

Tuesday – March 22, 2022 - 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 attorney Derek Allen, Consent Agenda Item “1” was removed entirely from consideration at this meeting.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 8, 2022**

- B. RESOLUTION NO. 22-50 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE CONTRACT WITH BUNCOMBE COUNTY FOR PARATRANSIT SERVICES FOR FISCAL YEAR 2022**

Action Requested: Adoption of a Resolution authorizing the City Manager to ratify and revise the contract amount for Paratransit Services with Buncombe County to \$1,214,698 for Fiscal Year 2022.

Background:

- The City contracts with Buncombe County to provide the City’s federally required Paratransit Services.
- The contract cost for Fiscal Year 2022 (current year) is \$1,214,698.
- Funding to pay for the Paratransit Services contract was budgeted in the Transit Operations Fund for Fiscal Year 2022 when the City budget was approved.
- This action revises the amount of the contract previously approved by the City Council in Resolution 21-187 on August 24, 2021.
- This action is necessary due to a previous clerical error which incorrectly described the contractual funding requirement for Fiscal Year 2022 as \$1,485,552.23.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- Allows the City to pay Buncombe County for Paratransit Services rendered this fiscal year.

Con(s):

- None.

Fiscal Impact:

- Funding for the contract was budgeted in the Transit Operations Fund for Fiscal Year 2022.

Motion:

- Motion to adopt a resolution authorizing the City Manager to ratify and revise the contract amount for Paratransit Services with Buncombe County to \$1,214,698 for Fiscal Year 2022.

RESOLUTION BOOK NO. 43 - PAGE 47

- C. MOTION TO CONTINUE RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LICENSE AGREEMENT WITH CHARTER COMMUNICATIONS TO CONTINUE THE FIBER OPTIC SWAP AT 166 RESERVOIR ROAD TO APRIL 12, 2022**
- D. RESOLUTION NO. 22-51 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH FIRST BAPTIST CHURCH FOR EMPLOYEE PARKING AT 5 OAK STREET, ASHEVILLE, N.C.**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a renewal of the lease agreement between First Baptist Church and the City of Asheville.

Background:

- To meet the growing need for City Hall employee parking, the City of Asheville leases parking spaces from the First Baptist Church at 5 Oak Street.
- As more and more employees return to work at City Hall, there will still be a need for additional parking near the City Hall complex.
- An initial lease agreement was signed in March of 2018 for one year and the City leased thirty parking spaces as a trial period to see if the spaces would be used by City employees.
- When the City renewed it the following year, a decision was made to lease twenty spaces.
- At this time, almost all of the leased spaces are in use by City employees and the City is interested in extending the lease for another 24 months.
- The City wants to continue to lease 20 spaces instead of 30.
- The City seeks an extension of the lease at a price of \$50.00 per space.
- With 20 spaces being leased, the monthly amount is \$1,000 (\$12,000 per year).

Council Goal(s):

- A Thriving Local Economy

Committee(s):

- None

Pro(s):

- This parking lot provides much needed extra parking for city employees.
- The \$50 fee is below market rate in the downtown area.
- Because of the walk involved, the City has offered wellness points for employees using the parking spaces at the church.

Con(s):

- The City is the tenant in this situation and this constitutes a regular financial obligation.

Fiscal Impact:

- The General Fund will be responsible for the rental amount of \$12,000 per year under the terms of the lease.

Motion:

- Motion to approve the resolution authorizing the City Manager to execute a lease with the First Baptist Church.

RESOLUTION BOOK NO. 43 - PAGE 48

E. ORDINANCE NO. 4937 - BUDGET AMENDMENT TO APPROPRIATE DEDICATED CAPITAL MAINTENANCE PAYMENTS PREVIOUSLY RECEIVED FROM THE ASHEVILLE ART MUSEUM AND THE WORTHAM CENTER FOR THE PERFORMING ARTS TO FUND ACCESS IMPROVEMENTS TO THEIR JOINTLY SHARED BASEMENT CONTROL ROOM AT THE PACK PLACE CENTER

Action Requested: Adoption of budget amendment in the amount of \$25,138 in the General Capital Projects Fund from capital maintenance payments previously received from the Asheville Art Museum and the Wortham Center for the Performing Arts to fund access improvements to their jointly shared basement control room at the Pack Place Center.

Background:

- In August 2014, the Asheville Art Museum (AAM) and the Wortham Center for the Performing Arts (WCPA) entered into separate lease agreements with the City of Asheville for portions of the facility known as Pack Place Center located at 2 South Pack Square.
- As part of their lease agreements, AAM and WCPA make payments to the City of Asheville that are designated for capital maintenance at Pack Place Center.
- To-date, the City has collected approximately \$140,000 in capital maintenance payments from AAM and WCPA as part of their lease agreements.
- AAM and WCPA have asked the City of Asheville to enter into a Memorandum of Agreement to commit funding to a project that will allow for improved access to their jointly shared basement space at a total estimated cost of \$35,911.13.
- AAM and WCPA will each pay 15% of the cost and they have requested that the City fund 70% of the cost.
- Staff is recommending that Council appropriate capital maintenance revenue previously received from the lease agreements with AAM and WCPA to fund the City's 70% share, or \$25,138.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Ensures funding for a mutually agreed upon improvement project at a City-owned facility;
- Utilizes a dedicated funding source as opposed to General Fund dollars.

Con(s):

- Reduces funding available for other capital maintenance projects at the Pack Place Center.

Fiscal Impact:

- As noted above, the City has already collected approximately \$140,000 from AAM and WCPA over the life of their lease agreements; the budget amendment will be appropriating a portion of that funding.

Motion:

- Motion to adopt a budget amendment in the amount of \$25,138 in the General Capital Projects Fund from capital maintenance payments already received from the Asheville Art Museum and the Wortham Center for the Performing Arts to fund access improvements to their jointly shared basement space at the Pack Place Center.

ORDINANCE BOOK NO. 43 - PAGE 107

F. RESOLUTION NO. 22-52 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH RUBICON GLOBAL LLC FOR AUTOMATIC VEHICLE LOCATION TECHNOLOGY IN SANITATION VEHICLES

Action Requested: Resolution authorizing the City Manager to amend and renew the AVL Technology Contract with Rubicon Global, LLC.

Background:

- RUBICONSmartCity is a suite of technology products and services designed to help city governments run municipal operations faster, smarter, and more effectively.
- Rubicon’s technology is installed in City Sanitation trucks, which helps the City of Asheville save money and provide more efficient solid waste services.
- The AVL (automatic vehicle location) technology includes ‘pods’ which provide data on vehicle health, vehicle location, and driver behavior; and in-vehicle tablets which provide drivers with route directions, show service confirmation at each stop, and enable drivers to report any issues they see in the field with the touch of a button.
- The Sanitation Division entered into an 18-month contract with Rubicon Global, LLC, in 2020 to provide fleet technology services and training to our staff.
- The contract term expires March 31, 2022, with options to amend and renew.
- Benefits of the technology include improved safety, reduced City liability, improved customer service, and opportunities to improve sustainability of City Sanitation operations.
- The Sanitation Division intends to amend and renew the contract for an additional 3 years.
- Amendments to the contract include the addition of technology devices (pods) for recently purchased vehicles, and a change from renting tablets to purchasing City-owned tablets for in-vehicle use.

Vendor Outreach Efforts:

- Rubicon Global, LLC, provides a specialized service to the City of Asheville, and the contract is available on the HGACBuy cooperative contract.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Renewing this contract allows the Sanitation Division to continue to improve operations, safety, and service to the community.

Con(s):

- None

Fiscal Impact:

- The three (3) year contract has a cost of \$178,970.40, plus a 10% contingency of \$17,897.04 to allow for the ability to add or subtract devices and services as needed per HGACBuy costs listed in the contract.
- The contract is paid on an annual basis from the Sanitation Division adopted operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend and renew the AVL Technology Contract with Rubicon Global, LLC, for an amount of \$178,970.40 plus a 10% contingency of \$17,897.04.

RESOLUTION BOOK NO. 43 - PAGE 49

G. RESOLUTION NO. 22-53 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH T.P. HOWARD'S PLUMBING CO. INC. FOR THE PATTON AVENUE WATER DISTRIBUTION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction agreement with T.P. Howard's Plumbing Co. Inc. for the WDP #2: Patton Avenue Water Distribution Project.

Background:

- On January 13, 2022, the Water Resources Department (WRD) issued an advertisement for bids for WDP #2: Patton Avenue Water Distribution Project.
- The scope of work for this project includes the installation of approximately 6,986 LF of 24-inch ductile iron pipe, 514 LF of 8-inch ductile iron pipe, a 24-inch water main trenchless crossing of New Leicester Highway, and other miscellaneous water system components including service connections and other appurtenances all located along Patton Avenue (US-19) between Hazel Mill Road and Haywood Road.
- This proposed project has been determined to be a critical installation through a prioritization and master planning process and will increase the water system's reliability and service capacity by replacing existing smaller diameter water lines that have higher failure rates due to age and that limit water service capacity due to size.
- In response to the advertisement for bids, the WRD received three (3) bids on February 24, 2022.

Companies responding were:

1. T.P. Howard Plumbing Company, Inc.: Fairview, NC - \$6,300,000.00
 2. Buckeye Bridge, LLC: Canton, NC - \$9,008,497.00
 3. Morgan Contracting, Inc.: Knoxville, TN - \$23,865,187.00
- Following a review of the bids by City staff and the project engineers, CDM Smith, T.P. Howard's Plumbing Co. Inc. was selected as the lowest responsible, responsive bidder.

- The Water Resources Department requests authorization to contract with T.P. Howard's Plumbing Co. Inc. for the bid amount of \$6,300,000.00 plus a 10% contingency in the amount of \$630,000.00, for a total project budget in the amount of \$6,930,000.

Vendor Outreach Efforts:

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

Council Goal(s):

- A Financially Resilient City; A Clean and Healthy Environment

Committee(s):

- Not applicable.

Pro(s):

- This project is aligned with the City's and the Water Resources Department's goal of continued investment and improvement of the City's water system through capital improvement projects, in order to provide safe and reliable service.

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a construction agreement with T.P. Howard's Plumbing Co. Inc., for WDP #2: Patton Avenue Water Distribution Project.

RESOLUTION BOOK NO. 43 - PAGE 50

H. RESOLUTION NO. 22-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TRUE IP SOLUTIONS LLC FOR PHONE/CALL CENTER SYSTEM

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with TRUE IP SOLUTIONS, LLC for a hosted phone/call center system.

Background:

- The current phone system, serving all City departments, is at end-of-life.
- This means that it is no longer supported by the vendor and could cause security and reliability issues.
- The current system was installed over 15 years ago and lacks modern features.
- Following the North Carolina Statutory IT exceptions RFP Process, the City published a Request for Proposals (RFP) seeking responses to our requirements for a replacement phone/call center system.

Vendor Outreach Efforts:

- Staff began the RFP process in January of 2021 (298-IT-PhoneFY21).

- This was posted to the State's and the City's bid sites.
- The Asheville Business Inclusion office shared the RFP with their network.
- Out of 26 proposals received, one identified as an MWBE vendor (Business Operational Concepts: Woman-Owned).
- After evaluating the proposals and scoring responses based on selection criteria, the RFP team selected TRUE IP SOLUTIONS, LLC.

Council Goal(s):

- A Well-Planned & Livable Community
- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- A hosted ("cloud-based") phone system has enhanced features, including call-center features and remote working options.
- Avoidance of over \$200,000 of capital costs to upgrade the current phone system.
- The operational costs of the new system are approximately 2/3 of the old system.
- Aligns with City of Asheville IT Services strategic plan to utilize cloud-based systems where possible in order to improve features offered as well as the City's security posture.

Con(s):

- N/A

Fiscal Impact:

- The 3-year contract is budgeted not to exceed \$90,000 annually or \$270,000 for all three years.
- The annual amount is already included in City departmental budgets based on the number of users.
- The resolution would authorize the City Manager to execute the renewal options as stated in the contract after the initial three years.

Motion:

- Motion to Adoption of a resolution authorizing the City Manager to enter into an agreement with TRUE IP SOLUTIONS, LLC for a hosted phone system.

RESOLUTION BOOK NO. 43 - PAGE 51

- I. RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH REED CREEK GREENWAY PLAZA FOR A PARKING LOT AT CAUBLE & BROADWAY STREETS, AUTHORIZING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT IF NO ALTERNATE BIDS ARE RECEIVED**

This item was requested to be removed by the applicant.

- J. RESOLUTION NO. 22-56 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR LOCALLY ADMINISTERED PROJECT PROGRAM FUNDS FROM THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION, FOR THE PURCHASE OF ART BUSES, LEXINGTON STREET "COMPLETE STREETS" PROJECT, AND SWANNANOVA RIVER GREENWAY PROJECT AND IF AWARDED, SIGN ALL NECESSARY AGREEMENTS**

Action Requested: Adopt a resolution authorizing the City Manager to apply for \$8,800,000 in grant funds from the French Broad River Metropolitan Planning Organization's Locally Administered Project Program (LAPP), and if awarded, accept the funds and sign all necessary agreements.

Background:

- In January 2022, the French Broad River Metropolitan Planning Organization (MPO) issued a call for Locally Administered Project Program projects as part of the Surface Transportation Block Grant Direct Attributable (STBG-DA) and the Transportation Alternative Project Program (TAPP-DA) program.
- These federal funds are awarded on a competitive basis through a call for projects that are typically held every two years by the MPO.
- The total available amount of funding in this grant cycle is \$13,987,000, to be available in FY 2027-FY 2028.
- Eligible uses of these funds include transportation capital facilities and buses and bus facilities.
- Staff in Transportation and Capital Projects Departments reviewed existing CIP projects and current City transportation priorities to determine which projects most closely align with the requirements and criteria for the LAPP funding, as well as the timing of the LAPP funding.
- The grant requires a minimum 20% local match.
- Staff identified three potential projects to apply for (in no particular order):
 - a. \$2,000,000 (match = \$400,000) - Asheville Rides Transit (ART) bus replacement purchases. In 2027 and 2028, approximately 10 existing ART buses are expected to be near the end of their useful life. While the funding requested will not fund the entirety of these replacements, it will support the continued investment in transit and reduce the impact on the Capital Fund. Matching funds for the purchases would need to be programmed in a future Capital Improvement Program.
 - b. \$6,500,000 (match = \$1,300,000) - Livingston Street "Complete Street" Project. This project currently has a completed design, however, staff would like to revisit the project design and conduct additional community engagement to determine if changes in the design are desired. The grant funding would support additional engagement, redesign if necessary, and construction). Matching funds for this project would need to be programmed in a future Capital Improvement Program.
 - c. \$2,700,000 (match = \$540,000) - Swannanoa River Greenway. This grant request is to add additional funds to the existing \$3.6 million in transportation General Obligation (GO) bond funding already allocated to the project. The GO bond funds will be used to meet the match requirements, therefore no additional matching funds would need to be budgeted.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- N/A

Pro(s):

- These funding opportunities will allow us to proceed with existing transportation projects and to purchase more buses.

Con(s):

- The City will be responsible for providing matching funds in the amount of \$1,700,000: however, matching funds for the Swannanoa Greenway project are already accounted for via the GO bond program funds dedicated to the project.
- If awarded, grant funds would not be programmed and available until 2027 or 2028, which has an impact on project schedules but also assists with budget planning.

Fiscal Impact::

- The total 20% City match for this grant will be \$2,240,000. As noted above, \$1,700,000 of this match will need to be considered for funding in future capital budgets.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for \$8,800,000 in grant funds from the French Broad River Metropolitan Planning Organization’s Locally Administered Project Program, and if awarded, accept the funds and sign all necessary agreements.

In response to Councilwoman Roney, Assistant Transportation Director Jessica Morriss said that this grant application is for funding for 2027 or 2028. If we are awarded the grant, staff will then determine what type of buses (i.e., electric or hybrid) are available and appropriate at that time.

RESOLUTION BOOK NO. 43 - PAGE 53

K. RESOLUTION NO. 22-57 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TARHEEL PAVING & ASPHALT FOR THE FISCAL YEAR 2022 ASPHALT RESURFACING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Tarheel Paving and Asphalt, Inc. in the amount of \$1,321,207.82, plus a 15% contingency of \$198,181.17 (\$1,519,388.99 total) for the Fiscal Year (FY) 2022 Asphalt Resurfacing contract.

Background:

- The main scope of the project is the resurfacing of 15 streets for a total of 3.36 miles.
- Also included will be repairs to the concrete sidewalk and ADA improvements.
- The contract was advertised on February 3, 2022. and bids were opened on February 24, 2022.
- The following bids were received:

Tarheel Paving and Asphalt, Inc. of Hendersonville, NC	\$1,321,207.82
Bryant’s Land and Developments Industries, Inc. of Burnsville, NC	\$1,536,253.18
French Broad Paving, Inc. of Marshall, NC	\$1,645,100.00
Harrison Construction of Asheville, NC	\$2,315,559.65
- The contract is expected to be available on May 1, 2022, and the contractor has until December 15, 2022, to complete the work.

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.
- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Only one company from an identified disparity group (Black American) was found in the ten-county area and staff directly contacted that company.

- The company did not bid as a prime, but is listed as a sub with one of the prime bidders.
- Two women-owned businesses were also directly contacted, but neither submitted a bid.
- Two MWBEs, one Black-owned and one woman-owned, will be operating as subcontractors on the project.
- Tarheel Paving anticipates expending 16.7 percent of the total dollar amount of the contract with these companies.

Council Goal(s):

- Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- The award of this contract will resurface 3.36 miles of City streets.

Con(s):

- This construction work, although performed via a contractor, will also use City staff administrative time to ensure the work is properly performed.

Fiscal Impact:

- Funding for this contract is already budgeted in the General Capital Projects Fund as part of the Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Tarheel Paving and Asphalt, Inc. in the amount of \$1,321,207.82 plus a 15% contingency of \$198,181.17 for a total of \$1,519,388.99, for the project known as FY 2022 Asphalt Resurfacing.

RESOLUTION BOOK NO. 43 - PAGE 4

L. RESOLUTION NO. 22-58 - RESOLUTION OF INTENT TO CLOSE A RIGHT-OF-WAY ALLEY KNOWN AS REAR CLINGMAN AVENUE OFF THE EASTERN SIDE OF CLINGMAN AVENUE, AND SETTING A PUBLIC HEARING ON APRIL 26, 2022

Action Requested: Adoption of a resolution to set a public hearing for April 26, 2022, to permanently close a right-of-way alley known as Rear Clingman Avenue off the eastern side of Clingman Avenue associated with the Avery Project.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires City Council to consider whether the closure of the right-of-way has a negative impact to the public interest and whether the closure would impede access to parcels, utilities, and other public infrastructure.
- Delray Ventures has petitioned for this closure associated with the Avery Project located at 363 Hilliard.
- The City Council held a public hearing for the Avery Project Conditional Zoning request at their February 22, 2022 meeting and denied the project.

- The applicant revised the Conditional Zoning request and returned to City Council on March 8, 2022 and received approval.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- This closure request was recommended for approval by the Technical Review Committee on November 15, 2021 based on the Avery Project proposal, including the project's site plan, pedestrian improvements, and proposed bike lane improvements.
- The Multimodal Transportation Commission (MMTC) reviewed the ROW closure request on February 23, 2022, following the February 22 City Council meeting.
- Due to the Council's initial denial of the project's Conditional Zoning, the MMTC denied the ROW closure.
- Staff did not return to the MMTC following the Council's March 8 approval.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.
- The Avery Project will improve the existing bicycle facility on Hilliard Avenue along the project frontage, as well as make substantial improvements to pedestrian facilities on Hilliard and Clingman.
- The project will provide a pedestrian easement within the ROW closure area to facilitate public pedestrian access.

Con(s):

- Closure of an existing alley eliminates future potential uses within the ROW closure area.

Fiscal Impact:

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

Motion:

- Motion to approve the setting of a public hearing for April 26, 2022 for the request and intent to permanently close a right of way alley known as Rear Clingman Avenue off the eastern side of Clingman Avenue.

RESOLUTION BOOK NO. 43 - PAGE 55

M. RESOLUTION NO. 22-59 - RESOLUTION AUTHORIZING THE CITY MANAGEMENT TO SIGN AN AMENDED CONTRACT WITH SWIM CLUB MANAGEMENT GROUP INC. FOR THE MANAGEMENT OF CITY AQUATIC FACILITIES

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

Background:

- A Request for Proposals was advertised for interested companies to operate and maintain the three (3) City of Asheville pools and Splasheville interactive fountain for (1) year with an option to renew for an additional (2) years was issued in February 2021.

- Swim Club Management Group, Inc. was awarded the contract in March 2021 based on the qualifications, understanding of the scope of services, cost, availability, and the ability to provide all labor, materials, and supplies for the operations and management of the City's aquatic facilities.
- The original contract amount had a not to exceed amount of \$191,000 accounting for one season of management operations.
- The amended contract aligns the already approved terms of one year with 2 two-year renewal options with the cumulative not to exceed amount of \$506,113, over the life of the contract.
- The amendment clarifies dates and times for pools and splash pad to be in operation and updates the terms and conditions in response to an increase in supply costs and staffing.
- There is a strong relationship between the City of Asheville and Swim Club Management Group, Inc.
- They were easy to work with during the 2021 operating season as there were many unknowns as to operating during COVID.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

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

Con(s):

- None

Fiscal Impact:

- There is no additional fiscal impact.
- Funds for the management contract will come from existing department funds allocated for pool operations.

Motion:

- Motion to authorize the City Manager to execute an amended contract for Swim Club Management Group, Inc for the management of city aquatic facilities for a total amount not to exceed \$506,113 for the term of the contract and the authorization for the City Manager to execute change orders.

RESOLUTION BOOK NO. 43 - PAGE 57

N. RESOLUTION NO. 22-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED AGREEMENT FOR ADDITIONAL FUNDING WITH BUNCOMBE COUNTY FOR CODE PURPLE

ORDINANCE NO. 4938 - BUDGET AMENDMENT FOR CODE PURPLE

Action Requested: Resolution authorizing the City Manager to sign an amended agreement with Buncombe County to accept additional funding for Code Purple Emergency Shelter; and 2) budget amendment in the amount of \$80,000 in the Special Revenue Fund to appropriate the County funding of \$40,000, as well as an additional \$40,000 in City funds from previously appropriated Affordable Housing funds.

Background:

- The City of Asheville and Buncombe County have partnered to fund Code Purple emergency shelter for people experiencing homelessness this winter season.
- The City has contracted with Asheville-Buncombe Community Christian Ministry, Inc. (ABCCM) and Trinity United Methodist Church to deliver those services, and has an existing contract with Buncombe County to receive their portion of funding for those services.
- Buncombe County has approved an additional \$40,000 to support Code Purple shelter costs and desires to amend the existing contract with the City to add those funds for a new total of \$80,000.

Council Goal(s):

- Quality affordable housing

Committee(s):

- N/A

Pro(s):

- Code Purple provides essential emergency shelter to ensure survival for people experiencing homelessness

Con(s):

- None noted.

Fiscal Impact:

- Requested action will increase Buncombe County's contribution to Code Purple costs from \$40,000 to \$80,000.
- Requested action will also move \$40,000 of previously appropriated City Affordable Housing funds to the Code Purple project.

Motion:

- Motion to adopt a resolution authorizing the City Manager to sign an amended agreement with Buncombe County to accept additional funding for Code Purple Emergency Shelter; and the associated budget amendment in the amount of \$80,000 in the Special Revenue Fund to appropriate the County funding of \$40,000, as well as an additional \$40,000 in City funds from previously appropriated Affordable Housing funds.

**RESOLUTION BOOK NO. 43 - PAGE 52
ORDINANCE BOOK NO. 34 - PAGE 108**

**O. RESOLUTION NO. 22-60 - RESOLUTION OBJECTING TO PORTIONS OF
THE NANTHALA AND PISGAH NATIONAL FORESTS DECISION NOTICE
ON A NEW LAND MANAGEMENT PLAN**

RESOLUTION BOOK NO. 43 - PAGE 58

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

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 Roney moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER’S REPORT - COMMUNITY CLEANLINESS

City Manager Campbell reviewed the presentation overview: (1) Review Cleanliness-Related Data; (2) Discuss Current Communication Resources; (3) Overview of Current Cleanliness Efforts (City and Partner Agencies); and (4) Discuss Short-Term and Long-Term Strategies to Address Cleanliness. She said that current efforts and both short/long term strategies are focused primarily on City/public property and rights of way. Does not include matters of private property, including code compliance or curbside waste pickup

Assistant City Manager Rachel Wood provided some key takeaways (1) Community cleanliness is a multifaceted issue, with several contributing factors that will require a community-wide, holistic approach to address; (2) The City and several partner agencies currently contribute significant resources to address cleanliness concerns; (3) Current resource constraints have impacted the effects of community-wide cleanliness efforts; (4) The City and partner agencies have identified short-term options to improve cleanliness across Asheville; and (5) Several long-term options have also been identified, which will require additional resources and commitments from partner agencies to fully implement.

She reviewed the chart below of the category and sources/causes of litter:

Litter Category	Source(s) / Cause(s)
Cigarette Litter	Lack of access to disposal
	Need for enhanced education on proper cigarette disposal
General Litter	Active littering / tossing waste from vehicles and onto streets/sidewalks
	Bears/Wildlife
	Encampments
	Lack of / improper placement of public trash receptacles
	"Litter begets Litter"
	Overflowing trash carts/dumpsters/receptacles
	Plastic leaf bags left at curb
	Unbagged trash
Human Waste	Untarped/uncontained vehicle waste
Illegal Dumping	Access to public restrooms
	Distance to landfill for non-collectable items (construction waste, etc.)
	Lack of disposal options at multi-family complexes
Needle Litter	Need for enhanced education campaign regarding free City collection for bulky waste
Undeveloped City Property	Opioid crisis
	Limited staff to monitor and address issues

This is not a comprehensive list, and is intended to show that there are several contributing factors that lead to cleanliness concerns across the community.

The following are current communication/reporting resources: Asheville App; Customer

Service Phone Line: (828) 251-1122; Sanitation Phone Line and Email: (828) 259-5857 or sanitation@ashevillenc.gov; Neighborhood Services: neighborhoods@ashevillenc.gov; and Direct Emails and Phone Calls to City Staff and City Council.

She reviewed a chart of City cleanliness work orders per block group.

Current City of Asheville cleanliness efforts/resources regarding litter cleanup, pressure washing, street receptacle waste collection, and general maintenance are as follows:

Citywide

- Park Maintenance services and maintains 54 public parks and 6 miles of greenway with waste typically collected once per day
- Sanitation maintains and services 25 street receptacles in West Asheville and Biltmore Village, 3-4 days per week
- ART contract includes waste collection at most transit stops citywide
- Targeted litter cleanup events scheduled and coordinated on an as-requested basis

Downtown

- Downtown cleanliness contractor provides 5 days per week service for downtown litter collection, weed control, waste receptacle cleaning, and sidewalk pressure washing
- Park Maintenance provides 150 hours of service in downtown parks per week, litter cleanup and waste collection included; pressure washing is provided 2 times per month in Pritchard Park
- Sanitation maintains and services 125 downtown street receptacles, 7 days per week

Public Restrooms (fixed and portable)

Citywide

- Public restrooms located in 23 parks, 7 open year-round and 16 closed for winter
- Portable restrooms located at 155 Livingston and 1543 Patton

Downtown

- 5 fixed public restroom locations (including Pack Library & A-Hope)
- 1 portable location at intersection of College and Rankin

Street Sweeping

Citywide:

- Monday-Thursday, daily

Downtown:

- Sunday-Thursday, nightly

Current Governmental Partner Cleanliness Efforts/Resources are as follows:

- **Asheville City Schools**
 - Maintains school property and addresses cleanliness issues on school

campuses

- **Buncombe County**
 - Maintains County property and addresses cleanliness issues on County property
 - Partnered with City on installation of sharps kiosks at the following locations:
 - Pisgah View Apartments
 - Haywood Street, near Pack Library
 - Coxe Avenue, in front of County Human Services
 - Currently exploring options for 2-3 additional sharps kiosk locations
- **NCDOT**
 - Addresses cleanup concerns on NCDOT-owned right-of-way
 - NCDOT's biannual "North Carolina Litter Sweep" will occur April 16-30 and is currently requesting volunteers signup through NCDOT.gov
 - City forwards cleanup requests to NCDOT when issues are on NCDOT property

Current partner agency cleanliness efforts/resources are below:

- **Asheville GreenWorks**
 - Contracted with City to coordinate 50 cleanups in FY 2022 with 600 volunteers
 - 12,000 pounds of litter and tires collected this fiscal year
 - Supports adopt-a-spot and adopt-a-street operations
- **BeLoved**
 - Hosts community cleanup events where unhoused neighbors contribute
 - Most recent event was on March 1
- **Explore Asheville**
 - Collaborated with other partners on cleanup events such as the Asheville Downtown Association, United Way, Asheville GreenWorks, and the Asheville Chamber
- **Others**
 - The City recognizes that many other partners, including neighborhood associations, concerned individuals, businesses, and not-for-profit agencies continue to produce efforts and provide resources.

Current cleanliness resource constraints consist of:

- **Staffing**
 - Difficulty hiring and retaining skilled staff to provide key cleanliness-related services
 - Need additional staffing resources in key areas to address cleanliness

- **Communications Limitations**
 - Need additional City and partner agency resources to develop a comprehensive, community-wide cleanliness communications and education campaign
 - Need to improve the quality and use of data available related to cleanliness concerns

- **Reduction in Volunteerism**
 - Health and safety related concerns have led to reduced number of cleanup event volunteers

- **Lack of Dedicated Funding Source**
 - Need to identify a reliable, dedicated funding source to support cleanliness efforts

Short-term improvement strategies are as follows:

Targeted Cleanup Events

- City staff to coordinate with neighborhoods and other community partners to schedule targeted cleanup events based on data and community request
 - Asheville Downtown Association, Asheville GreenWorks, BeLoved, and the City of Asheville have a downtown cleanup scheduled for April 19 at 11:00 a.m.
 - Discussions are currently underway for an expanded citywide “Spring Sweep” April 18-23
 - Advertised NCDOT’s “North Carolina Litter Sweep” on City social media outlets

Enhanced Waste Collection*

- Coordinating with partner agencies on waste collection strategies for sharing meals with the unhoused
- Perform an assessment of public waste receptacles and make changes in style, location, and number where needed
- Increased trash collection at heavily visited parks citywide from 2 times per day to 4 times per day
- Temporarily assigning additional staff to help address litter citywide

Enhanced Reporting and Communications Efforts*

- Improve responsiveness to requests and quality of data used to inform resource allocation
- Refine communications efforts including increased use of social media channels and website to more regularly post information about waste reduction and cleanup events

* All short-term improvement strategies listed are currently either in development or underway.

Long-term improvement strategies include:

Enhanced Staffing and Use of Alternative Labor Sources

- Identify additional City staff and resources to coordinate community outreach and implement enforcement and prevention programs to reduce litter and better manage vacant City properties

- Explore options for temporary labor, contracted services, and enhanced volunteerism to address cleanliness community-wide

Sanitation Services Assessment

- Implement a solid waste master planning process to evaluate, revise, and improve City sanitation operations and ordinances

Communications Campaign

- Create a consistent approach for responding to requests that span multiple departments
- Collaborate with partner agencies to develop and implement a formal waste prevention and communications campaign centered on community cleanliness

Improved Use of Data and Reporting

- Enhance use and quality of data to more proactively respond to cleanliness issues
- Use data, including master plans for key services, to ensure resources are deployed to have the highest impact on addressing the root causes of cleanliness concerns

Dedicated Funding Source

- Explore models such as a Business Improvement District or other dedicated funding sources to provide ongoing resources to maintain and supplement cleanliness services in downtown

City Manager Campbell, along with Assistant City Manager Wood, responded to various questions/comments from Council, some being, but are not limited to: as staff looks at revenue streams, please look at the relationship with other tourist cities and how they might use room tax for the purpose of addressing cleanliness in the City; request for information on what the Business Improvement District discussion was in the past and the outcomes of that discussion; are we continuing to have infrastructure and repair problems with our downtown restrooms; request to have ART monitor debris and litter around the bus stops outside of the downtown area; street sweeping on the weekends should be a future improvement strategy; the general litter narrative data should be expanded to include the tourists and the daytime population; concern that we have a City ARPA funds application of \$840,000 for clean-up and if awarded it would reduce funds for all other organizations that do not have the resources of a General Fund balance; question of whether encampments would be listed in the general litter category if we had a temporary managed camping facility with sanitation; and need to work with partners on the location of addition of sharp containers so efforts are not duplicated.

City Manager Campbell wanted the community to understand the complexity of this issue. City staff is taking this seriously but it is a challenge. We are taking some fairly progressive steps in trying to respond to this issue. There are some short-term strategies; however, we will also continue to address the long-term strategies.

City Manager Campbell acknowledged the work of Director of Sustainability Amber Weaver, who will be leaving the City of Asheville.

IV. PUBLIC HEARINGS:

- A. 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 applicant's request, Vice-Mayor Smith moved to continue this public hearing until June 28, 2022. This motion was seconded by Councilwoman Turner and carried unanimously.

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PORTIONS OF PROPERTIES LOCATED AT 273/291 LONG SHOALS ROAD AND 300/400 JULIAN SHOALS DRIVE FROM HIGHWAY BUSINESS DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE

At the applicant's request, Councilwoman Mosley moved to continue this public hearing until April 26, 2022. This motion was seconded by Vice-Mayor Smith and carried unanimously.

C. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF MULTIPLE PROPERTIES LOCATED AT 427 BROADWAY STREET FROM NEIGHBORHOOD CORRIDOR DISTRICT TO NEIGHBORHOOD CORRIDOR DISTRICT/CONDITIONAL ZONE

At the applicant's request, Councilwoman Kilgore moved to continue this public hearing until April 12, 2022. This motion was seconded by Councilwoman Roney and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 22-61 - RESOLUTION REGARDING ALTERATIONS TO MEMORIAL STADIUM AND MOUNTAINSIDE PARK

Parks & Recreation Director D. Tyrell McGirt said that following further discussion with community and other user groups, staff recommends the adoption of a resolution authorizing the City Manager to move to Phase 2 of development of Memorial Stadium and that Phase 2 include a 6 lane competitive track as described in the attached exhibit, expansion of walking trail, as well as other improvements recommended by staff as described in the March 22, 2022 presentation.

Background:

- Phase 1 of a multi-phase project has been completed to make improvements to Memorial Stadium.
- Work completed to date include: new turf, replacement and relocation of stormwater, new field drainage, cleaned concrete bleachers, construction of accessible ramps to concrete bleachers, constructed sidewalks at ends of field connecting pedestrian access to bleachers.
- As staff progressed into implementation of Phase 2 of the project, interest was raised by the community and other user groups to look into expanding the proposed walking trail and consider the feasibility of adding a 400 meter 6-lane track into the design of Phase 2.
- Staff met with community members on March 10, 2022 to present possible options for the walking trail and track as additions to Memorial Stadium and Mountainside Park.
- Staff presented pros and cons of the options.
- After further discussion with the community and other user groups and an internal assessment of the feasibility of adding the track, staff concluded the track could be added and recommends that Council consider adding it into the Phase 2 improvements for Memorial Stadium along with further enhancements that were originally planned including those to Mountainside Park.

Council Goal(s):

- An Equitable and Diverse Community
- A Well Planned and Livable Community

Committee(s):

- N/A

Pro(s):

- A 6 lane competitive track will provide a dedicated area for fitness walking and running.
- Provides opportunities for community running programs
- Allows hosting of track events
- Aligns seating with available parking capacity
- Responds to community expressed interests and needs

Con(s):

- Reduces current seating capacity
- Reduces flag football field capacity
- Reduces soccer field size
- Requires new restroom building
- Impacts neighborhood with increased programming.

Fiscal Impact:

- Costs to cover entire recommended improvements is \$4.4 million
- Current available funding for this project is \$1.0 million dollars which leaves a funding gap of \$3.4 million dollars.
- Staff will provide the Council with possible sources of funding at a future Council meeting.

Parks & Recreation Director D. Tyrell McGirt outlined the key takeaways: (1) Phase I completed; (2) Phase 2 planned improvements; (3) Phase 2 walking trail and track options; and (4) recommendations and next steps.

He said Phase 1 of a multi-phase project to enhance Memorial Stadium has been completed. As staff progressed into implementation of Phase 2 of the project, interest was expressed by the community and other user groups to look into expanding the proposed walking trail and consider the feasibility of adding a 400 meter 6-lane track into the Phase 2 design. After further discussion with the community and other user groups, and an internal assessment of the feasibility of adding the track, staff concluded the track could be added and recommends that Council consider including it along with the previously planned Phase 2 improvements at Memorial Stadium and Mountainside Park.

The work completed in Phase I was new turf; replaced and relocated stormwater; new field drainage; concrete bleachers cleaned; accessible ramp for concrete bleachers; pedestrian access along ends of field; accessible ramp for concrete bleachers; and sidewalks along ends of the field connecting pedestrian access to bleachers.

Phase II planned projects for the Mountain Side Park Playground include a walking trail; trike track, poured-in-place surfacing; swing replacement; bench and table seating; and shade trees. The Phase II planned projects for the new restroom and storage facility include demolition of current concession stand and restroom facilities; construct new combined restroom and storage facility; improve accessibility; security lighting; and scoreboard improvements.

Regarding Phase 2 walking trail and track options, as staff progressed into implementation of Phase 2 of the multi-phase project, interest was raised by the community and other user groups to look into expanding the proposed walking trail and consider the feasibility of

adding a 400 meter 6-lane track into the Phase 2 design. Staff developed three possible options for the trail and the possible option of a 6-lane track and presented them at a community meeting that included both pros and cons of each option. He showed the two options for the walking trail. The track option is 6-lane competitive track; 400 meter; 18' wide path (3' per lane); rubber track surfacing; reduce largest turf field to 65 yards x 120 yards; replace existing restroom; replace western bleachers with concrete plaza to allow for temporary seating expansion; and modify existing stormwater pipes to accommodate track.

After further discussion with the community and other user groups, and an internal assessment of the feasibility of adding the track, staff concluded the track could be added and recommends that Council consider including it along with the previously planned Phase 2 improvements at Memorial Stadium and Mountainside Park.

The recommended track option includes 6-lane competitive track; rubber track surfacing; reduce largest turf field to 65 yards x 120 yards; replace existing restroom; replace western bleachers with concrete plaza to allow for temporary seating expansion; modify existing stormwater pipes to accommodate track; 10'-12' side paved asphalt walking trail; and playground improvements - for a total estimated cost of \$4.4 Million.

Staff recommends City Council adopt a resolution authorizing the City Manager to identify funding for phase 2 of the Memorial Stadium improvements as recommended by staff, to enter into the design phase to include a 6-lane competitive track with dimensions as described in the exhibit attached to the resolution, and begin implementation of other staff recommendations as described in this staff presentation.

If approved, staff will identify possible funding source(s) to address the funding gap. Staff will also develop a design and construction schedule.

Mr. McGirt responded to various questions/comments from Council, some being, but are not limited to: requirements of use of bond funds; what was the original budget estimate for this work; how many people can the concrete stands hold; confirmation that no users will be displaced by this design, but with the new track, we will be able to offer a field and track program; what does the \$4.4 Million include; with this new track, what does the programming look like for non-profits, schools, the neighborhood, etc.; confirmation that a parking plan is needed for Memorial Stadium; status of moving the Hunt Hill maintenance facility from its current location; update on the passive park adjacent to Carolina Day; update on the impact of football on the field; will there be an effort to install the new track between seasons, or will there be interruptions of other current users; who would be responsible for assembling temporary seats; has there been discussions with user groups about them providing their own off-site parking with shuttles; and possible use of Tourism Development Authority funding to close the gap needed on this project.

Councilwoman Mosley provided background information on Memorial Stadium, noting that on March 6, 1998, a subject on the City Council agenda was the sale of Memorial Stadium to an independent purchaser. The reason for the proposal was to benefit a little league team from north Asheville. It looked like the City was considering the sale because Memorial Stadium was in such disrepair and it was estimated to get it up to par would be approximately \$30 Million over 15 years. She outlined several comments from the meeting, i.e., over 495 children lived in public housing within walking distance of Memorial Stadium; Memorial Stadium is being used by the elderly for a safe place to exercise; Memorial Stadium should remain for historical value; Memorial Stadium is an excellent site to hold large community meetings; and need to hold the land for future generations. Ultimately, City Council at that time voted not to sell Memorial Stadium on a 4-3 vote. She hoped that the community will educate their children and grandchildren on the history of this property so hopefully the issue to sell will not come back up in another 20 years or so.

One individual noted that in 2019 a community input session was held at Stephens-Lee and the plan with the strongest support was for a field with no track. He felt that support should be honored.

Five individuals spoke in support of the 6-lane track at Memorial Stadium.

Councilwoman Kilgore was pleased that we are now going to enjoy a much improved area. She hoped that when it comes to programming the area, consideration will be given to what the African American community has been through and possibly allow them precedent over future programming of the area.

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

Councilwoman Mosley moved to adopt a resolution authorizing the City Manager to identify funding for phase 2 of the Memorial Stadium improvements as recommended by staff, to enter into the design phase to include a 6-lane competitive track with dimensions as described in the attached exhibit, and begin implementation of other staff recommendations as described in the staff presentation on March 22, 2022. This motion was seconded by Councilwoman Kilgore and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Six individuals spoke to Council on various issues, some being, but are not limited to: misinformation on the Walton Street Park pool; need for an urban forester; suggestions for tackling the houseless in the community; need to address the question of what is the definition of litter or dirt; there is no consequence for littering, so in addition to education, enforcement is needed; appreciation for Council adopting a resolution to project the Pisgah National Forest; and need for additional trash cans on College Street.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:54 p.m.

CITY CLERK

MAYOR