost, and availability.
- Swim Club Management Group, Inc. will provide all labor, materials and supplies for the operations and management of the City's aquatic facilities.
- The average annual cost to operate the three community pools in-house has been approximately \$200,000.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers.
- Advertisement and outreach was provided by the Asheville Business Inclusion office.
- None of the bidders were Minority & Women-Owned Business Enterprise (MWBE).

**Council Goal(s):**

- A Well-Planned and Livable Community

**Committee(s):**

- None

**Pro(s):**

- Contracting with a professional aquatic facilities management company for operations and maintenance ensures community pools will be operated in a safe, efficient manner and eliminate the obstacles associated with retaining an adequate number of certified staff.
- Reduces the seasonal hiring impacts on the Human Resources Department to recruit, hire and on-board temporary employees.
- Community pool operations will be operated with the adequate number of certified staff for the pool season.

**Con(s):**

- The current COVID restrictions for pools may limit the ability to hire staff in time to open the pools.

**Fiscal Impact:**

- Funding for this contract exists within the currently approved Parks & Recreation department operating budget for pool staffing and operations.
- The contract amount is budgeted in Parks and Rec in the operating budget.

**Motion:**

- Motion to authorize the City Manager to execute a contract with Swim Club Management Group, Inc., for management of city aquatic facilities for an amount not to exceed \$191,900.



**G. RESOLUTION NO. 21-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MOORE & SON SITE CONTRACTORS INC. FOR THE FOREST HILL/CALEDONIA STORMWATER IMPROVEMENTS PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a contract with Moore & Son Site Contractors, Inc. in the amount of \$538,290 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$107,658 (20%) for a total budget of \$645,948 for the Forest Hill / Caledonia - Stormwater Improvements Project.

**Background:**

- The purpose of this project is to make improvements to the stormwater system and roadway along portions of Forest Hill Drive and Caledonia Road.
- Caledonia Road is a bond resurfacing project and a continuation of the previous Caledonia Road Resurfacing project.
- The Forest Hill Drive section of the project is funded by the Stormwater Capital Fund and makes a critical connection between the Kenilworth Road stormwater system and the Caledonia Road stormwater system.
- Several new inlets will be added and new pipes installed inside the right-of-way of Forest Hill Drive (from Caledonia to Kenilworth Road) and the upper portion of Caledonia Road to improve drainage and reduce stormwater on the roadway.
- Concrete curb will also be installed to allow stormwater to be intercepted without causing erosion along the road edge.
- Road safety improvements include:
  - a modification of the intersection of Caledonia Road, just before Forest Hill Drive,
  - speed humps to slow traffic on either side of the stop sign, and
  - resurfacing the remaining section of Caledonia Road and Forest Hill Drive (from Caledonia to Kenilworth Road).
- This project is funded with 2016 General Obligation (GO) bond funds, Stormwater capital funds, and General capital funds.
  - GO bond contribution is \$383,368.80
  - Stormwater Capital Fund contribution is \$254,179.20
  - General Capital Fund contribution (speed humps only) is \$8,400.
- The project was advertised on January 26, 2021.
- A total of five contractors attended the non-mandatory pre-bid meeting.
- The project had an original bid due date of February 18, 2021.
- Only two bids were received, therefore, a formal bid opening was not able to occur.
- The project was re-advertised on February 19, 2021, and a formal bid opening occurred on March 4, 2021 at 3:00 pm.
- The following three (3) bids were received on March 4, 2021 and reviewed:
  - Moore & Son Site Contractors, Inc. of Mills River, NC at \$538,290
  - B.H. Graning Contracting, Inc. of Sylva, NC at \$633,110.67, and
  - RPM Partners, Inc. of Kernersville, NC at \$1,349,580.
- The lowest responsive, responsible bidder was Moore & Son Site Contractors, Inc.
- Construction is anticipated to start mid-April, weather permitting.
- The project should be completed in just over eight months.

**Vendor Outreach Efforts:**

- The City's Goal Setting Committee has set an annual aspirational goal for construction projects at 4.6% MWBE participation, in alignment with the City's Business Inclusion Policy.
- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, the City of

Asheville website, the City of Asheville Twitter account, and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.

- Stormwater staff also reached out to MWBE contractors that were identified through Yoruba Life, NCDOT HUB certified website, and The Color of Asheville directory.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Out of the three (3) bids received, one (1) bidder self-identified as a MWBE business owner and would be utilizing MWBE subcontractors.
- One (1) bidder indicated that they would be utilizing a MWBE sub-contractor.
- One (1) bidder indicated they would self-perform all work on the contract.
- The lowest responsive, responsible bidder indicated they would self-perform all the work on the contract.
- The Asheville Business Inclusion Office reviewed their bid submission and found the bid was compliant with the ABI Policy for a self-performing contractor.
- The two bidders that were utilizing MWBE subcontractors were not selected because their bid amounts were significantly higher than the lowest responsive, responsible bidder.

**Council Goal(s):**

- A Financially Resilient City
- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- The contract will replace an inadequate stormwater system and provide roadway improvements within the city right of way, including speed humps and realignment of an existing non-typical street intersection.
- The new stormwater system will improve roadway drainage and provide stormwater conveyance inside the right-of-way.
- The project will improve public safety in the neighborhood, as well as reduce liability to the City.

**Con(s):**

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

**Fiscal Impact:**

- Funding for this project is already budgeted in the General Capital Fund (2016 GO Bond Program) and the Stormwater Capital Fund.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Moore & Son Site Contractors, Inc. in the amount of \$538,290 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$107,658 (20%) for a total budget of \$645,948 for the Forest Hill / Caledonia - Stormwater Improvements Project.

**H. RESOLUTION NO. 21-56 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH AZTECA SYSTEMS, LLC FOR A CONTRACT FOR ENTERPRISE ASSET MANAGEMENT SYSTEM SOFTWARE LICENSE, MAINTENANCE AND SUPPORT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to renew a one-year contract with Azteca Systems, LLC for Cityworks asset management software.

**Background:**

- Cityworks asset management software provides a platform for Water Resources and Public Works asset management, work orders, and reporting.
- This is an annual software renewal to allow for continued use of Cityworks software.
- It is highly integrated with the City's GIS program and includes all major physical assets maintained by Water Resources and Public Works (water mains, valves, hydrants, streets, fleet vehicles, etc.).
- One component added in 2020, the Metrics Application Programming Interface (API), allows for integration between Cityworks and Fleet Services' fuel management system.
- This streamlines data entry, increases efficiency, and automates the creation of cyclical work orders and reports.

**Vendor Outreach Efforts:**

- The City of Asheville conducted a competitive procurement process for an asset management software system for both Public Works and Water in 2016 and 2017.
- There are a limited number of vendors providing enterprise asset management software.
- After reviewing all available options, Azteca Cityworks was selected as the best overall value for the City of Asheville.

**Council Goal(s):**

- A Well-Planned and Livable Community

**Committee(s):**

- None

**Pro(s):**

- More efficient management of Water Resources and Public Works physical assets and infrastructure.
- Automation of work orders and reporting.

**Con(s):**

- If continued funding is not appropriated, it will have a significant negative impact on the ability of the Water Resources and Public Works departments to proactively manage and maintain critical infrastructure.

**Fiscal Impact:**

- The annual software renewal cost is \$66,000. This includes \$60,000 that was originally adopted as part of the Fiscal Year 2020-21 Water Resources budget.
- The additional \$6,000 covers the Metrics Application Programming Interface (API) and will come from the Public Works Fiscal Year 2020-21 budget.

**Motion:**

- Motion to adopt the resolution authorizing the City Manager to enter an agreement with Azteca Systems, LLC for a one-year renewal contract of the Cityworks asset management software and the Metrics API.

**RESOLUTION BOOK NO. 42 - PAGE 149**

- I. RESOLUTION AMENDING THE CITY COUNCIL 2021 MEETING CALENDAR TO INCLUDE A CITY COUNCIL RETREAT ON MARCH 31-APRIL 1, 2021, BEGINNING AT 3:00 P.M. ON MARCH 31, AND 8:30 A.M. ON APRIL 1, BOTH ON THE ARENA FLOOR OF HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE N.C.**

This item was removed from the Consent Agenda for discussion and/or an individual vote.

- J. RESOLUTION NO. 21-58 - RESOLUTION AMENDING THE MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO ADD TWO ADDITIONAL MEMBERS; AND AMENDING THE BYLAWS TO INCLUDE A SENIOR STAFF MEMBER FROM THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AS ONE OF THE POSITIONS**

**Action Requested:** Approval of a proposed amendment to the AHAC Bylaws to add a total of two additional Committee Members for a total Committee membership of 13 members and amending this section of the Bylaws on expertise to include a Staff member from the Housing Authority of the City of Asheville (HACA) as one of the positions.

**Background:**

- The Affordable Housing Advisory Committee was established in June, 2011, with a 9 member board, and updated in March, 2019, to an 11 member board.
- AHAC would like to add two additional members to the Committee with Housing Experience as stated in the By-Laws.
  - One of the new board members would be from The Housing Authority of the City of Asheville (HACA), with expertise in public housing and vouchers.
  - The second new board member would have general housing experience.

**Council Goal(s):**

- A Connected & Engaged Community

**Committee(s):**

- Affordable Housing Advisory Committee - February 1, 2021 - Passed unanimously
- Boards & Commissions - March 9, 2021 - Passed unanimously

**Pro(s):**

- Additional diversity on the AHAC Committee, adding expertise from HACA

**Con(s):**

- None

**Fiscal Impact:**

- None

**Motion:**

- Move to amend Article III, Section 1, of the Bylaws of the AHAC to add 2 additional Committee Members for a total Committee Membership of 13 Members; and to amend this section of the Bylaws on expertise to include a Staff member from the Housing Authority of the City of Asheville (HACA).

**RESOLUTION BOOK NO. 42 - PAGE 151**

**K. RESOLUTION NO. 21-59 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A SOLE-SOURCE PROCUREMENT OF STATION ALERTING EQUIPMENT FOR FIRE STATION 4 TO MATCH THE EXISTING MACH ALERT SYSTEM USED IN ALL OTHER ASHEVILLE FIRE STATIONS**

**Action Requested:** Adoption of a resolution authorizing the City Manager to use the sole source procurement method to purchase upgrades and enhanced features for the Mach-Alert station alerting system currently installed at Fire Station #4.

**Background:**

- The Fire Station #4 renovation is currently underway with an estimated substantial completion date of May 2021.
- The project will require specific equipment or systems to be procured with sole source methods.
- These methods are in the best interest of the City for the reasons identified below.

**Sole Source Requests**

- NCGS 143-129 (e) 6 allows for Purchases of apparatus, supplies, materials, or equipment when:
  - (i) performance or price competition for a product is not available;
  - (ii) a needed product is available from only one source of supply; or
  - (iii) standardization or compatibility is the overriding consideration.
- City Council must approve these items which are to be purchased for installation outside of the construction contract.
- Mach Alert Station Alerting - Fire Station #4
  - Mach Alert is the fire station alerting system that is used in every Asheville fire station to notify firefighters to respond to incidents.
  - The system is integrated within the city's radio system and dispatch center to create a single comprehensive notification system.
  - The Asheville Fire Department has been using the Mach-Alert fire station alerting system since 2016.
  - Changing vendors for the fire station alerting system at Fire Station #4 would require replacement of the current systems located within each of the fire stations and include replacement of the network infrastructure at the dispatch center.
  - A stand alone system would be incompatible with the rest of the alerting system and the comprehensive notification across the City would not be possible.

**Vendor Outreach Efforts:**

- Sole source procurement allows for products to be purchased exclusively from one vendor in order to ensure the expansion of an existing system using proprietary components.
- In using sole source procurement, there is no outreach because the items are purchased from a specific vendor.

**Council Goal(s):**

- A financially resilient city

**Committee(s):**

- None

**Pro(s):**

- Provides systems that will continue standardization or compatibility with existing City systems.

- This will result in cost savings through reduced operations and maintenance.

**Con(s):**

- Sole source procurements may reduce competitive pricing.

**Fiscal Impact:**

- The estimated cost of this upgrade is \$50,000.
- The alternative would be to replace the system with a new system which would be significantly more expensive.

**Motion:**

- Motion to adopt a resolution allowing for the sole source procurement of Mach-Alert Station Alerting for Fire Station #4.

**RESOLUTION BOOK NO. 42 - PAGE 152**

**L. ORDINANCE NO. 4360 - BUDGET AMENDMENT FROM INSURANCE FUNDS ANTICIPATED TO BE RECEIVED IN CONSIDERATION FOR A TOTALED CITY OF ASHEVILLE FIRE TRUCK TO APPLY TOWARDS THE PURCHASE OF A NEW FIRE TRUCK AND EQUIPMENT**

**Action Requested:** Adoption of a budget amendment in both the Capital Projects Fund and the Property and Liability Fund in the amount of \$550,000 from insurance funds anticipated to be received in consideration for a totaled City of Asheville (City) fire truck to apply towards the purchase of a new fire truck and equipment.

**Background:**

- On January 30, 2021, a City fire truck was totaled when it flipped over on highway I-26.
- The City filed an insurance claim with the City's property insurance carrier seeking replacement cost for the totaled fire truck and equipment and anticipates to receive \$650,000 in consideration for the loss, less a \$100,000 deductible for a projected total of \$550,000 in insurance recovery.
- The City seeks to allocate the insurance proceeds received to the Capital Projects Fund to apply towards the purchase of a new fire truck and equipment.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Allocates City selected replacement cost property insurance policy proceeds for the Asheville Fire Department rather than actual cash value insurance that depreciates assets; resulting in full cost insurance proceeds received to replace the totalled fire truck and equipment loss.

**Con(s):**

- As it is an unplanned purchase, replacing the fire truck requires identifying an additional \$100,000 in funding.

**Fiscal Impact:**

- \$100,000 in additional funding from the annual Capital Improvement Program contingency will be utilized to fully fund the purchase of a replacement fire truck.

**Motion:**

- Move to adopt a budget amendment in both the Capital Projects Fund and the Property and Liability Fund in the amount of \$550,000 from property insurance proceeds to apply towards the purchase of a new fire truck and equipment.

**ORDINANCE BOOK NO. 33 - PAGE 251**

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 Turner moved for the adoption of the Consent Agenda with the deletion of Consent Agenda I. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

**ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES**

- I. **RESOLUTION NO. 21-57 - RESOLUTION AMENDING THE CITY COUNCIL 2021 MEETING CALENDAR TO INCLUDE A CITY COUNCIL RETREAT ON MARCH 31-APRIL 1, 2021, BEGINNING AT 3:00 P.M. ON MARCH 31, AND 8:30 A.M. ON APRIL 1, BOTH ON THE ARENA FLOOR OF HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE N.C.**

Summary: City Council will hold their annual retreat on March 31 and April 1, 2021. The March 31 meeting will begin at 3:00 p.m. and the April 1 meeting will begin at 8:30 a.m., both on the Arena Floor of Harrah's Cherokee Center - Asheville, located at 87 Haywood Street, Asheville, N.C. This retreat will be in-person for Council members, a small number of staff, facilitators and members of the media; however, due to COVID restrictions, the public should continue to view the meeting virtually. Members of the City Council and City staff will meet on March 31st prior to the start of the public meeting, but no public business will be deliberated and no actions will be taken. This portion of the retreat will not be open to the public. Members of the public and media will be provided a means to view the meeting remotely, but no public comment will be taken.

Two individuals encouraged City Council to provide greater details (including the retreat agenda) and more transparency to the retreat. Each requested public comment be allowed during the retreat with live call-ins.

Councilwoman Wisler moved to approve the resolution amending the City Council 2021 meeting schedule as described above. This motion was seconded by Councilwoman Turner and carried 6-1 on a roll call vote, with Councilwoman Roney voting "no."

Councilwoman Roney expressed her concerns regarding a private portion of the retreat.

**RESOLUTION BOOK NO. 42 - PAGE 150**

**III. PRESENTATIONS & REPORTS:**

**A. UNITED FOR YOUTH NETWORK**

City Manager Campbell said that staff will preview the Asheville-Buncombe United for Youth Network. At a future Council meeting, we will ask Council to consider a vote to join the community partnership.

Special Assistant to the City Manager Peggy Rowe said that the United for Youth Network is a multigenerational, cross-sector, cradle to career partnership built on the foundational principle that equity and educational excellence are inseparable. Their vision is that all children and youth learn, grow and thrive in a vibrant, healthy and connected community. Their mission is to actively identify and remove barriers to opportunity and co-create solutions that support student success. Their goals are (1) increase kindergarten readiness; (2) increase third grade literacy rates especially among underperforming students; and (3) improve college and career readiness.

The Network's theory of action and change are (1) by committing to working more boldly as individual organizations and by aligned and leveraging community resources as a network, we will improve systems for equitable student learning and educational excellence; and (2) by committing to a results-based accountability framework, we will support one another and hold one another accountable through continuous learning and course corrections along our path towards our shared vision, mission and bold community goal.

The community goal will be by 2035, all Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams.

The lead organization of the Network partners is the United Way of Asheville and Buncombe County. Partners include A-B Tech, Asheville Area Chamber of Commerce, Asheville City Schools, Asheville City Schools Foundation, Big Brothers Big Sisters, Buncombe County Schools, Buncombe Partnership for Children, Children First/Communities in Schools, City of Asheville, My Daddy Taught Me That, MAHEC, Mountain Child Advocacy Center, Our VOICE, United Way of Asheville & Buncombe County, UNC-Asheville, Western Carolina Rescue Mission, YMCA and YWCA. Partner commitments include (1) youth, partner, family, and community leadership; (2) high-quality, student-centered, rigorous learning and teaching experiences; (3) shared learning and professional development; (4) Results-Based Accountability data/evaluation practices; and (5) integrated student supports.

She then reviewed the evidence-based practices.

Examples of possible City commitments (1) continue to provide community learning centers or Positive Opportunities to Develop Success (PODS) at our recreation centers. The program is designed to provide safe in-person learning opportunities for small groups of school-age children while social distancing; (2) continue to improve transit access to those who rely on it most; (3) continue providing quality programs in a safe environment through use of Parks and Recreation; (4) consider the expansion of programs Parks and Recreation already in place; (5) enhance and grow workforce development, and continue to grow the City of Asheville Youth Leadership Academy; (6) consider reimaging role of school resource officers and officers assigned to public housing communities as we reimagine policing; (7) continue using strategic initiatives funds to address achievement gap for Asheville City Schools students; and (8) continue addressing affordable housing needs.

Ms. Campbell and Ms. Rowe responded to various questions/comments from Council, some being, but are not limited to: can we have access to all partnership agreements; are we hearing any concerns of data entry capacity; and have all the partners entered into a written agreement already.

#### **IV. PUBLIC HEARINGS:**

##### **A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO ARTICLES II AND XVI OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS RELATED TO HOMESTAYS**



Councilwoman Turner moved to continue the public hearing to consider an ordinance to amend Articles II and XVI of the Unified Development Ordinance to update definitions and regulations related to homestays until May 11, 2021. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

**B. PUBLIC HEARING TO AMEND THE CITY'S 2020-21 ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIP PROGRAMS TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT**

Community Development Program Director Paul D'Angelo said that this is the consideration of a public hearing to authorize the City Manager to submit an amendment to the 2020-21 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 necessary documents; and a budget amendment to increase the amount of the Fiscal Year (FY) 2020-21 CDBG Fund budget to include \$1.6M from the sale of city-owned land originally purchased through the Urban Renewal program in the 1970s. This public hearing was advertised on March 12, 2021.

**Background:**

- On November 10, 2020, Asheville City Council approved the 2020-21 Annual Action Plan for CDBG and HOME programs.
- This is a request to amend the Annual Action Plan to add CDBG funds from the sale of city-owned property to White Labs (a portion of which was acquired through urban renewal) and to allocate those additional funds for the purchase of a property at 65 Ford Street.
- The sale of City-owned land to White Labs, Inc. occurred in December 2020, and the City received \$3.7 million in revenue.
- A portion of this property at 172 & 174 S. Charlotte Street includes land the City purchased in the 1970's that was part of Urban Renewal of East End / Valley Street.
- Of the proceeds, \$1.6 million is classified as CDBG Program Income and must be spent on CDBG eligible activities to benefit low to moderate income individuals and families and/or in low to moderate income (LMI) areas.
- In addition, the CDBG funds must be spent, not just assigned or allocated, on an eligible CDBG project before May 1, 2021, to pass the City's Annual HUD timeliness test or the City risks future grant allocations per HUD requirements.
- HUD has a longstanding policy of reducing the next year's grant allocation if a grantee continues to show untimely expenditures of funds.
- Acquisition of real property is an eligible use for CDBG Program Income and includes the purchase of land.
- Staff shared the desire to partner with the Housing Authority of the City of Asheville at the City Council Affordable Housing Workshop in January 2021.
- Staff has identified an eligible land acquisition to assist the Housing Authority of the City of Asheville's (HACA) rebuild of Deaverview Apartments, as a strategic use of these time-sensitive federal funds.
- This investment, specifically the purchase of 65 Ford Street of approximately 21 acres, will transfer federal funds tied to urban renewal into a viable housing resource to serve approximately 300 low and moderate income individuals and families.
- The purchase of the Ford Street property was approved by City Council in February 2020 and this is a request to use the CDBG Program Income funds, rather than Affordable Housing Bond Land-banking funds, to purchase the property due to the requirements that a municipality should only have 1.5 times their annual CDBG Allocation unspent by May 1st, 2021.

**Council Goal(s):**

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

**Committee(s):**

- Housing & Community Development Committee (HCD) - March 16, 2021 - Discussion only

**Pro(s):**

- Approval of the Amended Annual FY 20/21 Action Plan allows the City of Asheville to complete the purchase of 65 Ford Street with the intent to assist with the redevelopment of the Deaverview Apartments to develop up to 300 affordable housing units for the benefit of low to moderate income individuals and families.
- Approval of the Amended Annual FY 20/21 Action Plan will assist the City of Asheville with their HUD timeliness test that will occur on May 1, 2021, and minimize the potential of having our annual allocation reduced due to our inability to spend the current allocation fast enough.
- Using restrictive HUD CDBG PI dollars on the eligible purchase 65 Ford Street frees up other less restrictive sources of funding like Housing Trust Fund dollars for other housing initiatives.

**Con(s):**

- The receipt of these funds in late December, 2020, and the HUD timeliness test on May 1, 2021, limits the abilities of the City of Asheville to spend this funding on other eligible activities and in a timely manner.

**Fiscal Impact:**

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- The City of Asheville is reserving none of this \$1.6M in CDBG PI for staff costs to administer the funding, normally 20%.
- The FY 2020-21 budgets for the both CDBG & HOME program were included in the annual budget ordinance that City Council adopted on July 30, 2020, and updated on November 10, 2021.
- The budget amendment will revise the CDBG amounts to include this \$1.6M in CDBG PI.
- The purchase of 65 Ford Street will cost approximately \$1.5M for site costs and due diligence, leaving approximately \$100,000 in CDBG Program Income that can be absorbed into CDBG PI for future CDBG allocations.

Mr. D'Angelo gave some background information of 172 and 174 S. Charlotte Street. The economic development partnership with White Labs began in 2015 with a 5-year plan that included the sale of 172 and 174 S. Charlotte Street. A portion of this site includes land purchased by the City through Urban Renewal in the 1970s. This land was listed as exempt in the City's decision in 2020 to suspend the sale of City-owned land acquired through Urban Renewal. The company has met their milestones and the City has sold the land to fulfil the obligations in the contract. The sale occurred in late 2020 and the City received \$3.7 Million in revenue, with \$1.6 Million classified as CDBG PI due to the ties to Urban Renewal. The \$1.6 Million must be spent on CDBG eligible activities to benefit Low to Moderate Income (LMI) Individuals and Families and in accordance with the Timeliness Test.

He said that staff has been aware for over a year that this property would occur and received as CDBG PI. Originally, a closing of May, 2020, was planned, giving the Community &

Economic Development staff more flexibility with the spend and Timeliness Test, nearly 1 year. Staff recognized this \$1.6 Million transaction in the 2020-21 Action Plan that was passed in November, 2020, as expected income with a plan to follow. With COVID and standard real estate closing delays, the closing date shifted and ultimately did not happen until late December, 2020. Staff immediately began to document how this funding could be spent to benefit LMI Individuals & Families, on an eligible activity and with very limited options based on the HUD Timeliness Test. Additionally, staff contacted HUD to get clarification about any waivers or extensions that could be given to determine if it was possible to extend the timeframe on the City's Timeliness Test and/or to develop a plan to spend the money.

Regarding the land purchase at 65 Ford Street, in February 2020, City Council approved the purchase of 65 Ford Street using Affordable Housing Bond (Land Banking) funds. Staff shared at the January 2021 Affordable Housing Worksession that this land is part of a larger 60 acre redevelopment opportunity in partnership with the Housing Authority & Purpose Built Communities (PBC). Nationally recognized PBC's vision is to make holistic community investments in housing, including homeownership, education, community and recreation to achieve equitable outcomes for all. The City's intent with this land purchase is to improve the lives of low and moderate income residents, end the cycle of intergenerational poverty, create greater racial equity, support and promote economic mobility, and improve the health and education outcomes for families and children. This land acquisition will kickstart an approximate year-long community engagement and planning process. Due diligence (surveys, geotech and environmental assessments) on the site is complete and this acquisition is a strategic use of these one-time CDBG funds. Staff is working on a framework to move forward with a master planning process for the 65 Ford Street and the Cedar Hill property would have mixed income, mixed use and various ownership models. The Master Plan could but does not require the City work with the Housing Authority. Any agreements to partner on the project will need approval from City Council. Staff understands that the Housing Authority has begun working with the residents on a vision for the rebuild of Deaverview Apartments including a strategy to keep residents from moving twice.

Mr. D'Angelo said that in summary, the (1) City of Asheville has received \$1.6 Million in CDBG Program Income from the sale of land at 172-174 S. Charlotte Street. Program Income includes any miscellaneous income generated from a prior use of CDBG funds (2) this funding must be spent by May 1, 2021, to pass our annual HUD Timeliness Test, which means we cannot have more than 1.5 times our annual allocation or \$1.5 Million for Asheville; (3) the City has a 21 acre parcel of land under contract that can be purchased for approximately \$1.5 Million by May 1, 2021; and (4) HUD has a longstanding policy of reducing the next year's CDBG grant allocation if the funds aren't spent in a timely manner.

He said that the HUD Timeliness Test limits the City's options on this spend. This \$1.5 Million purchase of 65 Ford Street invests CDBG PI back into the community with a plan for affordable housing, including homeownership. This land purchase is an eligible use of CDBG PI, is timely to remain HUD compliant and frees up bond - land banking dollars for other housing initiatives. Staff has been working closely with HUD for guidance on this PI and have been reminded that if a grantee's timely performance deficiency remains unaddressed, HUD will take corrective action that could result in sanctions.

In response to Councilwoman Mosley, Mr. D'Angelo said that staff made a specific request to HUD for an extension to look at other options for these Urban Renewal funds; however, they said no.

In response to Mayor Manheimer, the reason why we can't use the Affordable Housing Bond Funds (Land Banking) for this purchase would be that we would not be able to pass the HUD Timeliness Test of spending the \$1.6 CDBG Program Income by May 1, 2021. If we fail the

HUD Timeliness Test, they may apply sanctions to Asheville and then reduce CDBG funding in future years.

When Vice-Mayor Smith asked how we can manage Program Income in the future so we don't have this time crunch, Mr. D'Angelo said that this is by far the largest amount we have ever received. If we would have received \$100-200,000 we could have worked with applicants and awarded funds.

In response to Councilwoman Turner, Mr. D'Angelo explained the assemblage of land. He said this purchase of 21 acres is contiguous to the 16-20 acres the City owns next to Cedar Hill. Cedar Hill is next to Deaverview.

In response to Councilwoman Roney, Mr. D'Angelo said that after the purchase of this property, we will be kicking off shortly a year long community engagement process that will follow the Purpose Built Community Model.

Mayor Manheimer opened the public hearing at 5:47 p.m.

From advanced live call-ins, four individuals spoke to Council with various comments, come being, but are not limited to: urged Council to explore all available options for spending these urban renewal profits in ways that are truly reparative to the Black community in this City; request for Coach Tate Foundation to receive City resources for building Communities in Education through Sports, Art & Music; support of investing the \$1.6 Million in mortgage down payment assistance or other permanent housing options rather than renovating Deaverview; what money is available for reparations; need to be clear that this land purchase is for the intent to assist with redevelopment of Deaverview Apartments; and what is the vision of creating the Reparations Fund.

Councilwoman Kilgore supported this land purchase so that the City can control almost 60 acres of land for the Black community close to downtown. This will be a planned unit neighborhood that encompasses townhomes and condos at affordable prices for the community. The whole concept is to provide a community for the Black citizens to be able to thrive.

In response to Councilwoman Turner, Mr. D'Angelo said that if the Purpose Built Community does not come to fruition and the land is sold again it would go back to the CDBG Program Income.

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 Kilgore moved to recess this item until April 13, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

## **V. UNFINISHED BUSINESS:**

### **A. ORDINANCE NO. 4361 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES V, VIII, XI & XII RELATED TO DISCRETIONARY DECISIONS IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION**

Mayor Manheimer said that this public hearing was held on March 9, 2021, 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 Wisler moved to approve the proposed wording amendments to Chapter 7 Articles V, VIII, IX, XI and XII of the UDO and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will, 1) promote responsible growth based on holistic decision making; and, 2) bring City ordinances into compliance with the new North Carolina General Statute Chapter 160D, regarding land use development. This motion was seconded by Councilwoman Kilgore carried unanimously by roll call vote.

**ORDINANCE BOOK NO. 33 – PAGE 252**

**C. RESOLUTION NO. 21-60 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET**

Mayor Manheimer said that this public hearing was held on March 9, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

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

Councilwoman Turner moved to permanently close an unopened right-of-way known as Trade Street. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 - PAGE 153**

**C. 2021 REFUNDING BONDS**

**RESOLUTION NO. 21-61 - RESOLUTION APPROVING THE 2021 LIMITED OBLIGATION REFUNDING BONDS**

**RESOLUTION NO. 21-62 RESOLUTION APPROVING THE 2021 SPECIAL OBLIGATION REFUNDING BONDS AND BOND ORDER**

**RESOLUTION NO. 21-63 - RESOLUTION APPROVING THE BOND ORDER FOR THE 2021 SPECIAL OBLIGATION REFUNDING BONDS**

Mayor Manheimer said that the public hearing on the 2021 Limited Obligation Refunding Bonds was held on March 9, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

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

Councilwoman Wisler moved to adopt the resolution approving the 2021 Limited Obligation Refunding Bonds. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 – PAGE 154**

Councilwoman Wisler moved to adopt the resolution approving the 2021 Special Obligation Refunding Bonds. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 – PAGE 158**

Councilwoman Wisler moved to adopt the resolution approving the Bond Order for the 2021 Special Obligation Refunding Bonds. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 – PAGE 161**

**D. VANCE MONUMENT**

**RESOLUTION NO. 21-64 - RESOLUTION TO APPROVE THE DEMOLITION AND REMOVAL OF THE VANCE MONUMENT, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHONZIE, INC. FOR THIS WORK, AND TO AUTHORIZE STAFF TO INITIATE A REQUEST FOR PROPOSALS TO DEVELOP A VISION DOCUMENT TO GUIDE THE FUTURE REPURPOSING OF THE VANCE MONUMENT AREA**

**ORDINANCE NO. 4362 - ORDINANCE FOR THE COST OF THE COMPREHENSIVE COMMUNITY VISION DOCUMENTS**

Assistant City Manager Richard White said the Vance Monument has become a public safety threat in our community. On numerous occasions, the monument has been vandalized and the City has received significant threats that members of the public will attempt to topple the structure. On November 19, 2020, the Vance Monument Task Force voted to recommend removal of the monument. The City Attorney has confirmed that the City has the legal authority to remove the monument as its existence has been deemed a public safety hazard due to the dangerous and unsafe condition it presents. City Council requested that staff provide information regarding the cost of potential removal of the monument and reuse of the site.

Capital Projects Director Jade Dundas said that this is the consideration of a resolution directing the City Manager on action to be taken in regard to the Vance Monument; and a budget amendment in the amount of \$70,000 from General Fund unassigned fund balance for the cost of the comprehensive Community Vision Document.

**Background:**

- The Vance Monument has become a public safety threat in our community.
- On numerous occasions, the monument has been vandalized and the City has received significant threats that members of the public will attempt to topple the structure.
- In July 2020, the Vance Monument was shrouded with temporary leased scaffolding to reduce its impact on the community and to reduce the risk of harm it presents.
- On 11/19/2020, the Vance Monument Task Force voted to recommend removal of the monument.

- The City Attorney has confirmed that the City has the legal authority to remove the monument as its existence has been deemed a public safety hazard due to the dangerous and unsafe condition it presents.
- The City Council requested that staff provide information regarding the cost of potential removal of the monument and reuse of the site.
- Bids for the demolition and removal of the Vance Monument were advertised 01/07/2021 and opened on 01/28/2021.
- The duration for the removal, pending Council authorization, would be anticipated to take 45 calendar days.
- The bids are valid for 90 days.
- The following five bids for the monument removal were received:
 

<u>Contractor</u>	<u>Location</u>	<u>Amount</u>
○ Neo Corporation	Canton, NC	\$ 157,000
○ Silvers and Associates, LLC	Burnsville, NC	\$ 495,000
○ Tennoca Construction Co.	Candler, NC	\$ 244,100
○ 4 Seasons Demolition, Inc.	Wilmington, NC	\$ 149,000
○ Chonzie, Inc.	Asheville, NC	\$ 114,150
- A comprehensive Community Vision Document that guides the future repurposing of the site is estimated to cost between \$50-\$70,000, depending on scope of services and requested schedule.
- Staff will utilize fund balance for the cost of the Vision Document; and seek funding partners to help offset that cost.
- The Vision document will provide direction concerning the next phase and expertise needed to determine final repurposing of the site or the monument.
- If Council directs staff to pursue a visioning process, staff can hold a Request for Proposals process for planning and engagement services in mid-April, and begin working with the community as early as June. The Vision Document could be delivered by the end of 2021.

**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 and requiring prime contractors to reach out to Minority- & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- In addition, staff was able to break up the scope of work into multiple parts.
- One contract would address the monument demolition and removal.
- Separate from the Vance Monument removal contract, a temporary site restoration and landscape installation would be planned for the site where the Vance Monument stands.
- Outreach for separate site restoration work was performed following the Asheville Business Inclusion policy.
- A separate contract for site restoration would be awarded to MS Lean Landscaping, LLC in the amount of \$25,535.
- The City followed standard practice for selecting contractors and MS Lean Landscaping was the lowest responsive responsible bidder.
- MS Lean Landscaping is an Asheville African American-owned Business and award of the contract will result in 18.3% minority participation, when evaluating these separate contracts as a whole project.

**Council Goal(s):**

- An Equitable and Diverse Community; A Connected and Engaged Community; A Well Planned and Livable Community.

**Committee(s):**

- Vance Monument Task Force, 11/19/20 voted to recommend removal of the monument.

**Pro(s):**

- Presentation of Information only

**Con(s):**

- Presentation of information only

**Fiscal Impact:**

- If Council decides to move forward with removal, it should be noted that this action would be an unplanned capital expense.
- Each year as part of the Capital Improvement (CIP), staff budgets \$750,000 in contingency for unplanned expenses.
- Staff utilized \$248,485 from the Fiscal Year 2021 CIP contingency to establish a project budget for expenses associated with the shrouding and potential removal of the monument.
- Funding partnerships would be sought to offset the costs associated with this removal project and the repurposing project.
- Potential funding partners include other local government agencies and possibly private grant providers for both the removal project and the repurposing project.

Councilwoman Kilgore voiced her strong belief that the Vance Monument is an obelisk and it does not represent the confederacy. It is a piece of art and an historic monument. The Vance Monument is not a statue of a man, but a single obelisk that can be repurposed. She also felt the Vance Monument Task Force process was not vetted correctly and that we should hear from the entire community as we strive for transparency.

Mayor Manheimer said that on December 8, 2020, City Council voted to receive the recommendation of the Vance Monument Task Force. The question before City Council is whether to authorize the City Manager to enter into a contract to remove and temporarily replace the monument until we can engage in a full process around the vision of the replacement. It is a difficult decision as it is the centerpiece of our City; however, she believes the Vance Monument no longer or never has reflected the values of our community.

Councilwoman Roney said that, holding accountability for her ancestors and recognizing her own privilege, she is honoring requests she has heard to lift up the wisdom and understanding and experiences of neighbors often unheard, unanswered or excluded from decision-making. She appreciated the recommendation and the work of the Vance Monument Task Force. She remembered during the uprising last summer the voices of Black youth and their families crying out in the streets of Asheville to urgently dismantle the symbols and systems of white supremacy. Black elders have told her their stores of this monument as a magnet, attracting those who threatened to harm them. And she is reminded of the monument shadows that cast across the indigous burial grounds of the Cherokee people. The prominent and proximal presence of this monument at the heart of our City, our County, our criminal legal system and the Central Business District is a threat to public health and public safety.

Councilwoman Mosley moved to adopt a resolution to direct the City Manager to move forward with the demolition and removal of the Vance Monument as recommended by the Vance Monument Task Force, to authorize the City Manager to execute a contract with Chonzie, Inc. in the amount of \$114,150, for the demolition and removal project as well as to execute any change orders that may arise during the project up to the contingency amount of \$11,415 (10%), and to authorize the City Manager to initiate the Pack Square Visioning Process as presented. This motion was seconded by Vice-Mayor Smith.



From advanced live call-ins, ten individuals provided their opinions on whether to remove the Vance Monument or repurpose the Monument.

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

The motion made by Councilwoman Mosley and seconded by Vice-Mayor Smith carried on a 6-1 roll call vote with Councilwoman Kilgore voting “no.”

**RESOLUTION BOOK NO. 42 – PAGE 164**

Councilwoman Mosley moved to adopt a budget amendment in the amount of \$70,000 from General Fund unassigned fund balance for the cost of the comprehensive Community Vision Document. This motion was seconded by Vice-Mayor Smith and carried on a 6-1 roll call vote, with Councilwoman Kilgore voting “no.”

**ORDINANCE BOOK NO. 33 - PAGE 262**

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 21-65 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION**

Vice-Mayor Smith said that City Council conducted interviews for the following School Board candidates: Joyce Brown, Patricia Griffin, James Carter, Michele Delange, Jacquelyn Carr McHargue, Peyton O’Conner, and George Sieburg.

After Council Members expressed their gratitude to these outstanding candidates, each member of Council was asked to name three candidates. Joyce Brown received 3 votes, Patricia Griffin received 2 votes, James Carter received 4 votes, Michele Delange received 1 vote, Jacquelyn Carr McHargue received 7 votes, Peyton O’Conner received 2 votes, and George Sieburg received 2 votes.

Since only two candidates (James Carter and Jacquelyn Carr McHargue) received a majority of votes, another round of votes took place with each member of Council casting one vote for those candidates that received two or more votes. Joyce Brown received 1 vote, Patricia Griffin received 2 votes, Peyton O’Conner received 4 votes, and George Sieburg received no votes.

Mayor Manheimer moved to (1) reappoint James Carter as a member of the Asheville School Board to serve a four-year term, term to expire on April 1, 2025, or until his successor has been appointed; and (2) appoint Jacquelyn Carr McHargue and Peyton O’Conner as members to the Asheville School Board to each serve a four-year term respectively, terms to begin on April 1, 2021, and expire on April 1, 2025, or until their successors have been appointed. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 – PAGE 166**

**VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

From advanced live call-ins, six individuals spoke to Council, including, but not limited to the following comments: opposition to the Bluff’s development at Richmond Hill and request City Attorney to represent City residents who are opposed to this development; try to pause the closing of Asheville Primary School; allow live call-ins during the City Council meeting;

support the homeless community; and set aside money for reparations.

Councilwoman Roney said that syringe exchange is a key and vital partnership to public health and safety, which is why it's been legal in North Carolina since 2016. Housing as a human right is also a matter of public health and safety but it's not yet been recognized for our human family that is experiencing homelessness. She thanked all the partners and neighbors for participating in solutions.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 8:03 p.m.

---

CITY CLERK

---

MAYOR