

Tuesday – November 9, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 26, 2021**

- B. RESOLUTION NO. 21-226 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT FISCAL YEAR 2021 CONTINUUM OF CARE (CoC) CONSOLIDATED APPLICATION, FISCAL YEAR 2021 CoC PLANNING GRANT APPLICATION, AND THE FISCAL YEAR 2021 HOMELESS MANAGEMENT INFORMATION SYSTEM GRANT APPLICATION, AND ACCEPT ANY FUNDING AWARDED**

Action Requested: Authorize the City Manager signature and submission of Fiscal Year (FY) 2021 U.S. Department of Housing and Urban Development Continuum of Care (CoC) Competition Consolidated Application on behalf of the NC-501 Asheville-Buncombe Continuum of Care, execute contracts for any grants awarded, and accept any funding awarded.

Background:

- The City of Asheville serves as the Continuum of Care Lead for the NC-501 Asheville-Buncombe Continuum of Care (CoC).
- Each CoC Lead is responsible for submitting the community's Consolidated Application to be considered for grant funding from the CoC Competition.
- For FY2021, there is \$1,774,234 available to fund eligible renewal projects in the CoC, which includes \$67,500 for the City of Asheville to operate the Homeless Management Information System (HMIS) for the entire NC-501 CoC.
- There is also \$53,227 available for CoC Lead Planning costs (not ranked).
- There is also \$195,882 of bonus funding potentially available to the NC-501 CoC for new Permanent Supportive Housing and Rapid Re-Housing projects;
- The Finance Workgroup of the Homeless Initiative Advisory Committee (HIAC) has reviewed, scored, and ranked the project applications that were submitted during the competition period and submitted its recommendations to HIAC on October 29, 2021.

- HIAC unanimously approved the Finance Workgroup's recommendations and recommended that the City of Asheville submit the Consolidated Application, including the Project Priority Listing.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Homeless Initiative Advisory Committee Finance Workgroup - October 21, 2021 - unanimously approved
- Homeless Initiative Advisory Committee - October 29, 2021 - unanimously approved

Pro(s):

- Provides revenue to support the City's role in coordination of required activities for the community to remain eligible for HUD Continuum of Care funding and support of the community's Homeless Management Information System (HMIS).
- Provides funding to sustain existing Permanent Supportive Housing (PSH) and Rapid Re-Housing (RRH) efforts.

Con(s):

- None.

Fiscal Impact:

- \$120,727 in revenue to the City of Asheville for direct support of essential operations of the Asheville-Buncombe Homeless Initiative and the community's Homeless Management Information System.
- Planning Grant requires a city match of 25% (\$13,307), which is already included in the FY 2021-22 General Fund budget.

Motion:

- Motion to authorize the City Manager's signature and submission of the FY 2021 HUD Continuum of Care Consolidated Application on behalf of the NC-501 Asheville-Buncombe Continuum of Care, signature and submission of FY 2021 HUD Continuum of Care Planning Grant Continuum of Care Homeless Management Information System funding applications, to execute grant agreements for any funds awarded, and accept any funds awarded.

RESOLUTION BOOK NO. 42 - PAGE 397

C. RESOLUTION NO. 21-227 - RESOLUTION AUTHORIZING SOLE SOURCE APPROVAL FOR BENTLEY SYSTEMS' SENSEMETRICS SOFTWARE AT NORTH FORK RESERVOIR DAMS FOR MONITORING SYSTEM TO EVALUATE THE INTEGRITY AND SAFETY OF THE DAMS

Action Requested: Sole source approval for contract with current vendor, Bentley Systems - Sensemetrics products and service, for 1 year with two one-year options for renewal.

Background:

- During the recent upgrades to both the Main and Saddle dams at North Fork Reservoir, specialized instrumentation was installed to detect any seepage and/or seismic anomalies within the dams.
- This equipment is manufactured by Bentley Systems - Sensemetrics products and they are the sole providers of the required software and instrumentation maintenance.

- This system and its software provide real-time data that can be easily accessed and reviewed by the dam managers.
- This system provides a standards-based approach for collecting, organizing, and structuring data from the dams, and detects structural anomalies prior to negative impacts within our earthen dams.
- The system provides the ability to proactively manage the dams assets and aids in ongoing compliance with identified risk management practices.

Vendor Outreach Efforts:

- BentleySystems is the sole provider of Sensemetrics products and services.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None.

Pro(s):

- Ensure the physical integrity and safety of the dams at North Fork Reservoir by continuing to maintain an up-to-date and precise monitoring system and data management.

Con(s):

- If not approved, the current contract will lapse.

Fiscal Impact:

- The annual cost is \$9,840, A three year cost would be \$29,520. Funding is within the Water Operations budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a Sole source contract with current vendor, Bentley Systems - Sensemetrics products and service, for 1 year with two one-year options for renewal.

RESOLUTION BOOK NO. 42- PAGE 398

D. RESOLUTION NO. 21-245 - RESOLUTION ACCEPTING FUNDS FROM THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT HOME AMERICAN RESCUE PLAN PROGRAM

ORDINANCE NO. 4909 - BUDGET AMENDMENT FOR FULL ALLOCATION OF HOME AMERICAN RESCUE PLAN ACT FUNDS

Action Requested: Recommend acceptance of and a budget amendment in the amount of \$4,699,882 in the City's HOME Fund for HOME-ARP funds to be allocated in a future amendment to the 2021-22 Annual Action Plan (AAP); and to designate the use of \$234,993.10 for HUD eligible administrative and planning costs necessary for the development of a local HOME-ARP allocation plan.

Review:

- The City of Asheville has received notification from HUD, the Department of Housing & Urban Development, that the City, as Participating Jurisdiction for HOME Investment Partnership Program (HOME) funds, will be receiving \$4,699,862 in a special funding allocation.

- Annual HOME funds provide formula grants to states and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income individuals and families.
- This special allocation of HUD HOME-ARP funds, from the American Rescue Plan Act, is to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the country.
- These grant funds will be administered through the HUD HOME program.
- HUD HOME ARP is providing up to 15% of the allocation for administrative and planning costs of the participating jurisdiction and subrecipients administering all or a portion of the grant.
- One-third of these administrative funds, or \$234,993.10, are available to the City now to get started with the eligible planning process around these funds, similar to but more in depth and comprehensive than the CDBG COVID-19 funding received last year.
- HUD requires that the City engage in consultation and public participation processes to develop a local HOME-ARP funding allocation plan that is data driven.
- The plan must describe how funds will be distributed within the four counties of the Asheville Regional Housing Consortium / ARHC (Buncombe, Henderson, Madison and Transylvania).
- The plan must include a needs assessment and gap analysis across the 4 counties to justify the use of funds that best addresses the needs of qualifying populations.
- The draft HOME-ARP allocation plan will be reviewed by the ARHC and then submitted to Council for consideration at a future public hearing.
- An adopted plan must also be added to the FY21-22 Annual Action Plan as a substantial amendment subject to public notice and HUD approval.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- None

Pro(s):

- Unique funding source available to assist people experiencing homelessness, to reduce homelessness and to increase housing stability across the Consortium Counties.
- Assistance with Administrative funding, including staffing and planning, from HUD.

Con(s):

- None

Fiscal Impact:

- This special allocation is fully funded from HUD and authorized by the American Rescue Plan Act.
- Staff costs to administer the program are also fully paid from federal sources.
- Timeline of Funding - HUD published the HOME-ARP funding notice on September 13, 2021, and began releasing guidance on planning and use requirements for the new funds.
- Per HUD instructions, a local allocation plan must be submitted as an amendment to the FY21-22 Annual Action Plan.
- All funds must be spent before September 30, 2030.

- Council action includes a budget amendment to fully budget the \$4,699,882 of HOME-ARP funds in the City's HOME Fund.
- Specific allocation of those funds will occur at a later date.

Motion:

- Recommend acceptance of and a budget amendment in the amount of \$4,699,882 in the City's HOME Fund for HOME-ARP funds to be allocated in a future amendment to the 2021-22 Annual Action Plan (AAP); and designate the use of \$234,993.10 for eligible administrative and planning cost necessary for the development of the comprehensive HOME-ARP allocation plan.

Community Development Programs Director Paul D'Angelo briefly explained the actions requested. At the request of Councilwoman Roney, Mr. D'Angelo explained what the City's role will be in engaging the public, especially those who are experiencing homelessness.

**RESOLUTION BOOK NO. 42 - PAGE 426
ORDINANCE BOOK NO. 34 - PAGE 11**

E. RESOLUTION NO. 21-228 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH J.L.S. COMPANY LLC FOR TRAFFIC CALMING INSTALLATION ON BURTON STREET, DORCHESTER AVENUE, FLORIDA AVENUE, RIVERVIEW DRIVE AND MOODY AVENUE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with J.L.S. Company LLC in the amount of \$96,220.00, for the Traffic Calming project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$9,622.00 (10%).

Background:

- Speeding and unnecessary through-traffic presents dangers that affect the quality of life in residential areas.
- In order to provide a safer environment, the City of Asheville seeks to provide traffic calming to neighborhoods that go through the process of requesting it.
- A 2000 Traffic Calming Policy approved by City Council established a protocol for responding to requests from residents for traffic calming installations.
- Bids were initially advertised on October 13, 2021. The City received and opened bids on October 27, 2021.
- Two bids were submitted, their name and bid amount is listed below:
 - French Broad Paving, Inc., Marshall, NC \$114,000.00
 - J.L.S. Company LLC, Skyland, NC \$ 96,220.00
- This bid was Informal, meaning it is acceptable to move forward with two bids.
- J.L.S. Company LLC was the lowest responsive, responsible bidder.

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.
- J.L.S. Company LLC is a woman-owned business and has selected portions of the work to be performed by New Dimensions In Pavement Markings, Inc., another woman-owned business, as a subcontractor.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- None

Pro(s):

- Installation of traffic calming devices (speed humps) typically reduce average speeds between humps by 20 to 25 percent.
- Traffic volume diversion is estimated around 20 percent.
- Average crash rates are reduced by an estimated 13 percent.

Con(s):

- There will be disruptions to traffic and the neighborhood during construction.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with J.L.S. Company LLC in an amount not to exceed \$105,842.00 to construct the 2021 Traffic Calming project.

Assistant Transportation Director Jessica Morriss and Capital Projects Director Jade Dundas briefly explained the action requested. Ms. Morriss responded to Councilwoman Roney when she asked about the timing of these requests. Ms. Morriss noted that they receive a significant amount of requests and a guesstimate is it takes approximately one year to make it through the entire process, beginning with a petition containing 40% of the neighbors.

RESOLUTION BOOK NO. 42 - PAGE 399

F. ORDINANCE NO. 4910 - ORDINANCE AMENDING AND REVISING PORTIONS OF CITY CODE PER N.C. SESSION LAW 2021-138 AND MAKING ADDITIONAL UPDATES AND CHANGES

Action Requested: Adopt revisions to City Code

Background:

- Per new state legislation, effective December 1, 2021, certain types of city ordinances may no longer be punished as misdemeanors or infractions, and all other ordinances may be enforced as a misdemeanor or infraction "if the city specifies such in the ordinance."
- The Asheville City Code contains numerous sections that do not specify a penalty "in the ordinance," but instead rely on a catch-all provision that punishes violations as a misdemeanor if another penalty is not specified.
- Many of these provisions, absent revision, would very likely be unenforceable if not revised before December 1.
- The City Attorney's Office has reviewed the Code and identified provisions that require revision to remain enforceable.
- In addition, it has identified other portions of the Code that are obsolete, or otherwise need revision due to changes to state law, case law, or changes in the City's structure since those ordinances passed.

Pro(s):

- Ensures numerous portions of the City Code will remain enforceable after December 1.

- Eliminates and updates obsolete and/or outdated provisions of City Code.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to approve ordinance updating various provisions of the City Code to comply with Session Law 2021-138 and making other revisions as suggested by City Attorney's Office.

City Attorney Branham briefly explained the action requested. In response to Councilwoman Roney, City Attorney Branham said that we had an extremely quick turnaround time to meet the December 1 deadline, or it would have been reviewed by the Governance Committee or the Public Safety Committee prior to reaching City Council.

ORDINANCE BOOK NO. 34 - PAGE 12

G. RESOLUTION NO. 21-229 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT EXTENSION WITH WNC LANDSCAPING LLC FOR THE DOWNTOWN CLEANING PROJECT

Action Requested: Adoption of a resolution to execute a one year extension of the downtown cleaning contract with WNC Landscaping, LLC in the amount of \$237,923.82, plus a 15% contingency of \$35,688.57, for a total of \$273,612.39 for extension 1 of the FY21 downtown cleaning contract.

Background:

- This is the first of two possible extensions for this contract.
- Each extension is for one year.
- This contract includes provisions for the pressure washing of City-owned sidewalks in the Central Business District (CBD), weed control on City-owned sidewalks and curblines, general cleanup services to remove loose litter and debris from City-owned sidewalks, and the cleaning of City-owned garbage and recycling cans.
- Specifically, Zone A of the CBD will be pressure washed six times in one year and Zone B will be pressure washed 2 times.
- The contractor will provide weed control on an as-needed basis and patrol daily for loose litter and debris.
- Garbage and recycling cans will be cleaned four times per year.
- The contract carries an automatic 3% price increase for each extension.
- The project was advertised on October 10, 2020 and bids were opened on November 5, 2020.
- The following five bids were received:

	(Base bid - Extra services determines low bid)
WNC Landscaping, LLC of Cedar Mountain, NC \$98,491.00	\$132,503.00
TruBlue Services, LLC of Easley, SC \$126,094.00	\$137,593.00

MsLean of Arden, NC	\$146,996.00
\$79,240.00	
PD Rivers of Hemingway, SC	\$158,035.00
\$101,720.00	
B.H. Graning Landscapes, Inc of Sylva, NC	\$185,808.00
\$114,684.00	

- The lowest responsive bid was determined by the base bid.
- The contract also requested prices for extra services to be provided by the lowest responsive bidder if the prices fit into the City’s budget.
- These services include two additional washing cycles of Zone A, daily loose debris pickup, and garbage can cleaning.
- The lowest responsive bidder provided acceptable prices for these items and they have been added to the contract.

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. One minority- or woman-owned business enterprise submitted a bid to be the prime contractor on the project. This company was not the lowest, responsive bidder and was not awarded the contract.

Council Goal(s):

- Well-Planned and Livable Community; Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Will continue the pressure washing of the CBD.
- Will provide for the cleaning of City-owned garbage and recycling cans, which are a source of complaint.
- Provides for increased pressure washing of Pritchard Park.

Con(s):

- Pressure washing can cause short disruptions for pedestrian traffic.

Fiscal Impact:

- Funding for this contract is in the Fiscal Year 2021-2022 budget.

Motion:

- Motion to adopt a resolution to execute a one year extension of the downtown cleaning contract with WNC Landscaping, LLC in the amount of \$237,923.82, plus a 15%

contingency of \$35,688.57, for a total of \$273,612.39 for extension 1 of the FY21 downtown cleaning contract.

RESOLUTION BOOK NO. 42 - PAGE 400

H. RESOLUTION NO. 21-230 - RESOLUTION TO ACCEPT A DONATION FROM BRIGHTFIELD TRANSPORTATION SOLUTIONS INC. FOR AN ELECTRONIC VEHICLE CHARGING STATION EQUIPMENT AND ASSOCIATED EQUIPMENT LOCATED IN THE PUBLIC WORKS PARKING LOT ON CHARLOTTE STREET AND THE ALOFT PARKING DECK ON BILTMORE AVENUE

Action Requested: Acceptance of a donation of electronic vehicle charging station equipment and associated equipment located in the Public Works parking lot on Charlotte Street and the Aloft parking deck on Biltmore Ave from Brightfield Transportation Solutions, Inc.

Background:

- In 2014, the City of Asheville leased property to Riding Partners, Inc., Riding Partners was acquired by Brightfield Transportation Solutions, Inc., a local Electric Vehicle (EV) charging station company, to install a solar canopy EV station off of South Charlotte Street in the Public Works parking lot and standard EV station in the Aloft parking deck.
- In 2020, both Brightfield charging station equipment began to malfunction and the City received complaints from the public and visitors about its unreliability, at which time a committee of stakeholders, from across multiple departments within city government was convened to assess the situation and determine next steps.
- After conversations with Brightfield it was determined that the equipment in its current condition was not functioning and would need to be replaced.
- Brightfield was asked to remove and replace the non-operational EV equipment and the lease was terminated, but due to their lack of assets to remove and replace the equipment offered to donate the equipment located at the public works Charlotte Street parking lot and the Aloft garage on Biltmore Ave.
- Currently the EV charging equipment is not operational however, City Staff with assistance from Brightfield were able to identify potential grant opportunities and vendors that would be able to assist the City with removing, replacing, and updating the non-operational equipment.
- Accepting the donation will allow staff the opportunity to further explore both grant and procurement options.
- The donation from Brightfield would include the following equipment:
 - Solar Canopy
 - Meter Bases
 - Panel Boxes
 - Electrical Conduit and Wiring
 - Two (2) Signet DCFC Chargers
 - Two (2) ChargePoint Level 2 Chargers
- The charging equipment located within the Aloft Garage on Biltmore Ave will be removed and the parking spaces returned to general public use.
- The charging equipment at the South Charlotte street lot will be removed and replaced, to provide service to the City's fleet of vehicles supporting Council's goals of utilizing renewable energy in City operations.

Council Goal(s):

- A Clean and Healthy Environment
- A Fiscally Resilient City

Committee(s):

- None

Pro(s):

- Supports Resolution [11-77](#) 80% Carbon Reduction Goal
- Supports Resolution [18-279](#) 100% Renewable Energy Goal
- Electric Vehicle charging for City Fleet vehicles will offset existing petroleum fuel expenses

Con(s):

- The City will be responsible for updating, removing, replacing, and maintaining the donated EV Charging Stations.

Fiscal Impact:

- The asset value of the electric vehicle charging stations, conduit and solar panels donated to the City are below. Costs associated with the City will consist of replacement of outdated charging stations and software.

DONATED ASSET	ASSET VALUE	ASSET COSTS FOR CITY
Solar Canopy	\$10,000.00	\$0.00
Meter Bases	\$1,500.00	\$0.00
Panel Boxes	\$1,500.00	\$0.00
Electrical Conduit + Wiring	\$7,000.00	\$0.00
Two (2) Signet DCFC Chargers	\$0.00	N/A
Two (2) ChargePoint Level 2 Chargers	\$0.00	\$7,000.00
Software	\$0.00	\$1,500.00 per year

Motion:

- Move to accept a donation of Electronic Vehicle Charging stations and other associated equipment located in the Public Works parking lot on Charlotte Street and the Aloft parking deck on Biltmore Ave from Brightfield Transportation Solutions, Inc.

RESOLUTION BOOK NO. 42 - PAGE 401

I. RESOLUTION NO. 21-231 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH THE WOOTEN COMPANY FOR THE WALL STREET GARAGE AND RANKIN AVENUE GARAGE ELEVATOR MODERNIZATION PROJECT

RESOLUTION NO. 21-232 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE WALL STREET GARAGE AND RANKIN AVENUE GARAGE ELEVATOR MODERNIZATION PROJECT

Action Requested: Adopt a resolution authorizing the City Manager to amend the following contracts:

- The Wooten Company: extend contract termination date to January 31, 2022, and increase the contract value by \$12,000, making the total not-to-exceed value \$195,550.
- Patton Construction Group, Inc.: extend contract termination date to January 31, 2022, and increase the contract value by \$45,900, making the total not-to-exceed value \$481,489.

Background:

- The City is currently under contract with The Wooten Company to provide construction administration services for the modernization of elevators within the Rankin Avenue and Wall Street Parking Garages.
- The City is currently under contract with Patton Construction Group, Inc. to provide general construction services for the modernization of elevators within the Rankin Avenue and Wall Street Parking Garages.
- The following changes are required to complete the project, and are a result of issues identified once the old elevator cabs were dismantled:
 - increased supplier costs for HVAC equipment,
 - installation of a new Fiber Data Line to meet current emergency communications standards,
 - additional fire-rated shaft ceiling,
 - water-proofing of elevator pit walls,
 - increased construction administration costs, and
 - additional labor costs.

Vendor Outreach Efforts:

- None.
- These are current contracts.
- The contract with The Wooten Company was issued in 2016 as the result of a competitive bidding process; the contract with Patton Construction Group was issued in 2019 as the result of a competitive bidding process.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will allow the elevators at the Rankin Avenue Garage and Wall Street Garage to reopen.

Con(s):

- None

Fiscal Impact:

- The funding source for these contract Amendments is included in the Parking Services Capital Improvement Projects Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the following contracts: (1) The Wooten Company: extend contract termination date to January 31, 2022, and increase the contract value by \$12,000.00, making the total not-to-exceed

value \$195,550.00; and (2) Patton Construction Group, Inc.: extend contract termination date to January 31, 2022, and increase the contract value by \$45,900.00, making the total not-to-exceed value \$481,489.00.

RESOLUTION NO. 21-231 - RESOLUTION BOOK NO. 42 - PAGE 402
RESOLUTION NO. 21-232 - RESOLUTION BOOK NO. 42 - PAGE 403

**J. RESOLUTION NO. 21-233 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO AMEND A CONTRACT WITH PARKER TECHNOLOGY LLC
FOR THE PARKING CALL CENTER CONTRACT**

Action Requested: Adopt a resolution authorizing the City Manager to amend the existing Parking Garage Call Center Services Contract between the City of Asheville and Parker Technology, LLC (RATPDev USA) and to increase the contract amount by \$49,250 (making the total contract value \$115,000) to reflect the increase in cost to continue to provide parking garage call center services.

Background:

- Parker Technology, LLC was selected by the City of Asheville in February 2017 to provide parking garage call center services at five exit lanes of City of Asheville -operated parking garages.
- Parker Technology, LLC is both the manufacturer and technical support provider for the parking garage equipment which has been in place since February 2017.
- The existing contract has three one-year renewal options; the second renewal period will expire on January 31, 2022.
- When new parking garage equipment is operationalized, the number of payment kiosks within all four City-operated parking garages will increase from five to twenty-two which will provide a significant increase in the number of locations in which parking garage patrons can request assistance, but which will also increase the monthly cost to utilize Parker Technology's services.
- Parker Technologies has agreed to implement a cost increase at the time of contract renewal, February 1, 2022, even if new parking garage equipment is operationalized prior to that date.

Vendor Outreach Efforts:

- None.
- This is a current contract.
- Parker Technology, LLC is both the manufacturer and technical support provider for the parking garage equipment which has been in place since February 2017.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- This action will support the continuation of current/existing parking garage call center service levels.

Con(s):

- None.

Fiscal Impact:

- The proposed contract amendment to increase the contract value by \$49,250.00 (making the total contract value \$115,000.00) allows services to continue for the life of the contract, including all three renewal periods.
- Each renewal period is one year.
- The funding source for this contract is included in the Parking Services Annual Operating Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the existing Parking Garage Call Center Services Contract between the City of Asheville and Parker Technology, LLC and to increase the contract amount by \$49,250.00, for a contract total of \$115,000.00, to reflect the increase in cost to continue to provide parking garage call center services.

RESOLUTION BOOK NO. 42 - PAGE 404

K. ORDINANCE NO. 4911 - ORDINANCE CHANGING THE SPEED LIMIT ON WALL STREET FROM 15 MILES PER HOUR TO 10 MILES PER HOUR

Action Requested: Adoption of an ordinance changing the posted speed limit on Wall Street within the City of Asheville from 15 miles per hour to 10 miles per hour.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- Wall Street is a one-way paved street located in the Central Business District that begins at Otis Street and ends at Battery Park Avenue for a total distance of 0.14 mile.
- Wall Street exhibits some characteristics of a shared street concept including flush sidewalks with the street footprint that are separated by bollards.
- City staff and the Wall Street business owners have worked together to expand outdoor dining opportunities and possible retail opportunities.
- On-street parking along Wall Street has been eliminated except for two designated ADA parking spaces,
- Loading /unloading zones have been improved.
- Signinage along the street has been improved including signs making Wall Street the first "official" shared street.
- The National Association of City Transportation Officials (NACTO) recommends a 10 mph speed limit along shared streets and alleys where walking and public space activities are expected.
- The Traffic Engineering Division agrees that a 10 mph posted speed limit would be effective and is warranted.
- The posted speed limit on Wall Street is recommended to be changed from 15 mph to 10 mph.

Council Goal(s):

- Transportation and Accessibility.

Committee(s)

- None

Pro(s):

- Improved partnership between City staff and the Wall Street business community.
- Enhances public safety for pedestrians, cyclists, and automobiles.

Con(s):

- None

Fiscal Impact:

- The cost of installing and maintaining the speed limit signs is included in the Transportation Department operating budget.

Motion:

- Motion to approve an ordinance enacting a 10 mph speed limit on Wall Street from Otis Street to Battery Park Avenue.

ORDINANCE BOOK NO. 34 - PAGE 14

L. RESOLUTION NO. 21-234 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE FISCAL YEAR 2022 FEDERAL TRANSIT ADMINISTRATION SECTION 5303 METROPOLITAN PLANNING PROGRAM ANNUAL FUNDS FROM THE N.C DEPT. OF TRANSPORTATION TO FUND A PORTION OF THE EXISTING TRANSIT PLANNING DIVISION PERSONNEL BUDGET, AND TO SIGN ALL APPROPRIATE AGREEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to accept the FY 2022 Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program annual funds from the North Carolina Department of Transportation (NCDOT) Public Transportation Division, sign all of the appropriate agreements.

Background:

- FTA Section 5303 Metropolitan Planning Program provides funding for transit planning activities, including personnel.
- The City has historically applied for and received Section 5303 funding to supplement a portion of existing transit division planning staff wages.
- The City receives \$60,000 (80%) from FTA, and the City and NCDOT each provide \$7,500 for the required matching funds (20%).
- The application deadline was December 2020; however, the application was submitted to NCDOT on November 24, 2020, without the City Council's adoption of a resolution authorizing the City Manager to apply for the funds.
- This action would authorize the City Manager to accept the FY2022 Section 5303 Metropolitan Planning Program funds, which have already been approved by NCDOT.
- These funds were included in the Adopted FY 2022 budget in the Transit Operations Fund.
- The funds will be used to fund a portion of the existing Transit Planning Division personnel budget.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Enables the City to leverage \$67,500 in Federal and State funds to support transit planning activities by offsetting a portion of personnel costs.

Con(s):

- The City is responsible for half of the 20% local match, or \$7,500.

Fiscal Impact:

- The grant revenue and the required local match of \$67,500 were included in the FY 2022 Transit Operating Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to accept the FY 2022 Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program annual funds from the North Carolina Department of Transportation (NCDOT) Public Transportation Division, sign all of the appropriate agreements.

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M. RESOLUTION NO. 21-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION FOR THE ANNUAL FISCAL YEAR 2021 SECTION 5307 AND FISCAL YEAR 2021 SECTION 5310 GRANT FUNDING TO FUND EXISTING TRANSIT OPERATIONS FOR ROUTE 170 AND THE CITY'S PARATRANSIT SERVICES; AND IF AWARDED, TO SIGN ALL APPROPRIATE AGREEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to submit grant applications in response to the annual Call for Projects issued by the French Broad River Metropolitan Planning Organization (FBRMPO) for the FY 2021 Section 5310 and JARC (Section 5307) Funds, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal and State agencies, and to include the revenue in the FY 22-23 Budget.

Background:

- On September 27, 2021, FBRMPO issued a Call for Projects for the Federal Transit Administration FY 2021 Section 5310 and JARC (Job Access Reverse Commute) Funds soliciting proposals.
- The deadline for the grant application is November 19, 2021.
- The Section 5310 Funding program is used for improving mobility for seniors and individuals with disabilities by removing barriers to transportation services provided in the City of Asheville.
- The City uses 5310 funds to pay for a portion of the City's existing paratransit service.
- The total amount of funding available from FY 2021 5310 funds is \$318,850.
- The City expects to apply for \$210,000 which is the maximum allowed under the program.
- The match for 5310 funds is 20%.
- The 5307 JARC Funds will be used to fund a portion of the operating costs of Route 170, which operates fixed-route service from downtown Asheville to Black Mountain.
- The total amount of funding available from FY21 5307 JARC funds is \$343,962 and the City expects to apply for \$231,558, which is 50% of the total cost to operate Route 170.
- The match for JARC funds is 50%.
- In addition to the regular 5310, Section 5310 funds apportioned under the America Rescue Plan Act (ARPA) to the Asheville Urbanized Area have also been included in the Fall 2021 FBRMPO Call for Projects.
- The total ARPA 5310 funds available to the Asheville Urbanized Area is \$54,139 with no local match required.
- It is expected that the FBRMPO will award these funds to a subrecipient that is not awarded regular 5310 or JARC funding, such as Haywood County.

- The City is the designated recipient for the region and administers transit grants after they are awarded to subrecipients by the FBRMPO.
- The City will receive a 10% administrative fee for the regular 5310 funding program, and will also receive a 10% administrative fee from the FY 21 ARPA 5310 funding program, for a total of \$41,443.
- These regular 5310 and JARC funds are annual recurring funds that are used to fund existing paratransit service and the Route 170 to Black Mountain; however, the ARPA 5310 fund is a one-time allocation and is part of the federal funds apportioned to public transportation systems to support and respond to the COVID-19 pandemic.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- Enables the City to use federal funds to help offset the annual operating cost of paratransit and Route 170 fixed-route services.
- Grant recipients and subrecipients are responsible for their local match.
- ARPA provides 100% of the funding with no local match required.
- The City will receive \$41,443 for oversight and administrative cost which does not require a local match.
- Of this amount, \$35,428 will be used for the administrative cost for the regular Section 5310 program, with the remaining amount of \$6,015 to be used for administering the ARPA 5310 fund program.

Con(s):

- The City is responsible for the 20% and 50% local match for the Section 5310 and JARC Funding programs respectively.
- There is no administrative fee paid to the City for administering the JARC grant program.

Fiscal Impact:

- The local match will be included in the proposed FY 22-23 operating budget.

Motion:

- Motion to approve a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for:
 - a. FY 2021 Section 5310 Funds in the amount of \$210,000, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue in the FY 22-23 Budget.
 - b. FY 2021 Section 5307 JARC Funds in the amount of \$231,558, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue in the FY 22-23 Budget.

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N. RESOLUTION NO. 21-236 - RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENTS TO THE INTERLOCAL AGREEMENT BETWEEN THE

**CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE FOR THE
REGIONAL AIR QUALITY AGENCY**

Summary: When the Agency was established in 1967, it served multiple counties in WNC, including Haywood, Henderson and Transylvania, in addition to Buncombe County and the City of Asheville. Over time, the surrounding counties left the Agency, choosing to be regulated directly by the NC Division of Air Quality. By 2000, the service area of the Agency had been reduced to only Buncombe and Asheville. At the recent Board retreat in April, they discussed a rebranding initiative to potentially rename the agency to better reflect their purpose and function and produce a new logo and tagline. In addition, this will clean up some of the language in the agreement which isn't relevant to current Agency operations.

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**O. RESOLUTION NO. 21-237 - RESOLUTION SETTING A PUBLIC HEARING ON
DECEMBER 14, 2021, TO CONSIDER THE VOLUNTARY ANNEXATION OF
99999 SWEETEN CREEK ROAD**

Action Requested: Adopt a resolution fixing the date of a public hearing on December 14, 2021 for the voluntary annexation of 10.88 acres in south Asheville off of Sweeten Creek Rd.

Background:

- The City of Asheville purchased 10.88 acres located at 99999 Sweeten Creek Rd. and identified in the Buncombe County tax records as PIN 9656-23-4325.
- This property is a portion of a larger tract located at 2351 Sweeten Creek Rd. which was subdivided and sold to the City of Asheville on Monday, September 27, 2021.
- This parcel was purchased as park land acquisition and development in South Asheville as part of the 2016 general obligation bond that was approved by Asheville voters.
- This property is located in Buncombe County but contiguous to the City of Asheville.
- It is preferred that city owned property be located within the city's jurisdiction and an annexation of the subject property is proposed.
- Based on guidance from the North Carolina School of Government, a petition for annexation is not required for city owned property and, as such, a Certificate of Sufficiency is not required.
- The next step in this process is for the Asheville City Council to set the date for the public hearing.
- Should the City Council decide to proceed with this request the public hearing on the annexation and initial zoning would be held on December 14, 2021.
- The annexation becomes effective immediately once an affirmative vote is reached.

Council Goal(s):

- A well-planned & livable community

Committee(s):

- None

Pro(s):

- Follows the statutory process for voluntary annexations by setting a date for the public hearing.
- Ensures that city owned property and city facilities are located within the city's own jurisdiction, simplifying permitting for future work.

Con(s):

- None.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that it will, 1) Support orderly growth consistent with surrounding neighborhoods (pp. 345-347), and 2) Promote access to well-maintained parks and open space for all (pp.74-75 & 212-213).

Fiscal Impact:

- None.

Motion:

- I move to adopt the resolution fixing the date of the public hearing for December 14, 2021, for the voluntary annexation of 10.88 acres located at 99999 Sweeten Creek Rd. in south Asheville.

RESOLUTION BOOK NO. 42 - PAGE 413

P. RESOLUTION NO. 21-238 - RESOLUTION AMENDING RULE 27 OF THE RULES OF PROCEDURE OF THE ASHEVILLE CITY COUNCIL TO CONFIRM WITH STATE LAW REGARDING PUBLIC HEARINGS

Summary: Rule 27 is amended as follows: "PUBLIC HEARINGS. Public hearings required by law or deemed advisable by the council may (was shall) be organized by a resolution (was special order), adopted by a majority vote, that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing. Unless different rules are established by the council for the conduct of a public hearing, the time restrictions set forth in Rule 7 regarding public address to the council shall apply. All notice and other requirements of the Open Meetings Law applicable to council meetings shall also apply to public hearings at which a majority of the council is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present. At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended."

City Attorney Branham briefly explained the requested action, noting that the only changes made were changing the word "shall" to "may" and "special order" to "resolution." Neither changes will alter how Council currently conducts their business, and makes Council rules consistent with State law.

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Mayor Manheimer announced that there were no advanced sign-ups for the Consent Agenda.

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

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

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - AVL SHARED SPACE

City Manager Campbell said this presentation will contain an overview of the program; the community engagement and impact; and next steps.

Downtown Planning Manager Dana Frankel said that the key takeaways from this presentation are (1) COVID-19 is an on-going public health & safety issue; (2) this is a popular program (businesses & community); (3) should pursue long-term, equitable, resource-supported processes; (4) fee structures need to be evaluated; (5) managing the program and transitioning to long-term takes significant time, money and community engagement; (6) currently taking an incremental & program-specific approach to permanency; (7) there will not be an immediate path to permanency in all cases (a) substantial ordinance and/or policy changes would be required; and (b) building & fire safety will continue to be prioritized; and (8) more information and updates are available on the city's website, www.ashevillenc.gov/AVLSharesSpace.

She explained that AVL Shares Space is a temporary opportunity for businesses & organizations to utilize outdoor spaces to support alignment with public health guidelines and other community goals during the pandemic. It is (1) expansion on private property; (2) expansion on public sidewalks; (3) expansion into on-street parking spaces (parklets); (4) expansion into on-street parking along an entire corridor (shared streets/pedestrian priority zones); (5) 10 min curbside pick-up zones - downtown and West AVL; and (6) equity Markets - vendor support in partnership with the Business Inclusion Office.

Their approach for this program was (1) organized an interdepartmental team; (2) established guiding principles; (3) developed program guidelines; (4) created expedited online application & review process; (5) assembled working teams - core team, parklet review team, Development Services Department processing, coordination team; (6) worked in coordination with business organizations & public health officials; and (7) engaged directly & extensively with businesses organizations - additional proactive approach in shared street areas: The Block, South Slope, Wall Street.

She explained (1) expansion on private property (a) up to 50% of parking (aligned with temp capacity restrictions); and (b) expedited process (1-2 days) and no fees; (2) expansion on public sidewalks (a) same as existing requirements (6 ft. clear space); and (b) expedited process (1-2 days) and no fees; (3) parklets - expansion into on-street parking (a) 1-3 spaces adjacent to storefront; (b) for dining, queuing, merchandise and/or programming; (c) elevated or "at-grade"; and (d) on City-managed streets; and (4) shared Streets / Pedestrian Priority Zones - expansion into on-street parking along an entire corridor (a) reduce (in some cases re-route) vehicular travel; (b) pedestrian priority zone signage; and (c) proactive initiation & coordination with community.

She noted the following program timeline and extensions: (1) pilot launched in May/June 2020 → Initial end date Oct 31, 2020; (2) Fall 2020 **extension #1** → new end date January 3, 2021 or lifting of local emergency order - plus new guidance & process for winter accommodations; (3) Fall 2020 transitioned shared streets to parklets; (4) Dec 2020 **extension #2** → new end date 30 days after lifting of local emergency order; (5) June 2021 **extension #3**

→ new end date **January 3, 2022**; no new elevated parklet applications after **July 1, 2021**; and **(6)** July 2021 - some fees re-introduced (TUP, signage).

Regarding participation, (1) currently, **94** businesses are authorized for temporary outdoor expansion through the program (a) **48** utilizing private property - *generally parking lots along commercial corridors outside of downtown, i.e. Merrimon Avenue, Haywood Road, etc.*; (b) **27** utilizing public sidewalks - *generally downtown*; and (c) **19** utilizing on-street parking spaces (parklets) - 24 authorized; 5 discontinued in 2021 and *All downtown/South Slope*; and (2) almost all spaces are being utilized for outdoor dining (though not a limitation of the program).

She then outlined the community engagement and impact of the September 2020 and September 2021 participating business survey and public survey and their results.

Lessons learned include primarily utilized by restaurants; privatization of public space policy should be considered; public areas generally empty/unused space during off-hours; no fees being charged; not all businesses are in suitable locations (is that fair/equitable?); enforcement challenges; significant staff time & resources to manage; maintenance issues (i.e. stormwater, street cleaning); Public Space Management Framework in-progress; and development of longer-term programs will take more time, input & staff resources (planning + future management).

What's next is (1) expansion on private property (a) extending to allow for time to transition; and (b) 1-on-1 coordination with development services staff for path to permanency; (2) expansion on public sidewalks (a) begin permitting for 2022; and (b) revise fees & potential adjustments to permit/encroachment standards; (3) parklets (a) allow limited temporary program to continue through July 1 (no new applications); (b) develop a long-term program for public parklets; and (c) consider a long-term program, fee structure, etc. for private business "streeteries"; and (4) shared Streets (a) long-term implementation on Wall Street in-progress; and (b) otherwise on-hold until additional resources can support development of a long-term program, engagement, ongoing coordination & management. In addition, regarding resource development, during the next 6 months, staff will explore funding options to support a reasonable work plan for transitioning elements of the pilot program into permanent services (e.g. City's supplemental; budget, ARPA grant application, and other outside funding sources). Regarding communications, participating businesses should expect to begin hearing from staff this week.

Ms. Frankel responded to various questions/comments from Council, some being, but are not limited to: any consideration for dedicating more public spaces for buskers; should we review the Unified Development Ordinance regarding parking standards and open space standards to see if there is a better use for surface street parking; need to make sure that there is a safe place for pedestrians to commute on public sidewalks; need to work with businesses on Wall Street to see if we can permanently close it.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER ADOPTION OF A CORRIDOR STUDY ON HENDERSONVILLE ROAD

PUBLIC HEARING TO CONSIDER ADOPTION OF A CORRIDOR STUDY ON TUNNEL ROAD

PUBLIC HEARING TO CONSIDER ADOPTION OF A CORRIDOR STUDY ON BILTMORE AVENUE AND MCDOWELL STREET

At the request of City staff, Councilwoman Turner moved to continue the corridor studies for Hendersonville Road; Tunnel Road; and Biltmore Avenue and McDowell Street to December 14, 2021. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

B. PUBLIC HEARING TO AMEND THE HUD ANNUAL ACTION PLAN FOR 2020/21

RESOLUTION NO. 21-239 - RESOLUTION AMENDING THE HUD ANNUAL ACTION PLAN FOR 2020/21

Community Development Programs Manager Paul D'Angelo said that this is the consideration of a public hearing to amend the Fiscal Year (FY) 2020-21 Annual Action Plan (AAP) and correct and properly assign \$225,000 in HOME program income received from Battery Park Apartments to the FY18-19 program year and adjust FY 20-21 funding to reflect this change and to sign all documents necessary to implement the plan. This public hearing was advertised on October 29, 2021.

Background:

- The City submitted to HUD the Five Year FY20/21 - 24/25 Consolidated Plan (Con Plan), which includes the FY20/21 Annual Action Plan, on December 8, 2020.
- HUD approved our Con Plan in early 2021.
- The Con Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions.
- The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the CPD formula block grant programs:
 - Community Development Block Grant (CDBG) Program
 - HOME Investment Partnerships (HOME) Program
- The City of Asheville is the Entitlement Community for the CDBG Funding and the Participating Jurisdiction for the HOME Funding. Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the Con Plan.
- The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan.
- Grantees report on accomplishments and progress toward Consolidated Plan and Annual Action Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER).

Summary:

- A \$202,500 discrepancy discovered in program income means those funds were inadvertently awarded twice in previous FY allocations.
 - In July 2018, Battery Park Apartments paid back their \$225,000 HOME loan from 2004, but there was conflicting documentation about how the funds were recorded.
 - Attempting to correct the issue last summer, the funds were reported to HUD as program income and included the FY20-21 reallocation.
 - Staff just determined in August that the money had already been earmarked for reallocation in Fall 2018.
 - Community Development staff reached out to the HUD Field office in Greensboro for guidance and technical assistance in addressing this discrepancy.

- CD staff, with HUD's assistance and support, arrived at the following proposed solution:
- Move the 10% HOME Admin (\$22,500) back to the 2018 fund, but \$202,500 will need to be assigned from the current reallocation to make up the difference.
- The HUD Field Office has confirmed this is a good solution.
- The City has identified an existing subrecipient, the Asheville Buncombe Community Land Trust (ABCLT) that has agreed to have the funds substituted for their FY20-21 award for their still pending contract.
- The FY 20-21 and FY21-22 Action Plans should be amended to correct and properly assign \$225,000 in HOME program income received from Battery Park Apartments to the FY18-19 program year. As a result:
 - The 10% reallocation of \$22,500 for HOME Admin will be removed from the FY20-21 Action Plan.
 - The remaining \$202,500 will also be removed from the FY20-21 Action Plan, but the affected awards will be funded with the same amount from available FY21-22 funds.

Council Goal(s):

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

Committee(s):

- Asheville Regional Housing Consortium Board - September 23, 2021 - Approval
- Housing & Community Development Committee - October 19, 2021 - Approval

Pro(s):

- Approval of the Amended Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.
- Amending Action Plans to reflect programmatic and financial changes is a necessary part of achieving compliance and maintaining accurate and complete records.

Con(s):

- None

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- This action has no overall impact to the City's HUD HOME programs.

Mayor Manheimer opened the public hearing at 5:52 p.m. and announced that there were no advanced live call-ins for this item. She then closed the public hearing at 5:52 p.m.

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

Councilwoman Turner moved to amend the FY 20-21 Annual Action Plan (AAP) and correct and properly assign \$225,000 in HOME program income received from Battery Park Apartments to the FY 18-19 program year and adjust FY20-21 funding to reflect this change and to sign all documents necessary to implement the plan. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

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C. PUBLIC HEARING TO AMEND THE HUD ANNUAL ACTION PLAN FOR 2021/22

RESOLUTION NO. 21-240 - RESOLUTION AMENDING THE HUD ANNUAL ACTION PLAN FOR 2021/22

Community Development Programs Manager Paul D'Angelo said that this is the consideration of a public hearing move additional CDBG funds to contingency to be allocated next spring in the Fiscal Year (FY) 2022-23 application cycle, updating the HOME funds allocation, and authorizing the City Manager to submit the Amended 2021-22 Annual Action Plan (AAP) tThis public hearing was advertised on October 29, 2021.

Background:

- The City originally received the 21/22 HUD allocation notice in March 2021, with approximately \$1,137,995 in CDBG funds and \$1,370,760 in HOME funds available for the fiscal year that began July 1, 2021.

CDBG

- On June 8, 2021, City Council voted in submitting the 21/22 AAP to put an additional \$15,296 of CDBG Funds received from HUD, for a new CDBG Award Total of \$1,153,291, into Contingency to be reallocated at a future HCD meeting.
- In addition, please note a few other recent changes in CDBG funding and Contingency that were approved by HCD on September 21, 2021 -
 - Homeward Bound has rescinded their FY21/22 award of \$100,000, funds to be returned to CDBG Contingency
 - Riverfront Development Group has rescinded their FY18/19 CDBG Grant of \$14,629, funds to be returned to CDBG Contingency
 - 2020-21 The SPARC Foundation Grant / Remaining Balance \$427.93 to be returned to CDBG Contingency
 - 2020-21 YWCA Empowerment Child Care Grant / Remaining Balance \$819.74 to be returned to CDBG Contingency
 - 2020-21 YWCA Mother Love Grant / Remaining Balance \$1,860.29 to be returned to CDBG Contingency
 - 2020-21 OnTrack Financial Education & Counseling Grant - Housing and Financial Capabilities / Remaining Balance \$783.57 to be returned to CDBG Contingency
- Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, have made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the city limits of Asheville.

HOME

- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).
 - A meeting of HOME funding “2nd Round Allocation” occurred on September 23, 2021, with figures updated below in the Action Plan Summary.
 - The CD Team is submitting with this Amended AAP our own HOME Homeownership value limits to better reflect true housing costs in our region and to better assist homeownership.
 - CD calculated the current HOME homeownership value limits, which is 95 percent of the median area purchase price for single family housing for each of

the counties in our 4 County region, per HUD guidance, in lieu of the HOME homeownership value limits provided by HUD which are low.

- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan, FY20/21-24/25.

Summary:

- CD Staff recommends adding the additional \$133,816.53 in Contingency to next year's round of CDBG Allocation, with applications beginning in December, 2021.
 - \$15,296 - Additional CDBG Funds Awarded May, 2021
 - \$100,000 - Homeward Bound Rescinded FY21/22 CDBG Award
 - \$14,629 - RFDG Rescinded FY18/19 CDBG Award
 - \$427.93 - SPARC Foundation Remaining FY20/21 Balance
 - \$819.74 - YWCA Empowerment Child Care FY20/21 Balance
 - \$1,860.29 - YWCA Mother Love FY20/21 Balance
 - \$783.57 - OnTrack - Housing and Financial Capabilities - FY20/21 Balance
 - **\$133,816.53 - Total for Contingency FY22/23 Program Year**
- Any additional program income or returned funds will also be made available for the FY22-23 allocations.
- CD Staff recommends accepting the update FY21/22 HOME Awards as listed in the Action Plan Summary.

Council Goal(s):

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

Committee(s):

- Asheville Regional Housing Consortium Board - March 25, 2021 - Approval
- Housing & Community Development Committee - March 26, 2021 - Approval
- Housing & Community Development Committee - May 18, 2021 - Approval
- City Council - June 8, 2021 - Approval
- Housing & Community Development Committee - September 21, 2021 - Approval
- Asheville Regional Housing Consortium Board - September 23, 2021 - Approval

Pro(s):

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

Con(s):

- \$133,816.53 in CDBG Contingency means these funds will take longer to be utilized in the community. However, organizing a new round of funding applications for this amount can take up to 4 months in staff time and the FY22/23 Funding Applications will open in December, 2021.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The FY 2022-23 budgets for both the CDBG & HOME programs will be included in the annual budget ordinance that City Council adopts in June 2022.

Mr. D'Angelo responded to Councilwoman Wisler when she asked why some of the larger amounts from the organizations are being returned.

Mayor Manheimer opened the public hearing at 5:59 p.m. and announced that there were no advanced live call-ins for this item. She then closed the public hearing at 5:59 p.m.

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

Councilwoman Wisler moved to approve moving additional CDBG funds to contingency to be allocated next spring in the FY22-23 application cycle, updating the HOME funds allocation, and authorizing the City Manager to submit the Amended 2021-22 Annual Action Plan (AAP) to HUD to reflect these changes and to sign all documents necessary to implement the plan. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

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D. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING ORDINANCE ADOPTED ON OCTOBER 9, 2018 (ORDINANCE NO. 4702), LOCATED AT 511 BREVARD ROAD, TO REMOVE A RESTRICTION ON DRIVE-THROUGH USES

At the request of the applicant's attorney staff, Vice-Mayor Smith moved to continue the amendment to the conditional zoning on 511 Brevard Road to December 14, 2021. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-241 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY FOR THE CONSOLIDATION OF A 911 SYSTEM

ORDINANCE NO. 4912 - BUDGET AMENDMENT FROM COUNTY CONTRIBUTIONS TOWARD CITY'S RADIO MAINTENANCE FOR THE CONSOLIDATION OF THE 911 SYSTEM

Assistant City Manager Cathy Ball said that this is the consideration of approval of an Inter-Governmental Agreement (IGA) with Buncombe County to Consolidate 911 Services to occur on January 1, 2022; and the associated budget amendment in the Special Revenue Fund, in the amount of \$837,605, from County contributions toward City's radio maintenance for the consolidation of a 911 System.

Background:

- The **goal** of this initiative is to consolidate and coordinate City and County emergency communications services and operations under one entity.
- This is the first step in reimagining the way we deliver services to the most vulnerable people in our community including the mentally ill, those with substance abuse disorder and homeless individuals.
- The IGA between the City of Asheville and Buncombe County addresses all the issues around consolidation including **cost**, **data access** and **operational decisions** to enhance continuity of service delivery.

- Currently the County 911 dispatch office receives calls for all fire departments in the County, Emergency Medical Services (EMS) Services, Black Mountain and Montreat police departments and the Sheriff's department. These services include receiving, processing and dispatching Asheville Fire Department (AFD) calls.
- The Asheville Police Department (APD) is co-located with Buncombe County and considered a secondary dispatch service.
- The IGA would move 19 full-time equivalent (FTE) positions from the City to work for Buncombe County.
- All of the current City employees would be offered positions that would be under Buncombe County management.
- All employees would be made "whole" in terms of pay and benefits.
- City staff will provide backup dispatch services for up to six months as City staff are available.
- The costs to the City would be calculated as a percentage of population and calls for service for both Fire and Police calls.
- The same formula will apply to all municipalities in Buncombe County.
- The City is currently paying \$1.6M for police 911 dispatchers and \$210k to Buncombe County for fire 911 dispatch services.
- The City of Asheville will have all the access to what it currently has now except for audio recordings.
- Audio recordings will be provided as soon as possible but no longer than within a shift which is generally twelve hours.
- A Communications Steering Committee will be formed to address key operational issues and concerns.
- This group will be made up of representatives from the following organizations:
 - Buncombe County Director for 911 Communications,
 - Sheriff or designee,
 - Chief of Asheville Police Department or designee,
 - Asheville Fire Chief or designee,
 - Buncombe County Management designee,
 - A representative from among other municipalities' law enforcement agencies dispatched through the 911 Call Center,
 - A representative from among other municipal and county fire departments dispatched through the 911 Call Center and
 - 1 community member at large - Total of eight members
- Either party i.e. the City or County may terminate this Agreement by giving the other party written notice six (6) months in advance of the July 1st renewal date.
- Upon termination the City will reinstate the call center at 100 Court Plaza and the County will transfer equipment to the City.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- Public Safety Committee - High Level Informational Only - August 24, 2021

Pro(s):

- The consolidation will:
 - Eliminate call transferring.
 - Provide for more consistent and effective service delivery.
 - Enhance opportunities for interagency response and backup.
 - Encourage data sharing between agencies and responders in the field.
 - Create more efficient and versatile staff to respond to a wide range of emergency and service calls.

- Expand opportunities for alternate response methods through consolidated training and procedures.

Con(s):

- City will be billed for actual costs which could be an increase of \$400k maximum.

Fiscal Impact:

- City will be billed for actual costs which could be an increase of up to \$400k.
- The City currently has approximately \$837k in radio maintenance reserves for improvements to 911 communication equipment that can be used to offset this increase for two to three years.

Ms. Ball said the key takeaways from this presentation are (1) opportunity to consolidate and coordinate City emergency communications services and operations under one entity (AFD 911 calls already being received by the County, APD has separate system); (2) consolidating 911 services is one step in a systems approach to reimagining Public Safety; (3) Inter-Governmental Agreement (IGA) addresses cost, data access and operational decisions to enhance continuity of service delivery; and (4) state encourages consolidated 911 services because it enhances the quality of service.

Currently, (1) County receives calls for all fire departments, EMS Services, Black Mountain and Montreat police departments and the Sheriff's department; (2) APD co-located with Buncombe County; (3) the City is currently spending approximately \$1.4M for these services in APD; and (4) the City is currently paying Buncombe County approximately \$210,000 to cover AFD calls.

The systems approach for the 911 consolidation is (1) consolidating City emergency communications to more effectively and efficiently respond to the public; (2) develops the first stage of a systemic approach to the appropriate response to residents in crisis from drug overdoses, homelessness and mental illness; and (3) holistic approach that better serves our community's emergency response needs to those that are most vulnerable.

Regarding why the consolidation, she said (1) eliminate call transferring; (2) more consistent and effective service delivery; (3) greater opportunities for interagency response and backup; (4) better data sharing between agencies and responders in the field; (5) more efficient and versatile staff to respond to a wide range of emergency and service calls; and (6) expanding opportunities for alternate response methods through consolidated training and procedures.

The interlocal agreement with Buncombe County includes a staffing transition, cost; access to data; operational decisions - Communications Steering Committee; and termination clause.

Regarding the staffing transition, (1) 19 full-time equivalent positions from the City would be under County management; (2) employees will be made "whole" with no reduction in pay or benefits; and (3) City staff will provide back up coverage for up to six months as we are able.

The agreement cost consists of (1) cost is a percentage of population and calls for service for APD and AFD; (2) this is the formula that will be applied to every other community in Buncombe County; (3) anticipated maximum annual costs is estimated to be \$2 M; (4) based on actual costs of the operations and billed on a quarterly basis; and (5) annual costs cannot increase more than the CPI.

She showed a chart regarding the comparison to the current annual cost, with a maximum difference of \$400,000.

The City will have all the access to what we currently have now except for audio recordings. Audio recordings will be provided as soon as possible but no longer than within a shift which is twelve hours.

The Communications Steering Committee (CSC) will review performance and compliance data and resolve questions, issues, and disputes relating to the 911 call center operations. The CSC will consist of the following membership: Buncombe County Director for 911 Communications, Sheriff or designee, Chief of Asheville Police Department or designee, Asheville Fire Chief or designee, Buncombe County Management designee, a representative from among other municipalities' law enforcement agencies dispatched through the 911 Call Center, a representative from among other municipal and county fire departments dispatched through the 911 Call Center and 1 community member at large. There will be a total of eight members. Final decisions regarding call receipt, call processing and response plans will be made by the City of Asheville staff for all City Police and Fire calls. The County will work directly with the City to ensure that call taking and processing operations align with accreditation requirements and do not impede overall operations of the consolidated center or the City. Any decisions that would impact multiple agencies shall be brought before the Communications Steering Committee for recommendation.

Regarding termination, (1) either party may terminate this Agreement by giving the other party written notice six (6) months in advance of the July 1st renewal date. Upon termination, the City will reinstate the call center at 100 Court Plaza; and the County will transfer equipment to the City.

The next steps include the City's action at this meeting, the County's action on November 16, 2021, and the implementation date of January 1, 2022.

In response to Councilwoman Roney, Ms. Ball said that the County is comfortable with 8 members on the CSC, noting the one community member at large must have technical expertise.

City Manager Campbell thanked Ms. Ball for her leadership on this task, along with other City staff team that worked on this as there were many details that had to be worked through on an initiative as large as this.

In response to Councilwoman Roney, Ms. Ball said that regarding a second facility in the future, the County is required to provide a backup location and she will make them aware of the need for better conditions for those employees, especially having natural light.

Mayor Manheimer announced that there were no advanced sign-ups for this item.

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 Kilgore moved to adopt a resolution to authorize the City Manager to enter into an interlocal agreement with Buncombe County to Consolidate 911 Services to occur on January 1, 2022. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 422

Councilwoman Wisler moved to adopt a budget amendment in the Special Revenue Fund, in the amount of \$837,605, from County contributions toward City's radio maintenance for the consolidation of a 911 System. This motion was seconded by Councilwoman Kilgore and carried unanimously.

ORDINANCE BOOK NO.. 34 - PAGE 15

B. BOARDS & COMMISSIONS

RESOLUTION NO. 21-242 - RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Alcoholic Beverage Control Board.

The terms of Max Haner and Nian Avery, as members on the Alcoholic Beverage Control Board, expire on November 13, 2021.

The following individuals applied for the vacancies: Meaghan Austin, Jeff Spencer, Keaton Edwards, David Angelus, Gregory Hill, Bill Kopp, Harry Lanning, George Tsiros, Jeff Irvin, Johnnie Grant, Gene Bell, Patrick Fox, Amber Johnson, Tommy Tsiros, Tod Leaven, James Poole, Anne Dickens, Dee Williams and Elliott Smith.

It was the consensus of the Boards & Commissions Committee to reappoint Max Haner and Nian Avery.

Vice-Mayor Smith moved to reappoint Max Haner and Nian Avery, as members of the Alcoholic Beverage Control Board, to each serve an additional three-year term, terms to expire November 13, 2024, or until their successors have been appointed. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 423

RESOLUTION NO. 21-243 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

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

Sarah Leone Katzmark, Alternate on the Board of Adjustment, resigned, thus leaving an unexpired term until January 21, 2022.

The following individuals applied for the vacancy: Michael Luciano, Andrew Garrard and Elliott Smith.

At the request of the Commission, it was the consensus of the Boards & Commissions Committee to appoint Andrew Garrard.

Vice-Mayor Smith moved to appoint Andrew Garrard as an Alternate to the Board of Adjustment to serve the unexpired term of Sarah Leone Katzmark, term to expire January 21, 2022, and then a full three-year term, term to expire January 21, 2025, or until Andrew Garrard's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 424

RESOLUTION NO. 21-244 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

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

The term of Joell Steininger, as the VA administrative representative on the Homeless Initiative Advisory Committee, expired on November 1, 2021. In addition, Dale Davidson resigned, thus leaving an unexpired term until November 1, 2024.

The following individuals applied for the vacancy: Sarah Rick, Angelique Brickner, Emily Kirchmeyer Louisa Shipnuck Jones, Barry Shoor, Sim Wilkes, Sydney Broadhead, Michael Fulbright, Joe Golson, Cheryl Antoncic, Kenny Hancock, Sherri Bagwell, William Snood, Jimmi Lang, Andrew Garrard, Josh Houde and Patrick Carey.

It was the consensus of the Boards & Commissions Committee to reappoint Dale Davidson and hold the other vacancy pending the outcome of committee planning that is underway and required to ensure the City's compliance with provisions of Code of Federal Regulations.

Vice-Mayor Smith moved to reappoint Joell Steininger (VA admin representative) as a member of the Homeless Initiative Advisory Committee to serve a three-year term, term to expire November 1, 2024, or until Joell Steininger's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 425

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, four individuals spoke to Council, including, but not limited to the following comments: Housing Authority must pay immediate restitution to the evicted family in the amount that the family desires; the City and County must immediately forgive overdue rents to those living in public housing and cease threatening residents with evictions; City must forgive all unpaid or overdue water bills including interest for all residential customers; County Sheriff's Department must declare an indefinite moratorium on eviction enforcement; City and County must make camping legal on City and County property and provide 24/7 access to clean public restrooms where facilities exist and continue offering regular trash and recycling disposal and sharp disposal containers to all public park infrastructure; need downtown security with Asheville Ambassador Program; and the Asheville App and complaint-driven enforcement policies having a disparate impact on our community.

On behalf of City Council, Mayor Manheimer thanked Assistant City Manager Cathy Ball on her new venture as City Manager of Johnson City, Tennessee. Assistant City Manager Ball joined the City of Asheville in 1997 and has been Transportation Director, Public Works Director, Assistant City Manager, and even Interim City Manager. Her accomplishments are many and we are extremely sad to see her go, but wish her well in her future endeavors.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:42 p.m.

CITY CLERK

MAYOR