

Tuesday – July 27, 2021 - 2:30 p.m.

Worksession - American Rescue Plan Funding Summary Plan

Present: 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

City Manager Campbell explained the worksession outline. She said we are asking Council direction (1) do you agree with the most highly scored categories; (2) how should funding be allowed; and (3) confirm that next steps will be to develop a process to solicit specific funding requests from partner groups and agencies.

Internal Auditor Patricia Rosenberg reviewed with Council (1) the many ARPA available grants; (2) local Fiscal Recovery Fund allowable uses; (3) planning process; (4) evaluation process; and (5) tentative results.

The direct allocations to the City from the ARPA grants include (1) state and local fiscal aid - \$26.2 Million; (2) HOME funds - \$4.7 million (for a 4 county region); (3) public transportation - \$1.8 million; and (4) shuttered venue operations grant - \$1.6 million.

She detailed the allowable uses of the following categories: public health uses; negative economic impacts (presumption of eligibility inside Qualified Census Tracts); premium pay, revenue losses; investment in infrastructure; and crime response and prevention.

She then outlined key dates with May of 2022 the City receiving the second half of funding - \$13.1 million.

Main considerations are to (1) be able to justify and explain what we do; (2) ensure equitable outcomes; and (3) maximize impact.

She then outlined the planning process - goal was to create a summary spending plan (1) identify buckets that will be funded (e.g. homelessness, mental health, revenue losses, etc.); (2) specific projects to be identified later - to allow time for equitable, inclusive outreach; and (3) retain flexibility to identify the best implementation approach for the categories that are funded - City of Asheville or community partners.

She then outlined how the categories were identified and community engagement. She briefly reviewed the internal requests (City infrastructure; community communication; employee recruitment and training; premium pay for employees; public infrastructure for adaptability; stormwater infrastructure; utility billing; and water infrastructure) and the Council survey results. The Council survey included three questions (1) additional categories to consider for funding (a) several suggestions for projects that rolled into categories; (b) domestic violence prevention and assistance; (c) rental and homeownership assistance; and (d) educational initiatives; (2) agreement with evaluation approach (a) 6/7 agreed with the evaluation scoring; and (b) one comment about public engagement; and (3) how funding should be allocated (a) 4 responses in favor of having a few categories fully and/or significantly funded; and (b) 3 responses in favor of funding more categories on smaller scale.

She noted that the following are approved and planned usage to date: Previously approved by Council - emergency non-congregate homeless shelter - \$906,407; and public portable restrooms - \$90,000. Upcoming requests for planned usage include emergency non-congregate homeless shelter - \$855,230; Homeward Bound acquisition of the Days Inn - \$2

Million; and hotel purchase emergency shelter - \$9,193,828. Other tentatively planned usages include \$2 Million (revenue losses) from the parking fund; and \$750,000 estimated costs to hire 1-2 staff to manage funds for three years. The total of the approved and planned usages total \$15,795,465. The total remaining funds is \$10,498,388.

Eric Jackson, with the Office of Data and Performance, explained the evaluation process, along with the guiding principles. The tentative results - top scoring are affordable housing; community communication; homelessness services; public health, mental health; and substance abuse; small business recovery; and workforce development. Middle scoring are community led capacity building; emergency planning; stormwater infrastructure; transit; transportation connectivity infrastructure; and water infrastructure. Low scoring are arts and cultural expression; care for aging residents; childcare; city infrastructure; domestic violence prevention and assistance; employee recruitment and training; environmental protection/sustainability; food security; premium pay for employees; public infrastructure for adaptability; utility billing; and youth programming.

He asked for Council direction on (1) if Council agrees with the most highly scored categories; (2) how should funding be allocated (2) a few categories funded and/or significantly funded; or more categories funded on smaller scale; and (3) does Council want City staff to develop a Request for Proposals (RFP) process to solicit specific projects for the selected priority categories.

Next steps include (1) August 24, 2021 - Council to approve category allocation and RFP process plans; (2) September 2021 - kick of community RFP process; and (3) October 2021 - RFP proposals evaluation and approval of project awards.

Throughout the considerable discussion, City Manager Campbell, Ms. Rosenberg and Mr. Jackson responded to various questions/comments from Council, some being, but are not limited to: various other funding sources for some high categories and whether the City should be using it's limited funds for those; need for coordination with other organizations on funding options; projects that could be funded under which category; thoughts on which categories should remain in the high category - noting that staff will ask for RFP proposals only for the high categories; need to focus and build projects that the City currently has staff and knowledge of completing; workforce development and small business recovery could be combined and focus on small businesses that did not qualify for other federal funds; need for equity to be in all guiding principles; because all top, middle and low categories are important, staff requested to provide a comprehensive list of what other agencies are getting money to fund those categories; request for estimates of how much money each category is requesting; thought that if community led capacity building was moved to a top category it would allow the community to bring in community programs; confirmation that affordable housing could include land banking; definitions of broad categories; request to rename food security to food systems; possibility uses of the opioid settlement; confirmation that December 31, 2026, is the date when the ARPA funds must be spent by; concern about timing of affordable housing projects; what type of projects are in the infrastructure bill; plan is for the RFPs to be issued in September; why are not other revenue losses being considered, i.e., Harrah's and Transit; concern when we get our climate justice initiative report and the reimaging public safety reports there won't be funds to fund projects; and the need to ask for public input at the beginning of the process, not at the end.

City Manager Campbell said that after the next worksession, scheduled on August 24, 2021, prior to the City Council formal meeting, and once City Council agrees on the top categories, staff will be asking the public for their input.

Mayor Manheimer announced that Council will hold another worksession on the ARPA funding on August 24, 2021, at which time they will review the additional information City staff provides and give staff direction on (1) if Council agrees with the most highly scored categories; (2) how should funding be allocated (2) a few categories funded and/or significantly funded; or more categories funded on smaller scale; and (3) does Council want City staff to develop an RFP process to solicit specific projects for the selected priority categories.

At 4:36 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – July 27, 2021 - 5:00 p.m.

## Regular Meeting

Present: 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

### **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 Item “K “ was removed from the Consent Agenda for discussion and/or individual vote.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 22, 2021**
- B. RESOLUTION NO. 21-140 - RESOLUTION REVOKING RESOLUTION NO. 19-185 AND AUTHORIZING THE CITY MANAGER TO PURCHASE NON-HEALTH-BENEFIT-RELATED INSURANCE POLICIES UP TO \$750,000 AND ISSUE PROPERTY CLAIMS-RELATED PAYMENTS**

**Action Requested:** Revoke [Resolution 19-185](#) and adopt a new resolution authorizing the City Manager to purchase non-health-benefit-related insurance policies; and issue property claim-related payments.

#### **Background:**

- In 2019, Asheville City Council adopted Resolution No. 19-185; authorizing the City Manager to purchase non-health benefit-related insurance policies and issue property claim-related payments up to \$500,000.
- Annually, the City of Asheville (City) renews policies to provide coverage against risk exposures, including but not limited to: excess workers’ compensation and liability (general liability, public officials, employee practices, and law enforcement), dam liability, property (structures/vehicles/equipment), crime, cyber, flood, and builder’s risk, when necessary.
- All policies are quoted via the City’s Insurance Broker of Record to ensure appropriate coverages are obtained from the commercial insurance market.

- Annually, Asheville City Council approves policy premium costs budgeted within the City's Workers' Compensation and Property & Liability Funds.
- City property insurance premium increased from \$463,026 in Fiscal Year (FY) 2021 to \$649,660 in FY 2022 as a result of insurance market rate increases and six (6) large loss City claims filed since 2016, totalling \$1,758,578 reimbursed to the City via insurance proceeds.
- In order to (1) purchase policies at the new market rate (up to \$750,000 per policy); and (2) pay City property claim-related expenses, authorization can be delegated to the City Manager .

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- June 25, 2019, Finance and Human Resources Committee recommended approval of Resolution No. 19-185.

**Pro(s):**

- Ensures no policy lapse that may financially expose City employees and assets.
- Timely insurance policy renewals and good standing with City insurance carriers.
- Ensures timely property claim-related payments to expedite City asset repair/replacement.

**Con(s):**

- None.

**Fiscal Impact:**

- There is no direct fiscal impact to this action.
- In Fiscal Year 2022, projected City insurance policy premiums totalling approximately \$1,375,000 are already included in the annual budget approved by City Council.
- Property claim payments utilize funds received from City insurance carriers to repair/replace damaged City assets, less related deductibles.

**Motion:**

- Motion to adopt a resolution to revoke Asheville Resolution 19-185 authorizing the City Manager to issue payments for non-health-benefit-related insurance premiums up to \$500,000 and authorizing the City Manager to (1) issue payments for non-health-benefit-related insurance premiums up to \$750,000 per policy and; (2) make City property insurance claim-related payments.

**RESOLUTION BOOK NO. 42 - PAGE 275**

**C. RESOLUTION NO. 21-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT WITH 120WATER ASSOCIATED WITH LEAD EDUCATION AND PREVENTION PROGRAM**

**Action Requested:** Adoption of Contract Amendment with 120Water Audit, Inc. for Lead Education & Awareness Program.

**Background:**

- This contract amendment will expedite lead service line inventory data collection for lead and copper revisions and help with public outreach and education.

- The U.S. EPA Lead and Copper Rule Revision (LCRR) requirements provide three years for the water departments to implement a service line inventory, work with schools and daycares to set up sampling plans/schedules and plan a public outreach program.
- This contract amendment is needed to meet these goals.
- The three year contract will provide the data tracking platform and help with the service line inventory and customer education.
- If the City decides to continue working with 120Water, we will reserve the option to renew for an additional two years to provide sample kits and analysis for schools/daycares and compliance sampling that is required starting in 2024 and in 2025 should we be required to return to annual monitoring by NCDEQ due to the new rule regulations .

**Vendor Outreach Efforts:**

- This is an amendment to the current contract, therefore no further outreach was performed.

**Council Goal(s):**

- A Clean and Healthy Environment

**Committee(s):**

- N/A

**Pro(s):**

- Lead and copper revisions will be implemented in a more efficient manner.
- Customer education will be readily available.
- The Water Resources Department staff will gain a better understanding of service lines in the distribution system.
- Schools and daycares will have a better understanding of how to protect the children and families they serve.

**Con(s):**

- Failure to adopt an amendment will result in difficulty remaining in compliance with Federal and State regulations.

**Fiscal Impact:**

- The Water Resources Department has the funds to encumber the yearly contract amount of \$163,770.94 in its operating funds.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with 120Water Inc. for the *Lead Education and Prevention Program* in the amount of \$171,920 increasing the total contract for the next five years to \$663,232.80.

**RESOLUTION BOOK NO. 42 - PAGE 276**

**D. RESOLUTION NO. 21-142 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SIDEWALK MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR A NEW SECTION OF SIDEWALK ALONG BROADWAY STREET BETWEEN THE FUTURE I-26 AND RIVERSIDE DRIVE**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into and execute a sidewalk maintenance agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to construct a sidewalk along SR 1781 (Broadway Street) between US 19-23 (Future I-26) and NC 251 (Riverside Drive).

**Background:**

- The section along SR 1781 (Broadway Street) between US 19-23 (Future I-26) and NC 251 (Riverside Drive) is identified as a needed linkage on the pedestrian plan.
- Daily traffic volumes along US 19-23 (Future I-26) in the immediate area of the interchange exceed 60,000 vehicles per day.
- Daily traffic volumes along SR 1781 (Broadway Street) in the immediate area of the interchange exceed 8,000 vehicles per day.
- The NCDOT has developed the plans and specifications in accordance with their standard policies and procedures for pedestrian facilities.
- The NCDOT is fully funding the project.
- The City will be responsible for the maintenance activities when the project is completed.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- None

**Pro(s):**

- Increases the inventory of completed sidewalk sections.
- NCDOT is fully funding the construction of the sidewalk section.
- Enhances pedestrian flow and safety through a high traffic volume interchange area.
- Provides a needed connection to University of North Carolina Asheville (UNCA) facilities.

**Con(s):**

- The City is responsible for all maintenance activities.

**Fiscal Impact:**

- There is no immediate fiscal impact to the City and future maintenance activities would be addressed with the Public Works Department's annual operating budget along with other existing sidewalk needs.

**Motion:**

- Motion to authorize the City Manager to enter into and execute a sidewalk maintenance agreement with the NCDOT for the NCDOT to construct a sidewalk along SR 1781 (Broadway Street) between US 19-23 (Future I-26) and NC 251 (Riverside Drive).

**RESOLUTION BOOK NO. 42 - PAGE 277**

**E. RESOLUTION NO. 21-143 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH J. BARTHOLOMEW CONSTRUCTION FOR THE PUBLIC WORKS BUILDING A ROOF REPLACEMENT PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with J. Bartholomew Construction, LLC. in the amount of \$496,400 for the Public Works Building A Roof Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$74,460 (15%).

**Background:**

- Several roof leaks in the building envelope have been identified at the Public Works Building A Facility, located at 161 S. Charlotte Street.
- The roofing membrane at this facility has reached its end-of-life.

- To maintain operations at the facility, a new roofing system must be installed.
- This project will also see repairs or improvements to other building envelope items such as the skylight system, masonry, window sealants, and through wall flashings.
- This project was identified for replacement in the Capital Projects Priority Schedule.
- Bids were advertised on May 13, 2021.
- The City received and opened three bids on June 10, 2020.
- The names of the contractors and bid amounts (with selected alternates) are listed below:
  - J Bartholomew Construction, LLC.      *Hendersonville, NC*      \$496,400
  - Nations Roof of Carolina, LLC.      *Charlotte, NC*      \$948,000
  - WNC Roofing, LLC.      *Fletcher, NC*      \$837,520
- J Bartholomew Construction, LLC. was the lowest responsible responsive bidder.
- Due to Covid-19 disruptions causing roofing material shortages, the contractor will be given 275 days from the date of the Notice to Proceed to execute the work, substantial completion for all work will be limited to the end of Spring 2022.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- 
- No MWBE firms submitted bids with this prime contractor.

**Council Goal(s):**

- A financially resilient city

**Committee(s):**

- None

**Pro(s):**

- These repairs or improvements will give the building's envelope another 20 years of usable life.
- The new roofing membrane material will be compatible with fluid applied membrane applications in the future, resulting in lower planned maintenance costs for the remainder of the building's usable life.

**Con(s):**

- During construction, some modest disruption will be seen and heard by building occupants.

**Fiscal Impact:**

- Funding for this contract is already included in the Adopted Capital Improvement Program budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with J. Bartholomew Construction, LLC. in the amount of \$496,400, for the Public Works Building A Roof Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$74,460 (15%).

**F. RESOLUTION NO. 21-144 - RESOLUTION UPDATING THE FEE REBATE POLICY ALLOWING COMMUNITY & DEVELOPMENT SERVICES STAFF TO APPROVE FEE REBATES FOR AFFORDABLE UNITS**

**Action Requested:** Approval of an Updated Fee Rebate Policy allowing Community & Development Services Staff to approve Fee Rebates for affordable units.

**Background:**

- In March of 2011, City Council adopted a Fee Rebate Policy as part of a broader Land Use Incentive Grant (LUIG) Policy to incentivize development of affordable housing in accordance with Council strategic goals.
- A fee rebate is a refund of certain development and planning related fees that may be granted in accordance with this policy upon completion of an affordable housing project.
- The City of Asheville Fee Rebate Policy for Affordable Housing & Sustainability was updated on October 22, 2019, adopted by the Asheville City Council by Resolution #19-244.
- Highlights included making Fee Rebates a stand alone policy, incorporating tiered rebates based on affordability, adding sustainability rebates, and up front fee waivers.
- The current Fee Rebate Policy states -
  - The applicant should expect the application to be considered in four meetings open to the public: 1) at a regular meeting of the Housing and Community Development Committee; 2: at a regular meeting of the Finance & Human Resources Committee; 3) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 4) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council.
  - Approval of a Fee Rebate Grant under this Policy requires a public hearing and approval by the City Council.
- With the generally lower dollar amounts of Fee Rebates & Fee Waivers, and a yearly budget, Community Development and Development Services staff feel Fee Rebates & Waivers can be managed, monitored and approved at a Staff Level, without the added time of committee & council meetings.
- As with other policies, the Fee Rebate Policy will continue to be reviewed yearly after its adoption in partnership with other departments, stakeholders and the community.
- After review with the partners, CD staff feel the added steps of committees and Council is not necessary for this affordable housing tool.

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- Housing & Community Development Committee June 15, 2021- CD update / move to Council

**Pro(s):**

- The proposed policy update comes from staff, community stakeholders, developers and committee members over the past year.
- The policy follows Community Development efforts of creating policies that are easy to comprehend, usable and equated to an investment amount to be used as a source in a pro forma.
- The policy will save time for staff, committees, Council and the applicant.



**Con(s):**

- None

**Fiscal Impact:**

- None

**Motion:**

- Motion to approve the new stand alone Fee Rebate Policy.

**RESOLUTION BOOK NO. 42 - PAGE 279**

**G. RESOLUTION NO. 21-145 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY A SERIES OF CONTRACTS/CONTRACT AMENDMENTS TO SUPPORT EMERGENCY NON-CONGREGATE HOMELESS SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS**

**ORDINANCE NO. 4387 - BUDGET AMENDMENT FROM THE AMERICAN RESCUE PLAN TO SUPPORT EMERGENCY NON-CONGREGATE HOMELESS SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS**

**Action(s) Requested:** Ratify the execution of a series of contract amendments to support emergency non-congregate shelter at local hotels for people experiencing homelessness and associated budget amendment in the Special Revenue Fund in the amount of \$855,230 from American Rescue Plan (ARPA) funding to fund the contracts.

**Background:**

- Since April 19, 2021, the City has made arrangements with local hotels for rooms to serve people experiencing homelessness who were previously camping on public property.
- These contracts allow for the City to provide a shelter option for people who had been given notice to dismantle their camps.
- Sunrise Community for Recovery & Wellness has provided on-site supportive services to support homeless individuals at these locations.
- This initiative has served 116 people experiencing homelessness.
- The original contracts provided for shelter through June 30, 2021. These amendments allow for continuation of emergency shelter until September 15, 2021.
- This action will add \$92,850 to the contract with ATL Hospitality, LLC for a total contract amount of \$200,050.
- Adding these funds will pay an increased room rate amount for the month of July (approximately \$30/night increase) and extend the contract through July 31, 2021.
- On July 31, 2021, shelter operations will be consolidated into one location and supported by contract extensions with Five P Mountain, LLC and SunriseCommunity for Recovery & Wellness, Inc. through September 15, 2021.
- The contract and budget amendments will add \$538,168 to the existing contract with Five P Mountain, LLC for a total contract amount of \$919,168.
- The additional funds will cover the costs of up to 17 additional rooms; an increase of \$10/night per room; and the extension of the contract to September 15, 2021.
- The contract and budget amendments will add \$244,213 to the existing contract with Sunrise Community for Recovery & Wellness, Inc. for a total of \$331,841.
- The additional funds will cover supportive service and security costs 24/7 for all shelter participants through September 15, 2021.

**Council Goal(s):**

- A Well-Planned and Livable Community
- A Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- Addresses public health and safety
- Provides a shelter option to address the needs of people experiencing homelessness

**Con(s):**

- None

**Fiscal Impact:**

- Allocate funds from the American Rescue Plan in the Special Revenue Fund in the amount of \$855,230 for a series of contract amendments for homeless non-congregate shelter interventions at local hotels.
- Along with previously authorized funds, this action brings the total budget for this initiative to \$1,761,637.

**Motion(s):**

- Motion to adopt a resolution ratifying the execution of a series of contract amendments to support an emergency non-congregate shelter at local hotels for people experiencing homelessness; and a budget amendment in the amount of \$855,230 from American Rescue Plan (ARPA) funding to fund the contracts.

**RESOLUTION BOOK NO. 42 - PAGE 286  
ORDINANCE BOOK NO. 33 - PAGE 336**

**H. RESOLUTION NO. 21-146 - RESOLUTION AUTHORIZING RECEIPT OF AMERICAN RESCUE PLAN (ARPA) FUNDING AND DELEGATING THE RESPONSIBILITY TO EXECUTE ANY NECESSARY AGREEMENTS RELATED TO ARPA FUNDING TO THE CITY MANAGER**

**Action Requested:** Adoption of a resolution authorizing receipt of American Rescue Plan (ARPA) funding and delegating the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.

**Background:**

- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As a part of ARPA, the City of Asheville will receive \$26.2 million.
- City staff has begun facilitating discussions with Council to develop a plan for utilization of Asheville's \$26.2 million in ARPA funding.
- In addition to adoption of the plan and the budget amendment(s) associated with usage of ARPA funding, staff at the UNC School of Government are recommending that, in accordance with G.S. 160A-17.1, local government boards take action to authorize receipt of ARPA funding and delegate responsibility to execute any necessary agreements related to ARPA funding to the City Manager.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Provides authorization for the City of Asheville to receive ARPA funding.

**Con(s):**

- None.

**Fiscal Impact:**

- Allows the City to move ahead with planning for and budgeting the \$26.2 million in ARPA funding.

**Motion:**

- Motion to adopt a resolution authorizing receipt of American Rescue Plan (ARPA) funding and delegating the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.

**RESOLUTION BOOK NO. 42 - PAGE 287**

**I. RESOLUTION NO. 21-147 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH WPLAW, FOUNTAINS DIVISION, FOR THE PACK SQUARE PARK MID-BLOCK FOUNTAIN RESTORATION PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute an amendment to the executed design-build contract with WPLaw Incorporated, in the amount of \$23,440 for the Pack Square Park SPLASHEVILLE Fountain Restoration Project.

**Background:**

- The three Pack Square Park fountains were evaluated in Fall 2020.
- At that time, due to vandalism and repeated flooding of the vault, there was no power or water to the site.
- Without power and water the operability of the equipment could not be fully evaluated.
- In March 2021, the City entered into a design-build contract with WPLaw Incorporated (Fountains Division) of Lexington, SC to repair the Splasheville fountain for \$214,765.
- The initial repairs have been completed.
- However, when the water and power were restored, additional essential equipment was not working including the main pump motor and chemical pumps.
- These additional funds allow for the equipment to be replaced and for the fountain to be placed back into operation.

**Vendor Outreach Efforts:**

- This is a change to an existing contract.
- Outreach for the original contract included staff performing outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted bids with this prime contractor and all work will be self performed by the prime contractor.

**Council Goal(s):**

- A well planned and livable community.

**Committee(s):**

- Not applicable. Currently the Parks and Recreation Advisory Board is not meeting.

**Pro(s):**

- This contract amendment will fund the restoration of a highly used downtown amenity.
- The new equipment will provide a more reliable fountain feature.

**Con(s):**

- None

**Fiscal Impact:**

- Funding for this contract is included in the Pack Square maintenance budget in the Parks and Recreation Department's Adopted General Fund budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the executed design-build contract with WPLaw Incorporated, in the amount of \$23,440 for the Pack Square Park SPLASHEVILLE Fountain Restoration Project.

**RESOLUTION BOOK NO. 42 - PAGE 288**

**J. RESOLUTION NO. 21-148 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TERMINIX FOR PEST CONTROL IN VARIOUS CITY OF ASHEVILLE BUILDINGS**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a renewal contract with Terminix of Asheville for general pest control for various City Buildings in the amount of \$20,229.30.

**Background:**

- This is an annual renewal of an existing contract.
- This renewal will put the total contract price at \$97,500.
- This renewal will continue general pest control in various COA Buildings through June 30, 2022.
- This service will be bidded as a multi year contract that will start on July 1, 2022.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women owned businesses.
- There are no known minority and women owned businesses available for pest control services in the area.

**Council Goal(s):**

- To continue providing general pest control services at various COA buildings.

**Committee(s):**

- N/A

**Pro(s):**

- Avoids lapse in pest control service.

**Con(s):**

None

**Fiscal Impact:**

- Funding for the contract is included in the current adopted budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a renewal contract with Terminix of Asheville for general pest control for various City Buildings in the amount of \$20,229.30.

**RESOLUTION BOOK NO. 42 - PAGE 289**

**K. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GLEESON BUILDERS LLC FOR THE BROADWAY PUBLIC SAFETY STATION PROJECT**

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

**L. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL'S TRAVEL POLICY ADOPTED JANUARY 26, 2016**

Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, "The local board shall annually provide the appointing authority's written confirmation of such approval...".

The ABC Board formally requests the City of Asheville's written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

**M. RESOLUTION NO. 21-150 - RESOLUTION INCREASING THE MEMBERSHIP OF THE ASHEVILLE HOUSING AUTHORITY FROM FIVE TO SEVEN COMMISSIONERS**

On May 30, 1940, The City Council approved a resolution determining that there was a need within the city for a Housing Authority, and requesting the Mayor to appoint an initial board of five commissioners. On June 11, 1940, the original Certificate of Appointment was filed with the City Clerk recognizing the appointment of the initial five commissioners of the Asheville Housing Authority. Pursuant to North Carolina General Statute § 157-5(c), the City Council is authorized to increase or decrease the membership of the Housing Authority board of commissioners in accordance with the limitations prescribed by this Chapter of the State Statutes. City Council now wishes to increase the number of commissioners of the Asheville Housing Authority from five to seven. City Council believes that this change will enhance the Authority's ability to perform its duty of providing safe and sanitary dwelling accommodations for persons of low income. Now, therefore, the number of commissioners for the Asheville Housing Authority is hereby increased from five to seven, and the initial terms of the new commissioners shall be designated by the Mayor at the time of appointment. These initial terms shall be not less than one nor more than five years. Thereafter, the term lengths shall be consistent with that of the remaining board members.

Motion to adopt resolution increasing the membership of the Asheville Housing Authority from five to seven commissioners.

**RESOLUTION BOOK NO. 42 - PAGE 291**

**N. RESOLUTION NO. 21-151 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH VAUGHN AND MELTON CONSULTING ENGINEERS FOR THE DESIGN OF SLIDE REPAIRS FOR VANCE GAP ROAD**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Vaughn and Melton Consulting Engineers, Inc. in the amount of \$286,060.50 for the Vance Gap Road Slide Repairs Design contract.

**Background:**

- Heavy rains in April caused a slope failure on Vance Gap Road.
- Public Works staff performed temporary repairs to the slope, but a permanent solution will be required.
- The Request for Qualifications (RFQ) was advertised on April 20, 2021, and responses were due by May 5, 2021.
- Two responses to the RFQ were received:
  - Gannett Fleming, Inc. of Asheville, NC
  - Vaughn and Melton Consulting Engineers, Inc. of Asheville, NC
- Vaughn and Melton received the highest score from the scoring committee.
- The scoring committee consisted of representatives from Public Works, Communication and Public Engagement, and Building Safety staff from the Development Services Department.

**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. Staff also checked the N.C. Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Six MWBE companies were directly contacted regarding the RFQ.
- None of these companies submitted a response.
- Two of the subcontractors on the design team are women-owned businesses.

**Council Goal(s):**

- This project aligns with the 2036 City Council Vision of a Well-Planned Livable Community.

**Committee(s):**

- None

**Pro(s):**

- This contract will provide a design to stabilize Vance Gap Road which is the only access for the residents.
- Successful completion of the project will assure emergency response access and core service delivery to the community.

**Con(s):**

- None

**Fiscal Impact:**

- This contract will be a not-to-exceed contract.
- Funding for this contract will come from the FY21 Capital Improvement Program (CIP) contingency budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Vaughn and Melton Consulting Engineers, Inc. in the amount of \$286,060.50 for the Vance Gap Road Slide Repairs Design contract.

**RESOLUTION BOOK NO. 42 - PAGE 292**

- O. RESOLUTION NO. 21-152 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GREEN BUILT ALLIANCE TO IMPLEMENT AND MANAGE THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

**Background:**

- On January 28, 2020, City Council authorized [Resolution 20-18](#) and created the Blue Horizons Community Council to achieve the community-wide renewable energy goal.
- On January 28, 2020, City Council approved [Resolution 20-19](#) and authorized an interlocal agreement with Buncombe County to issue a joint Request for Proposals (RFP) to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council for the next three years, depending on availability of funding.
- This will be the second year of the three-year period before reissuing an RFP for this work.
- Buncombe County advertised the RFP on May 6, 2020, and the County received responses on June 12, 2020.
- The County received one response from the Green Built Alliance.
- The City and County contracted with Green Built Alliance in fiscal year 2021 to implement the Blue Horizons Project but are required to renew annually based on budget availability.
- The Blue Horizons Project will continue to engage our community to provide cost effective services, programs, and products through investment in clean renewable ways to power Buncombe County and the City of Asheville to support the community-wide renewable energy goal and climate emergency resolution.
- As of July 2021, the Blue Horizons Project has facilitated 100 homeowners to get solar power for their homes.
- The Rocky Mountain Institute has created a [map](#) to display where the impact has occurred to date.

**Vendor Outreach Efforts:**

- The Business Inclusion Manager conducted outreach through social media and community and business partners.
- City and County staff also conducted an optional virtual Q&A meeting.
- No MWBE firms submitted bids.

**Council Goal(s):**

- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- The Green Built Alliance has been managing and implementing the Blue Horizons Project for the past three years which will establish continuity with the continued program management.
- Buncombe County is also contracting with the Green Built Alliance in the amount of \$125,000 for the implementation of the Blue Horizons Project.

**Con(s):**

- None

**Fiscal Impact:**

- \$100,000 will be contributed by the City from the FY22 Office of Sustainability budget.
- Funding is already budgeted and available.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the [Blue Horizons Project](#) and Blue Horizons Project Community Council.

**RESOLUTION BOOK NO. 42 - PAGE 293**

**P. RESOLUTION NO. 21-153 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR COORDINATION OF WATERLINE INSTALLATION ALONG PATTON AVENUE**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a Construction Reimbursement Agreement with the N.C. Department of Transportation (NCDOT) at the estimated amount of \$150,446.23 for construction work associated with waterline installation within Patton Avenue.

**Background:**

- As part of a planned future water transmission main project along Patton Avenue, the Water Resources Department will need to install water mains crossing underneath the road surface of Patton Avenue.
- Due to the existing conditions of the project corridor, the method to install said water mains, which will be the most efficient, cost effective, and least disruptive to businesses is by traditional open trench.
- As a condition of installing the water mains crossing underneath Patton Avenue via the open trench method, the NCDOT is requiring that the water mains be installed prior to their scheduled resurfacing of the road in the Fall of 2021.
- The Water Resources Department is not capable of letting a separate utility construction contract in time to complete the work before NCDOT's scheduled resurfacing project, and so must utilize department staff to complete these water main installations.
- The NCDOT also has a planned stormwater drainage project scheduled prior to their planned resurfacing project and has offered to assist with the installation of the water mains as part of their project to expedite the water main installations.
- The NCDOT assistance will include time, equipment, and materials for trench excavation, trench and road restoration, traffic control and job site safety, while Water Resources will provide and install the water mains.
- The Water Resources Department will have to reimburse NCDOT for their assistance with the water main installation, which is defined by the NCDOT Construction Reimbursement Agreement.
- For the purpose of construction coordination and efficiencies, the City of Asheville Water Resources Department wishes to enter into this Construction Reimbursement Agreement



with NCDOT, which allows the water main work to be performed as part of the NCDOT's construction project.

- This work will be performed during night time hours, 7:00 PM to 7:00 AM and is anticipated to last 4 weeks.
- NCDOT has estimated that the cost of their portion of the work for this project will be \$150,446.23.

**Vendor Outreach Efforts:**

- Not Applicable

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Execution of the agreement allows the installation of municipal water lines to be performed under the NCDOT construction project, which will provide construction efficiencies producing cost savings and allow construction schedules to be met.
- 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):**

- Failure to execute the agreement hinders the City of Asheville Water Resources Department's ability to meet obligations to NCDOT for the installation of municipal water lines within the NCDOT right-of-way.
- Failure to execute the agreement prevents the installation of municipal water lines from being performed under the NCDOT construction project. This will create difficulties with construction coordination, create a lack of efficiencies, and add to the overall cost of the construction.

**Fiscal Impact:**

- The funding needed for this agreement is currently allocated within the NCDOT Projects in the Water Resources Capital Improvement Projects Fund.

**Motion:**

- Move to adopt a resolution authorizing the City Manager to execute a Construction Reimbursement Agreement with the N.C. Department of Transportation (NCDOT) at the estimated amount of \$150,446.23 for construction work associated with waterline installation within Patton Avenue.

**RESOLUTION BOOK NO. 42 - PAGE 294**

- Q. RESOLUTION NO. 21-154 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE FISCAL YEAR 2021 FEDERAL TRANSIT ADMINISTRATION "AREAS OF PERSISTENT POVERTY GRANT PROGRAM" TO DEVELOP A CONCEPT DESIGN AND PROGRAM FOR THE FUTURE TRANSIT CENTER EXPANSION AND MIXED-USE DEVELOPMENT OF 50 ASHELAND AVENUE, AND TO ACCEPT SAID GRANT IF AWARDED**

**Action Requested:** Authorize the City Manager to submit an application for the Fiscal Year (FY 2021 Federal Transit Administration “Areas of Persistent Poverty Grant Program” in the amount of \$850,000 (including a 10% match), for the purpose of completing a community engagement and planning process for the future Transit Center expansion and mixed-use development of 50 Asheland Avenue (aka the Talbert Lot); and if awarded, to accept the funds and sign all of the necessary agreements.

**Background:**

- At the May 25, 2021, City Council meeting, the purchase of 50 Asheland Ave. was authorized for the purpose of:
  1. planning, designing, and constructing a new and/or expanded downtown transit center in conjunction with
  2. a larger mixed-use development to include affordable housing, and
  3. to advance racial equity in the development of the property, constructing the improvements, and defining the uses (such as potential partnerships with community land trust(s), community spaces, a “Purpose Built Community” type structure around intention, etc.).
- The Federal Transit Administration (FTA) released a Notice of Funding Opportunity for its FY21 “Areas of Persistent Poverty” grant program in mid-July.
- The application is due August 30.
- The competitive grant program provides funding for projects that help lift communities out of poverty by supporting transit service improvements in underserved communities.
- FTA's [Areas of Persistent Poverty Program](#) supports “planning, engineering and technical studies or financial planning to improve transit services in any areas experiencing long-term economic distress...”
- The existing Transit Center, and recently 50 Asheland Ave. (aka Talbert Lot), are located within a Census tract that is considered to be an “area of persistent poverty,” which is defined as having a poverty rate of at least 20% between 2014-2018 per Census data.
- Projects are expected to address the following criteria:
  - System condition and service reliability
  - Enhanced access and mobility
  - Accelerating innovation
  - Emission reductions
  - Barriers to low income housing
  - Racial equity and barriers to opportunity
  - Environmental justice
- The grant, if awarded, would provide funding to conduct the necessary comprehensive and targeted community engagement to develop a vision, program of uses, and concept design for the future development of 50 Asheland Avenue in accordance with the direction set by Council when the property was purchased.
- Extensive community involvement and engagement will be included in the scope of the grant project, and will integrate community leaders, transit riders, and affordable housing advocates into the overall project team to assist in gathering public input.

**Vendor Outreach Efforts:**

- N/A

**Council Goal(s):**

- Transportation and Accessibility
- Quality Affordable Housing
- A Well Planned and Livable Community

**Committee(s):**

- None

**Pro(s):**

- The grant funding will allow for the City and community to take the next steps toward future development of 50 Asheland Avenue, including expansion of the transit center and providing quality affordable housing.
- The funding would also serve to further build relationships among transit riders, affordable housing advocates, and various community stakeholders/leaders and nearby property owners.

**Con(s):**

- None

**Fiscal Impact:**

- The total project request is \$850,000; the match requirement is 10%, or \$85,000.
- Potential sources include available affordable housing bond funds or other available affordable housing dollars, to be determined if the grant is awarded.

**Motion:**

- Motion to authorize the City Manager to submit an application for the FY21 Federal Transit Administration "Areas of Persistent Poverty Grant Program" in the amount of \$850,000 (including a 10% match), for the purpose of completing a community engagement and planning process for the future Transit Center expansion and mixed-use development of 50 Asheland Avenue (aka the Talbert Lot); and if awarded, to accept the funds and sign all of the necessary agreements.

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**RESOLUTION BOOK NO. 42 - PAGE 295**

**R. RESOLUTION NO. 21-155 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A SOLE-SOURCE PROCUREMENT OF FIRE STATION ALERTING SECURITY UPGRADES TO MAINTAIN THE EXISTING MACH ALERT SYSTEM USED IN ALL ASHEVILLE FIRE STATIONS**

**Action Requested:** Adoption of a resolution authorizing a sole source justification for the purchase of equipment and materials from MOTOROLA SOLUTIONS, INC. for Mach Alert Servers and authorizing the City Manager to enter into a service contract, with the same, for the operation and maintenance of the system and equipment.

**Background:**

- Asheville Fire Rescue operates a fire station alerting system for emergency dispatching which is provided by Mach-Alert.
- These systems are integrated with the City's Motorola radio system and deployed at all area fire stations.
- 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. Security updates,

upgrades, or expansions of these systems require specific equipment or systems to be procured with sole source methods.

**Vendor Outreach Efforts:**

- Sole source procurement allows for products to be purchased exclusively from one vendor to ensure the expansion of an existing system using proprietary components.
- In using sole source procurement, there is no further outreach conducted 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 total amount of the purchase for equipment and services is \$88,858 which is included in the FY22 budget.
- The alternative would be to replace the system with a new system which would be significantly more expensive.

**Motion:**

- Motion to adopt a resolution authorizing the sole source justification for the purchase of equipment and materials from MOTOROLA SOLUTIONS, INC. for Mach Alert Servers and authorizing the City Manager to enter into a service contract, with the same, for operation and maintenance of the system and equipment.

**RESOLUTION BOOK NO. 42 - PAGE 296**

**S. RESOLUTION NO. 21-156 - RESOLUTION DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER SYSTEM REVENUE BONDS AND CERTAIN RELATED MATTERS**

**Action Requested:** Adoption of Initial Resolution for the proposed 2021 Water Revenue Refunding Bonds

**Background:**

- In May, 2018, Council authorized the issuance of a Water Revenue Bond Anticipation Note (Water BAN) draw program in an amount not to exceed \$40 million.
- The loan was used to reimburse the City for expenses associated with the North Fork Dam project.
- The City has drawn down the full amount of the loan, \$40 million.
- To pay off the Water BAN loan, the City intends to issue long-term, fixed-rate Water Revenue Refunding Bonds in an amount not to exceed \$40.5 million in late-September 2021. The bond amount includes anticipated cost of issuance expenses.

**Council Goal:**

- Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Converts a short-term variable-rate loan to long-term, fixed-rate refunding bonds.
- Spreads capital costs over a longer term to better match the life of the water asset, the North Fork Dam

**Con(s):**

- None

**Fiscal Impact:**

- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt.
- This increase is included in the City's long-range financial model for issuing and paying-off debt.
- The final amounts of the new debt service payments will be determined on the bond sale date.

**Motion:**

- Motion to adopt the 2021 Water Revenue Refunding Bonds Initial Resolution

**RESOLUTION BOOK NO. 42 - PAGE 297**

**T. RESOLUTION NO. 21-157 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY FOR THE HOMEOWNERS ASSISTANCE GRANT PROGRAM**

**Action Requested:** Adoption of a resolution authorizing the execution of an interlocal agreement between the City of Asheville and the County of Buncombe to establish a Homeowner Grant Program.

**Background:**

- At its July 13, 2021 meeting, the Buncombe County Board of Commissioners approved a Homeowner Grant Program and an interlocal agreement between the City of Asheville and Buncombe County authorizing City of Asheville participation in the program.
- As outlined in the agreement, residents who own residential property that they have lived in their primary residence for at least five years and who earn less than 80% of Area Median Income (AMI) as a household will be eligible to participate in the program.
- Grantees who apply for the program and meet these criteria, and who reside in the City limits, will receive a maximum grant award of \$300 from Buncombe County and \$200 from the City of Asheville.
- The County will be responsible for administering the program and paying any grants awarded, and thereafter invoice the City quarterly for its share of any grants awarded.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Provides assistance with homeowner costs for City households whose income is below 80% of AMI.

**Con(s):**

- None.

**Fiscal Impact:**

- The fiscal impact of this new program will depend on the number of participants, and is thus unknown at this time.
- The Adopted FY 2021-22 General Fund budget includes \$150,000 to fund the City's participation.
- If additional funding is needed, staff will request a budget amendment from unassigned fund balance later in the fiscal year.

**Motion:**

- Motion to adopt a resolution authorizing the execution of an interlocal agreement between the City of Asheville and the County of Buncombe to establish a Homeowner Grant Program.

**RESOLUTION BOOK NO. 42 - PAGE 299**

**U. RESOLUTION NO. 21-158 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND APPROVE PAYMENT FOR THE PURCHASE OF A WATERLINE EASEMENT ACROSS THE PROPERTY AT 1296 AND 1340 PATTON AVENUE**

**Action Requested:** Approval from Council authorizing the City Manager to sign and approve payment for the purchase of the easement across the property of 1296 and 1340 Patton Avenue (parcels 8 & 9).

**Background:**

- The Water Resources Department has a planned project to install a 24-inch waterline along Patton Avenue from Haywood Road to Florida Avenue.
- As part of this project, temporary construction and permanent easements are being purchased for the installation of sections of the planned waterline that must be installed outside existing public rights of way.
- As part of the professional services design contract for the project, the Water Resources Department utilized O.R. Colan Associates to appraise the needed easement values and negotiate the price and conditions with the property owners.
- The negotiated price of the easement across the subject parcels is \$230,075.
- Because the easement value is above the \$100,000 threshold, we are requesting approval from Council to authorize the City Manager to sign and approve payment for this easement purchase of \$230,075.
- This project is being coordinated and in partnership with the N.C. Dept. of Transportation.

**Vendor Outreach Efforts:**

- Not Applicable

**Council Goal(s):**

- A Financially Resilient City
- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- The approval for the purchase of this easement will provide the necessary easement to construct the upcoming water distribution project as designed without modification.

**Con(s):**

- Denial of the purchase of the easement would require modification of the planned waterline route and may delay or prevent construction of this critical project.

**Fiscal Impact:**

- Funds for the purchase of easements 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 sign and approve payment for the purchase of an easement across the property of 1296 and 1340 Patton Avenue (parcels 8 & 9).

**RESOLUTION BOOK NO. 42 - PAGE 305**

- V. **RESOLUTION NO. 21-150 - RESOLUTION AMENDING THE 2021 CITY COUNCIL MEETING SCHEDULE TO ADD A WORKSESSION ON THE AMERICAN RESCUE PLAN ACT SUMMARY PLAN AT 2:30 P.M. ON AUGUST 24, 2021, AT HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE, N.C.**

**RESOLUTION BOOK NO. 42 - PAGE 306**

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 Mosley moved for the adoption of the Consent Agenda, with (1) the amendment to Consent V - the worksession time to be 2:30; and (2) Consent K be deleted from the Consent Agenda for discussion and/or an individual vote . This motion was seconded by Councilwoman Turner and carried unanimously.

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

- K. **RESOLUTION NO. 21-149 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GLEESON BUILDERS LLC FOR THE BROADWAY PUBLIC SAFETY STATION PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Gleeson Builders, LLC, in the amount of \$10,984,000, for the Broadway Public Safety Station project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 8% (\$878,720).

**Background:**

- The Broadway Public Safety Station will be a 21,831 sq. ft., three story combined use facility comprised of a fire station (Fire Station 13), a police substation, an emergency operations center (EOC), and a community meeting room.
- The land for the project was purchased in 2014.
- The design for this project started in January 2019.
- The project is striving for the LEED Silver green building certification and will include a 60 kilowatt (kW) solar photovoltaic array.
- The building is considered an essential facility by the N.C. Building Code and is required to be built to the more robust Category IV structural standard which is used for hospitals, fire, police, and ambulance stations.
- There may be some additional cost in meeting this requirement.
- This will probably have a similar impact to the LEED certification.
- The additional cost of both of these items is in the bid cost
- The 1.7 acre parcel is a tight fit for this facility and requires the use of an underground stormwater detention system and a 23 foot tall retaining wall.
- Four bids were received and opened on May 20, 2021. The resulting bids, including owner-approved bid alternates, are listed below:

<u>Contractor</u>	<u>Location</u>	<u>Amount</u>
Gleeson Builders, LLC	Charlotte, NC Branch	\$ 10,984,000
H&M Constructors	Asheville, NC	\$ 11,735,500
Harper Corporation	Asheville, NC Branch	Non-Responsive Bid
KMD Construction, LLC	Salisbury, NC	Non-Responsive Bid

- Construction schedule: It is difficult to determine the exact schedule for this project at this time.
- Due to the uncertainty in delivery and procurement for steel products on this project, the contractor will be provided an initial notice to proceed after steel shop drawings are approved.
- Once dates are established for the delivery of steel, the contractor will be provided with a notice to proceed for the remaining construction, which will include a 425 calendar day construction duration.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State’s Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Gleeson Builders, LLC has committed to expend a minimum of \$175,650 with a hispanic-owned business, \$1,600 with a woman-owned business, and \$101,960 asian-owned businesses, making the total minimum MWBE participation \$279,210.

**Council Goal(s):**

- A Clean and Healthy Environment & A Financially Resilient City

**Committee(s):**

- Board of Adjustment 9/28/2020, Variance approved for setback standards
- Urban Forestry Commission 11/16/2020, Alternative Compliance approved for landscape buffer

**Pro(s):**

- The facility provides needed life saving service coverage and other city services.
- The facility furthers the City’s sustainability goals by seeking the LEED Silver green building certification, and it includes a 60 kw solar array.



**Con(s):**

- The construction schedule may be impacted by material and labor slowdowns due to the pandemic.
- Due to the complexity of the project, the facility will cost more per square foot than other municipal facilities.

**Fiscal Impact:**

- Funding for this contract will come from previously approved capital project funds.
- The total amount of the contract is \$10,984,000 plus a contingency for possible change orders of \$878,720.

Six individuals were opposed to this contract because a new station is not wanted or needed. The funds should be used for low barrier shelters and other services for the homeless.

Councilwoman Roney would not be able to support this action as she felt this doesn't yet address all of our public safety needs. She felt we need to diversify our public safety responses. We have response issues in this location that need to be addressed, but also have a priority need for our land use. The 911 facilities need to be updated. We need to partner with the County on that and start working on paramedicine. She didn't see that in this proposal.

Mayor Manheimer explained that this is a multi-purpose facility which is needed for life saving service coverage for the fire department and other city services.

Councilwoman Wisler moved to adopt a resolution authorizing the City Manager to enter into a contract with Gleeson Builders, LLC, in the amount of \$ 10,984,000 for the Broadway Public Safety Station project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 8% (\$878,720). This motion was seconded by Vice-Mayor Smith and carried on a 6-1 vote, with Councilwoman Roney voting "no."

**RESOLUTION BOOK NO. 42 - PAGE 290**

**III. PRESENTATIONS & REPORTS:**

**IV. PUBLIC HEARINGS:**

**A. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF A PORTION OF RIGHT-OF-WAY AT 155 THOMPSON STREET**

**RESOLUTION NO. 21-160 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT 155 THOMPSON STREET**

Assistant Transportation Director Jessica Morriss said that this is the consideration of a resolution to permanently close a portion of right-of-way at 155 Thompson Street. This public hearing was advertised on July 2, July 9, July 16 and July 23.

**Background:**

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The City is the sponsor of the proposed right-of-way closure near 155 Thompson Street and is exchanging the closed right-of-way with the property owner, who is providing an easement to construct a section of the Swannanoa Greenway.

- This closure would not impede any future vehicular transportation connections nor does it conflict with any utility access.
- Signs were placed at two locations near the right-of-way announcing the public hearing.
- The City Council accepted the greenway easement from an adjacent property owner near this location at the June 8, 2021, meeting.
- The right-of-way in question was an extension of Thompson Street but is no longer used as a street.
- The City is the sponsor of the proposed right-of-way closure near 155 Thompson Street and is exchanging the closed right-of-way with the property owner, who has provided an easement to construct a section of the Swannanoa Greenway.
- The property owner has also provided an easement for a water line that is within the right-of-way being closed.
- The length of the proposed closure is approximately 350 ft and the width is 25 ft.

**Council Goal(s):**

- A Well-Planned and Livable Community

**Committee(s):**

- None

**Pro(s):**

- The proposed right-of-way closure in exchange for a greenway easement is mutually beneficial for the City and the property owner.

**Con(s):**

- None

**Fiscal Impact:**

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:25 p.m. and when no one spoke, she closed the public hearing at 5:25 p.m.

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

Councilwoman Roney moved to permanently close a portion of unopened right-of-way located at 155 Thompson Street. This motion was seconded by Councilwoman Kilgore and carried unanimously.

**RESOLUTION BOOK NO. 42 – PAGE 307**

**B. 66 LONG SHOALS ROAD**

Mayor Manheimer announced that the two public hearings for 66 Long Shoals Road will be combined.

**PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO MILLSTONE MANAGEMENT FOR 66 LONG SHOALS ROAD PROJECT**

**RESOLUTION NO. 21-161 - RESOLUTION APPROVING A LAND USE INCENTIVE GRANT FOR MILLSTONE MANAGEMENT FOR 66 LONG SHOALS ROAD PROJECT**

Community Development Programs Director Paul D'Angelo said that this is the consideration of a request for a land use incentive grant for Millstone Management for 66 Long Shoals Road Project. This public hearing was advertised on July 16, 2021.

**Review:**

- Millstone Management has applied for a Land Use Incentive Grant (LUIG) for their development at 66 Long Shoals per the LUIG policy adopted by City Council and amended on June 22, 2021.
- The development consists of 86 rental apartments with 17 of the homes (20%) serving individuals and families earning at or below 80% Area Median Income (AMI) for a minimum of 20 years.
- The project consists of one 2.85 acre parcel (PIN# 964479788200000) located within the Asheville city limits at 66 Long Shoals Road near Biltmore Park.
- The developer estimates an approximate total development cost of \$18M.
- Estimated Tax Value of the property is \$14.517M post-completion.
- The project, as presented to staff, meets the following Eligibility Requirements:
  - The proposed development consists of two or more dwelling units for rent;
  - At least 20% of the units will meet the affordability standards set by the City of Asheville for households earning at or below 80% of the Area Median Income (AMI).
  - The affordable units will be affordable to and leased to income-eligible households for at least 20 years.
  - The proposed development is located inside the city limits.
  - The proposed development provides residents convenient access to jobs, schools, and services.
  - The proposed development is over the 70% residential threshold in use based on square footage not to include a parking structure if applicable.
- Per the LUIG Scoring Matrix and based upon the policy, the project will receive:
  - 30 total points for affordability,
  - 20 points for the location,
  - 20 points for energy efficiency including solar panels, and an additional
  - 10 points for building in a Non-Qualified Census Tract,
  - For a total score of 80 points.
- Per the policy, this will equal 16 years of grants in the amount of the City Property Taxes payable on the 66 Longs Shoals Development.

**Proposal:**

- Affordable Rental Housing
  - The proposed project will provide seventeen (17) affordable units (20% of the total units) to individuals and families earning at or below 80% AMI,
  - With 9 (50% of the affordable units) accepting rental assistance,
  - For an affordability period of twenty (20) years.
  - Under this category, the project qualifies for 30 points.
- Rental Assistance
  - The proposed project will accept 9 Housing Choice Vouchers / Rental Assistance in the community, and possibly consider more.
  - Under this category, the project qualifies for 10 points.
- Superior locational efficiency
  - The proposed project is located within .25 mile of a 1/2 hour transit stop served by an existing sidewalk,
  - Within 1 mile from a job or urban center, and
  - Within a .5 mile from a Transportation Amenity.
  - Under this category, the project qualifies for 20 points.

- Energy Efficiency
  - The developer has committed to using Energy Efficiency (EE) / Energy Star Certification and the use of Solar Panels.
  - Under this category, the project qualifies for 20 points.
- Building in a NON-Qualified Census Tract
  - The developer is building in a NON QCT, where at least 50% of the households have incomes over 60% of the Area Median Gross Income (AMGI) or a poverty rate under 25%.
  - Under this category, the project qualifies for 10 points.
- Staff has scored the project with 80 points, which qualifies the project for sixteen (16) years of Land Use Incentive Grant.

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- Housing & Community Development Committee - July 20, 2021 - Approved Unanimously

**Pro(s):**

- The proposed project will provide 17 affordable rental housing units to households earning 80% or less of area median income;
- The proposed project will have an affordability period of twenty (20) years;
- The proposed project addresses the pressing need for affordable one-bedroom apartments with 8 Studio units and 9 One (1) bedrooms for a total of 17 affordable units;
- The proposed project should have a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy;
- The 17 affordable units are located near Biltmore Park (walkability score of 43 - car dependent; bike score of 35 - somewhat bikeable, minimal bike infrastructure) and provide employment & shopping options for individuals and families who fall within the 80% AMI incomes.
- Millstone Management will communicate with the Asheville Housing Authority and others that they are accepting Housing Choice Vouchers and Rental Assistance as the development prepares to come online.

**Con(s):**

- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.

**Fiscal Impact:**

- The parcel has a current tax value of \$1,638,900 and pays city property taxes of approximately \$6,605 annually.
- Under the estimated tax value of \$14,517,000 post-completion, the annual city property tax will be approximately \$58,504.
- The difference is \$51,899 which would be granted to the property owner annually after payment for 16 years.
- For 16 years and 17 affordable units at or below 80% AMI, the city will grant back a total of \$830,384 over the 16 years of the LUIG which equals \$48,846 per unit of subsidy which is lower than the estimate of up to \$80,000 in subsidy for 80% AMI homes as noted in Council Work Sessions and a subsidy cap noted in the LUIG Policy.
- After year 16, the City will receive the approximate \$58,504 annually in city tax revenue (depending on future property tax increases, etc.).
- Please note the City will still receive property taxes of approximately \$6,605 in years 1 - 16.

- The City sets aside a budget annually for Land Use Incentive Grants.

**PUBLIC HEARING TO CONSIDER CONDITIONALLY ZONING 66 LONG SHOALS DRIVE FROM INSTITUTIONAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE PURPOSE OF TWO 3-4 STORY MULTI-FAMILY RESIDENTIAL BUILDINGS CONTAINING 87 RESIDENTIAL UNITS**

**ORDINANCE NO. 4388 - ORDINANCE TO CONDITIONALLY ZONE 66 LONG SHOALS DRIVE FROM INSTITUTIONAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE PURPOSE OF TWO 3-4 STORY MULTI-FAMILY RESIDENTIAL BUILDINGS CONTAINING 87 RESIDENTIAL UNITS**

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezone 66 Long Shoals Drive from Institutional District to Residential Expansion/Conditional Zone for the purpose of two 3-4 story multi-family residential buildings containing 87 residential units. This public hearing was advertised on July 16 and 23, 2021.

**Project Location and Contacts:**

- The project site consists of a moderately sized 2.85 acre parcel located at 66 Long Shoals Rd. (PIN 9644-79-7882).
- Owner: Virginia Sawallis Schmidt Trust.

**Summary of Petition:**

- Included in this petition is a request to construct 87 multi-family residential dwelling units in two separate, multi-story buildings, along with sidewalk, surface parking and other related site improvements.
- The applicant is seeking a conditional rezoning due to the number of units proposed (over 50) classifying this as a Level III Conditional Zoning application.
- New building construction includes two multi-family apartment buildings with Building A proposed as a 3/4 split (3 stories on one side and four stories on another) that is not to exceed 45 feet in overall height.
- Building B is proposed as a 4/5 split (4 stories on one side and five stories on another) and is not to exceed 57 feet in overall height.
- Maximum density in the RES EXP district is 20 units/acre.
- A density bonus of 50 units/acre is permitted with a commitment for 20% of the units to be affordable at 80% area median income (AMI) for a minimum period of 20 years.
- 17 affordable units (20%) are proposed to be included in this project, which satisfies this requirement.
- 125 parking spaces are provided between the two buildings with 27 of those being covered garage spaces and 17 being tandem parking spaces.
- Landscaping, open space and tree canopy preservation requirements will be satisfied.
- A pedestrian connection between the community and the adjacent high school is proposed.

**Comprehensive Plan Consistency:**

- The proposed development supports a number of goals including encouraging responsible growth by providing infill development in targeted growth areas (p. 131) and by increasing the supply of housing, including affordable housing (pp. 179 & 183) in proximity to schools, transit and parks (pp. 246 & 251).

**Compatibility Analysis:**

- The high density residential project is compatible with the small commercial services/offices located on both the east and west sides of the subject property, and the 36 acre campus of TC Roberson High school to the north.
- Across Long Shoals Rd. to the south is Lake Julian Park, which provides recreational opportunities to the project.

**Council Goal(s):**

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

**Committee(s):**

- Technical Review Committee (TRC) - May 3, 2021 - approved with conditions.
- Planning & Zoning Commission (PZC) - June 2, 2021 (hearing) & July 27, 2021 (vote) - approved 6:0.

**Staff Recommendation:**

- Staff recommends approval of this rezoning request based on the reasons stated above.

Mayor Manheimer opened the public hearings on both 66 Long Shoals Road issues at 5:37 p.m. and when no one spoke, she closed the public hearings at 5:37 p.m.

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

Councilwoman Turner moved to approve the Land Use Incentive Grant application for Millstone Management / 66 Long Shoals. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 42 – PAGE 309**

Councilwoman Turner move to approve the conditional zoning request for the property located at 66 Long Shoals Rd. from Institutional (INST) to Residential Expansion-Conditional Zone (COM EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city’s comprehensive plan, and meets the development needs of the community in that the request: 1) supports infill development in a strategically located area targeted for growth; 2) provides housing units in proximity to transit, schools and parks, and; 3) supports city goals for affordable housing. This motion was seconded by Councilwoman Wisler and carried unanimously.

**ORDINANCE BOOK NO. 33 – PAGE 337**

**C. 101 CHARLOTTE STREET**

**PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO RCG LLC FOR 101 CHARLOTTE STREET PROJECT**

At the request of the developer, Councilwoman Kilgore moved to continue this public hearing until August 24, 2021. This motion was seconded by Councilwoman Wisler and carried unanimously.

**PUBLIC HEARING TO CONDITIONALLY REZONE 99999 CHARLOTTE**

**STREET, 121 CHARLOTTE STREET, 123 CHARLOTTE STREET, 125 CHARLOTTE STREET, 129 CHARLOTTE STREET, 135 CHARLOTTE STREET, 276 EAST CHESTNUT STREET and 99999 EAST CHESTNUT STREET FROM COMMUNITY BUSINESS I DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 3 BAIRD STREET, 15 BAIRD STREET, 19 BAIRD STREET, 23 BAIRD STREET, 25 BAIRD STREET, 132 FURMAN AVENUE and 134 FURMAN AVENUE FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 102 FURMAN AVENUE AND 99999 EAST CHESTNUT STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE, ALONG WITH AN AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATION OF 99999 EAST CHESTNUT STREET FROM TRADITIONAL NEIGHBORHOOD TO TRADITIONAL CORRIDOR**

At the request of the developer, Councilwoman Turner moved to continue this public hearing until August 24, 2021. This motion was seconded by Councilwoman Kilgore and carried unanimously.

**V. UNFINISHED BUSINESS:**

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 21-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO DONATE TWO CITY-OWNED LOTS (LUFTY AVENUE AND W. CHESTNUT STREET LOTS) TO THE ASHEVILLE-BUNCOMBE COMMUNITY LAND TRUST FOR \$1 EACH, SUBJECT TO AFFORDABLE HOUSING DEED RESTRICTIONS**

Interim Community & Economic Development Director Nikki Reid said that this is the consideration of a resolution authorizing the City Manager to donate two City-owned lots located on Lufty Avenue and W. Chestnut Street to the Asheville Buncombe Community Land Trust (ABCLT) for \$1 each, subject to affordable housing deed restrictions.

**Background:**

- The City of Asheville issued a request for proposals to developers on September 9, 2020 for three City-owned properties located on Lufty Avenue, West Chestnut Street, and Kentucky Drive to be used to build affordable housing.
- Ultimately, the Kentucky Drive property was removed from consideration, due to challenges with existing deed restrictions.
- Staff reviewed proposals in December and January and selected the ABCLT as finalist for the Lufty and Chestnut lots.
- Compact Cottages submitted the only other proposal.
- The ABCLT has proposed the following for each of the two lots:
  - Builder: The Juna Group, Inc. (MWBE business)
  - Tentative Size: 1,400 square feet
  - Sale Price: \$135,000
  - Maximum Income: 60% AMI
  - Construction Timeline: 12 months from closing date
  - Vision: equitable and diverse communities
- The terms of the proposed real estate transaction are:
  - Donation from the City of Asheville for \$1 for each of the lots
    - Appraised value of W. Chestnut St Lot is \$100,000
    - Appraised value of Lufty Lot is \$85,000

- Affordable housing deed restrictions to carry with the land
- Lots are not associated with Urban Renewal and therefore are not subject to the moratorium

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- Housing & Community Development Committee, June 15, 2021 recommended approval.

**Pro(s):**

- Permanent Affordable Housing within the Community Land trust Model
- Ideal locations for in-fill residential development

**Con(s):**

- None

**Fiscal Impact:**

- Land donation, otherwise no monetary exchange to take place

Ms. Reid responded to various questions/comments from Council, some being, but are not limited to, how much will the homes be sold for; what does the permanent affordable housing model look like; who is responsible for managing the sale of the homes; what are the lot sizes; is there an equity component into the process of who purchases the homes; and a request for Asheville-Buncombe Community Land Trust to provide information on their selection and application process.

When Mayor Manheimer asked for public comments, none were received.

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

Councilwoman Roney moved to authorize the City Manager to donate two City-owned lots (Lufty Avenue and W. Chestnut Street lots) to the ABCLT for \$1 each, subject to affordable housing deed restrictions. This motion was seconded by Councilwoman Kilgore and carried unanimously.

**RESOLUTION BOOK NO. 42 – PAGE 310**

**B. RESOLUTION NO. 21-163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A GRANT AGREEMENT FOR \$2 MILLION WITH HOMEWARD BOUND IN SUPPORT OF THE ACQUISITION OF THE DAYS INN LOCATED AT 201 TUNNEL ROAD FOR PERMANENT SUPPORTIVE HOUSING**

**ORDINANCE NO. 4389 - BUDGET AMENDMENT FOR GRANT AGREEMENT WITH HOMEWARD BOUND**

Community Development Programs Director Paul D'Angelo said that this is the consideration of a resolution authorizing the City Manager to negotiate and enter into a grant agreement for \$2 Million with Homeward Bound in support of the acquisition of the Days Inn located at 201 Tunnel Road for permanent supportive housing; and associated budget amendment.



**Background:**

- Homeward Bound is proposing a permanent supportive housing (PSH) apartment project for our homeless population.
- The agency intends to acquire the Days Inn located at 201 Tunnel Road.
- The motel sits on a 2.95 acre site and contains 128 guest rooms in two, 2 story buildings.
- This project will be an adaptive reuse of the existing motel and will create 85 affordable housing rental units for people experiencing chronic homelessness.
- Homeward Bound will convert 85 of the 128 rooms into permanent supportive housing units by adding a small kitchenette to each of the 85 units.
- The remaining rooms will be converted into office space for case managers, program managers, clinical staff, a permanent supportive housing director, and other agency staff.
- Space will also be provided for community partners to deliver on-site supportive services to residents.
- A Phase 1 Environmental Review / Environmental Assessment has been conducted with no findings.
- Housing units are targeted to special needs and underserved populations.
- This is a critical strategy in ending chronic homelessness and a key component of the Continuum of Care, providing an exit from homelessness for people with the most complex needs.
- The project will create affordable housing in perpetuity with a deed of trust and/or deed restriction reflecting this agreement.
- The total project cost is estimated at approximately \$13.5 million with \$6.5 million associated with property acquisition.
- The requested funding, as outlined below, will be used entirely for property acquisition.
- Homeward Bound anticipates closing on the property on or around August 14, 2021.
- Homeward Bound is seeking funding from the following sources for acquisition:

<b>Funding Source - Acquisition</b>	<b>Amount</b>
City of Asheville	\$2,000,000
Dogwood Health Trust	\$2,000,000
Buncombe County	\$2,000,000
Private Donor	\$500,000
<b>TOTAL</b>	<b>\$6,500,000</b>

***\*Homeward Bound anticipates needing \$6,900,000 to upfit the property for Permanent Supportive Housing & \$1,166,062 in annual operation costs, with annual revenues anticipated at \$1,321,900.***

- Homeward Bound has requested that the City's funds be structured as a grant to Homeward Bound in the amount of \$2 million for acquisition costs to provide 85 permanent supportive housing units.
- The City agrees that the lives of the chronically homeless in our community will greatly benefit by expediting this project.
- The City understands that this commitment and funding is important for Homeward Bound as it seeks other governmental/HUD sources of support for acquisition and renovation.
- The grant of City funds will be conditional upon closing of the property.

**Council Goal(s):**

- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- Quality Affordable Housing

**Committee(s):**

- Housing & Community Development Committee - May 18, 2021 - Approval
- City Council - June 22 2021 - Approval of Support for the project

**Pro(s):**

- This funding would help create 85 permanent supportive housing units.
- The proposed project is targeted to end homelessness for at least 85 people experiencing chronic homelessness, which aligns with the City of Asheville's Consolidated Plan goals.
- This investment per unit will be \$23,529 which is below our per unit investment for permanently affordable housing.
- Permanent Supporting Housing Projects, such as this one, can save a jurisdiction or municipality anywhere from \$17k to \$37k per person per year.

**Con(s):**

- None

**Fiscal Impact:**

- \$2M in American Rescue Plan Act (ARPA) funding as discussed on July 27, 2021, during the Council Worksession on ARPA funding.

When Councilwoman Wisler asked what happens if the other three funding sources fall through, Mr. D'Angelo said that he believed Homeward Bound is confident they will move forward with those funding sources.

In response to Councilwoman Wisler, Mr. D'Angelo explained this proposal vs. a low barrier shelter.

Councilwoman Roney expressed gratitude seeing hotel use transformed to permanently-supportive housing on a transit-denser corridor close to groceries and jobs, and that she was hopeful and grateful for the partnership.

Two individuals spoke to Council, one asking to defund the police and one questioning this homeless model.

Ms. Meredith Switzer of Homeward Bound explained the permanent supportive housing model.

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

Councilwoman Turner moved to approve a \$2M Grant to Homeward Bound to support its purchase of the Days Inn located at 201 Tunnel Road from American Rescue Plan Act (ARPA) funds; and the associated budget amendment. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 42 - PAGE 311  
ORDINANCE BOOK NO. 33 - PAGE 346**

**C. ORDINANCE NO. 4390 - ORDINANCE AMENDING PROVISIONS OF CHAPTER 10, ARTICLE IV OF THE CODE OF ORDINANCES CONCERNING NOISE REGULATION**

Development Services Director Ben Woody said that this is the consideration of an ordinance to amend provisions of Chapter 10, Article IV of the Code of Ordinances, concerning noise regulation, with a delayed effective date.

**Background:**

- Following a year-long [engagement and data collection](#) process, the city postponed the noise ordinance revisions due to the COVID-19 pandemic.
- In November of 2020, staff resumed the project and released a draft noise ordinance and received [public comment](#) on the draft ordinance.
- Following public comment, staff met with key stakeholders and subsequently developed [recommended changes](#) to the draft ordinance.
- [Sound measurement data](#) collected by staff between August 2019 to July 2021 illustrate decibel levels for common activities in Central Business District (CBD), commercial and industrial districts.
- Data indicate that all *common* activity, including outdoor patio and indoor activity, would *not* exceed the original staff recommended daytime decibel limits.
- Measurements indicate that some outdoor special events may exceed decibel limits and require a *sound exceedance* permit, depending on which decibel levels are chosen.
- Decibel limits would not apply to activity in public spaces or right-of-ways.
- Staff recommended decibel levels are:
  - CBD 72/67/62;
  - Commercial 65/57;
  - Industrial 70/65.
- These recommended decibel levels ensure that some outdoor special events and other loud sources of sound are subject to the sound exceedance permit standards.
- Staff recommend a *minimum* 30-day delayed ordinance effective date to provide adequate time for the establishment of a noise advisory board, the hiring of two staff positions, collection of additional data and establishment of a sound exceedance permitting program.
- Development Services will continue to work with the Asheville Police Department to develop enforcement strategies to address noise concerns under the current and future ordinances.

**Council Goal(s):**

- A well-planned and liveable community.

**Committee(s):**

- The Public Safety Committee on June 1, 2021 voted to move forward to the City Council with staff recommendations and revised decibel levels.

**Pro(s):**

- The ordinance proposes objective commercial and industrial noise standards that establish clear sound level limits and measurement procedures, thereby allowing sound producers to operate within the legal limits and providing for more effective enforcement by the city.
- The ordinance and associated program propose using a residential noise-disturbance standard and community-based approaches to equitably manage chronic noise issues typically found in multi-family developments and within residential settings.

- The *Reimagining Public Safety* initiative identified noise ordinance enforcement as a quality of life issue that can be collaboratively handled outside of traditional policing and in a way that promotes racial equity.

**Con(s):**

- Elements of the proposed noise ordinance will require field-based evaluation, and possible modification, to ensure expected outcomes are achieved.

**Fiscal Impact:**

- As part of the *Reimagining Public Safety* initiative, funds have already been allocated for noise ordinance administration and enforcement.
- Additional resources may be necessary in the future.

Using a PowerPoint, Mr. Ben Woody, Director of Development Services (DSD), said that the staff recommendations are (1) construction - limit hours of operation in all districts; require "After Hours" permit; (2) refuse collection - limit hours of operation in and near residential districts; (3) vehicle exhaust/revving - prohibit in all districts; enforced by Asheville Police Department; (4) commercial/industrial equipment - regulate using decibel standard; 4 dBA penalty for pure tone, continuous sound, cyclically varying sound or repetitive impulsive sound; (5) music overamplification - regulate commercial district/commercial business district events using decibel standard measured at the receiver; regulate public space/right-of-way events using noise disturbance standards; (6) fireworks - limit legal fireworks to public holidays; illegal fireworks remain illegal; limit Tourist baseball fireworks to 12 shows/year on Friday and Saturday until 11:30 p.m; (7) residential neighbors - regulate using noise disturbance standard to enable equitable enforcement; and (8) dogs and animals - consolidate into City Code Chapter 3; administered by DSD Animal Services. He explained Section 10.83 (General Regulation) - Sound originating in public space, rights-of-way and residential districts - noise disturbance standard for equity. Sound originating in CBD, commercial and industrial districts - objective decibel standard for clarity. He explained the following objective decibel standard:

Originating District	Daytime 7:00 am - 11:00 pm *12:00 am Fri-Sat	Nighttime 11:00 pm - 7:00 am *12:00 am Fri-Sat	Late Night 2:00 am - 7:00 am (CBD only)
Central Business District (CBD)*	75 <del>72</del> dBA	70 <del>67</del> dBA	65 <del>62</del> dBA
Commercial*	75 <del>65</del> dBA	65 <del>57</del> dBA	
Industrial	75 <del>70</del> dBA	65 dBA	

The decibel levels on the left are the Public Safety Committee recommendations. The crossed through decibel levels are staff recommendations. This chart is updated to reflect the Public Safety Committee recommendation from June 3, 2021. It subtracts 4 dBA for pure tone,

continuous, cyclically varying or repetitive impulsive sounds. It subtracts 8 dBA when measured in a residential district (if adopting Public Safety Committee decibel levels). And, sound is measured at receiving property using LAeq1 (average of 1 minute). Regarding the sound exceedance permit, Type 1 is 1-2 events - standard permit application; Type 2 is 3-8 events - standard permit application plus sound impact plan; and Type 3 is 9-30 events - standard permit application plus professional sound impact plan plus permitted as "Performance Center." (Staff recommends revising Performance Center criteria in the Unified Development Ordinance. A standard permit application would require site plan, event schedule, on-site contact information, and one-week advance notice to addresses within 500'. Staff recommends (1) if the Public Safety Committee recommended decibel levels are adopted that staff recommends including an 8 decibel reduction for sound measured in a residential district; (2) if the original staff recommended decibel levels are adopted, staff recommends NOT including an 8 decibel level reduction for sound measured in a residential district. Staff also recommends a minimum 30 day delayed ordinance effective date.

Through considerable discussion, mostly around decibel levels, Mr. Woody responded to various questions/comments from Council.

Councilwoman Roney named 521 unique emails among public input she has taken into account for her decision in this matter, including 188 from music industry professionals and 46 with neighborhood complaints, and listed current economic impact and jobs data for the arts industry as supplied by the Asheville Area Arts Council. She took responsibility for the motion she made at Public Safety as intentional, including commercial corridors, which was a compromise based on data, expertise, and the science of sound. While she appreciated our effort to prioritize a staff response through Development Services and beyond policing, which is currently the only response to noise complaints, she had concerns about staffing capacity if we have too strict an ordinance - that we might not be able to meet our own expectations or those of our neighbors with excessive noise in our neighborhoods. She stated that recommendations from the Public Safety Committee air on the side of caution--the City of Asheville has seen racial discrimination in our policies impacting Black, Brown, and poor people. She gave an example of orchestral versus bass-driven music, then shared concern for Asheville's cultural identity, placemaking, and economic mobility. She noted that Council will need to come back for review at a later date to assess the outcomes of this complaint-driven policy.

Taking into concerns of the East End/Valley Street Neighborhood Association and Oakhurst, Councilwoman Mosley asked that the ordinance be amended to reflect Tourist baseball fireworks to be on non-consecutive days.

Councilwoman Mosley moved to repeal Chapter 10, Article IV of the Code of Ordinances of the City of Asheville and replace the same with the new proposed noise ordinance specifically including the staff recommended decibel limits and nighttime hours, as well as the following modifications: (1) fireworks limited to non-consecutive days; (2) not having an 8 decibel level reduction for sound measured in a residential district, with the ordinance having an effective date of September 15, 2021. This motion was seconded by Vice-Mayor Smith.

Councilwoman Roney moved to amend the original motion to repeal Chapter 10, Article IV of the Code of Ordinances of the City of Asheville and replace the same with the ordinance language as recommended by the Public Safety Committee, with the modification of subtracting 8 decibels when measured in a residential district. This motion was seconded by Councilwoman Turner.

Several individuals, some representing organizations, spoke in support of the staff recommendations (or lower decibel levels as recommended by the Coalition of Asheville

Neighborhoods), for several reasons, some comments being, but are not limited to: excessive noise must be mitigated at the source; we must aggressively manage repeat offenders; eliminate negative health impact; reduce total complaints through source mitigation; balance resident well-being with urban vibrancy; mitigate risk of noise-related sleep disturbances; institute a trial period; City Council must protect our safety, our quality of life; and our health; noise is an ongoing public health threat including hearing loss, stress, sleep reduction, exposure to diseases and negative impact on childrens' cognitive development; people cannot open their windows or set outside due to excessive noise; consider the impact on the affordable housing initiative (Asheland Avenue) that will have high impact due to proximity of open-air performance center; either delay the vote to experience first-hand the open air/amplified music or agree to revisit in November after you have experienced Brothers Osbourne and Nathaniel Rateliff concerts from his residence or patio to get the full impact; and buskers should not be allowed to have amplifiers as if they are playing in a large venue.

Several industrial, some representing organizations, spoke in support of the Public Safety Committee recommendation for several reasons, some comments being, but are not limited to: From John Hopkins medicine, whose mission is to improve the health of the community and the world by setting the standard of excellence in medical education stated, "... if you want to exercise your brain, listen to music" and "60 db represents normal conversation"; statistics from the Economic Development Coalition in 2016 showed business contributes to our economy by 8,000 jobs in the music industry or supported by it; \$33 million in generated tax revenue; 4 times over expectations of high growth; \$96 million in labor income; and \$384 of the regional economy; downtown was dead after 5:00 p.m. years ago, but now downtown music brings people back; if decibels go lower, performers will not come to Asheville; several magazines have praised Asheville as the place to go for music in North Carolina; people want to invest in the music industry in Asheville; local acts have an enormous impact as they open for the national acts; if downtown residents don't like the music, they should move because downtown is vibrant; and music is therapeutic.

Councilwoman Turner said that regardless of which motion is adopted, it will not appease everyone. She hoped that this will address the continuous noise with the Mission Hospital HVAC system. The majority of complaints received are addressed in this proposed ordinance, i.e., prohibiting exhaust, limiting fireworks, limiting hours of construction and refuse collection, over amplification. She noted that one of the lowest complaint-driven categories is live music. She felt that we do need management because older residents have watched downtown grow and it is getting louder. She noted that we have not tested some options that some downtown venues have offered i.e., higher rated sound windows, etc. We also have been trying to update the Downtown guidelines. She supported the Public Safety Committee recommendations, with a reduction of 8 decibels when measured in a residential district, and revisiting the ordinance in six months.

Councilwoman Kilgore noted that staff's decibel levels are not that different from the Public Safety Committee's recommendations in some categories. She was leaning towards a more balanced approach, noting that sound exceedance permits are allowed for those venues that want to exceed the approved decibel levels. She agreed with Councilwoman Roney that we should do a heat map to see where the noise is and to better address it.

Councilwoman Roney noted that we have not heard from performance artists or other groups, so we need to be cautious on how we roll this out. She sought clarity regarding how the noise ordinance would impact protests and rallies.

Mayor Manheimer thanked everyone for their participation in this process. She felt we may need to revisit this ordinance in 6 months. There are other noise complaints that will not be able to be addressed here, but we will continue to work on those.

The amendment to the original motion made by Councilwoman Roney moved to repeal Chapter 10, Article IV of the Code of Ordinances of the City of Asheville and replace the same with the ordinance language as recommended by the Public Safety Committee, with the modification of subtracting 8 decibels when measured in a residential district, and seconded by Councilwoman Turner failed on a 2-5 vote, with Councilwoman Roney and Councilwoman Turner voting “yes” and Mayor Manheimer, Vice-Mayor Smith, Councilwoman Kilgore, Councilwoman Mosley and Councilwoman Wisler voting “no.”

The motion made by Councilwoman Mosley moved to repeal Chapter 10, Article IV of the Code of Ordinances of the City of Asheville and replace the same with the new proposed noise ordinance specifically including the staff recommended decibel limits and nighttime hours, as well as the following modifications: (1) fireworks limited to non-consecutive days; (2) not having an 8 decibel level reduction for sound measured in a residential district, with the ordinance having an effective date of September 15, 2021, and seconded by Vice-Mayor Smith carried on a 5-2 vote, with Mayor Manheimer, Vice-Mayor Smith, Councilwoman Kilgore, Councilwoman Mosley and Councilwoman Wisler voting “yes” and Councilwoman Roney and Councilwoman Turner voting “no.”

#### **ORDINANCE BOOK NO. 33 – PAGE 347**

#### **D. BOARDS & COMMISSIONS**

Regarding the African American Heritage Commission, the following individuals applied for the vacancy: Thomas Ryan and Dewayne McAfee. At the request of the Commission, it was the consensus of the Boards & Commissions Committee and City Council to re-advertise for that seat.

Regarding the Board of Electrical Examiners, no individual applied for the position of journeyman electrician. Therefore, it was the consensus of the Boards & Commissions Committee and City Council to re-advertise for that seat.

Regarding the Buncombe County Tourism Development Authority, the following individuals applied for the specific open seats: Matthew Lehman, Pratik Bhakta and Michael Lusick. It was the consensus of the Boards & Commissions Committee and City Council to readvertise for the seats.

Regarding the Historic Resources Commission, the following individual applied for the vacancies: Amanda Vollrath. At the recommendation of the Commission, it was the consensus of the Boards & Commissions Committee and City Council to re-advertise for that seat.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancies: Marty Shults, Joseph Chesler, Bill Loftis, Christine Harris, Micah McLain, Karla Furnari and Leanna Joyner. It was the consensus of the Committee to re-advertise for the three seats.

Regarding the Planning & Zoning Commission, the following individuals applied for the vacancies: Sherrye Coggiola, Roosevelt Harvin, Ricardo Seijo, Sara Wilcox, Lee Arevian, Kenneth Bussey Jr. and Geoffrey Barton. It was the consensus of the Boards & Commissions Committee and City Council to interview Sherrye Coggiola, Roosevelt Harvin, Ricardo Seijo, Sara Wilcox, Kenneth Bussey Jr. and Geoffrey Barton.

#### **RESOLUTION NO. 20-165 - RESOLUTION APPOINTING MEMBERS TO THE CITIZEN-POLICE ADVISORY COMMITTEE**

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Citizens-Police Advisory Committee.

The terms of Michael Hayes (west representative) and Karl Katterjohn (east representative) expired on June 30, 2021.

The following individuals applied for the specific vacancies on the west and east: Mary Ammerman (west), Tim Kelley (west) and Mary Clarissa Marshall (east).

It was the consensus of the Boards & Commissions Committee to reappoint Karl Katterjohn for the east representative and reappoint Michael Haynes for the west representative.

Vice-Mayor Smith moved to (1) reappoint Karl Katterjohn (east representative) to serve an additional three-year term, term to expire June 30, 2024, or until Karl Katterjohn's successor has been appointed; and (2) reappoint Micheal Hayes (west representative) to serve an additional three-year term, term to expire June 30, 2024, or until Michael Hayes' successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

**RESOLUTION BOOK NO. 42 - PAGE 314**

**RESOLUTION NO. 21-164 - RESOLUTION APPOINTING A MEMBER TO THE MOUNTAIN COMMUNITY CAPITAL OPERATING FUND**

Vice-Mayor Smith , Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Mountain Community Capital Operating Fund.

Lynn Smith has resigned as a member of the Mountain Community Capital Operating Fund, thus leaving an unexpired term until April 1, 2023.

The following individuals applied for the vacancy: Gilbert Amengual, Carl Alguire, Dane Barrager and Catriona Savage.

At the request of the Board Chair, it was the consensus of the Boards & Commissions Committee to appoint Carl Alguire.

Vice-Mayor Smith moved to appoint Carl Alguire, as a member of the Mountain Community Capital Operating Fund to serve the unexpired term of Lynn Smith, term to expire April 1, 2023, or until Carl Alguire's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously.

**RESOLUTION BOOK NO. 42 - PAGE 313**

**RESOLUTION NO. 21-166 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE**

Vice-Mayor Smith , Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Neighborhood Advisory Committee.

The term of Spencer Hardaway (representing 28803 or 28704 zip code) expired on July 1, 2021.

The following individuals applied for the vacancies: Bonnie Snyder Hamrick, Sandra K. Smith, Tracy Fagan Brown and S. Elizabeth Likis-Werle.



At the request of the Committee, it was the consensus of the Boards & Commissions Committee to appoint Bobbette Mays (currently serving at-large) to the 28803 or 28704 seat appoint S. Elizabeth Likis-Werle to the at-large seat (currently left open by Ms. Mayes.

Vice-Mayor Smith moved to (1) appoint Bobbette Mays (currently serving at-large seat) to the seat representing 28803 or 28704 zip code, term to expire July 1, 2024, or until Bobbette Mays' successor has been appointed; and (2) appoint S. Elizabeth Likis-Werle to the at-large seat, currently left vacant by Ms. Mayes, to serve the unexpired term of Ms. Mays, term to expire July 1, 2022, or until S. Elizabeth Likis-Werle's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 42 - PAGE 315**

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

Five individuals spoke to Council on various items, some being, but are not limited to: need to support the Asheville Police Department; defund the Asheville Police Department; City's theme of gentrification; and need for remote public participation options.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 9:42 p.m.

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CITY CLERK

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MAYOR