

Tuesday – May 10, 2022 - 2:30 p.m.

City Council Committee Realignment & Commissions Proposal

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

City Manager Campbell said that at a recent budget worksession a question was raised if we ever stop doing anything or ever look at re-engineering. This is what this is. This is an opportunity to review how we structure boards & commissions and the relationship between Council, staff, the board & commission members, and the community. This is the beginning of a process to make it more rewarding for everyone involved.

Deputy City Clerk Sarah Gross said the presentation overview will consist of (1) Background and History - Background and history of initiative; (2) Council Committee Realignment - Realignment proposal of Council Committees; and Council discussion; and (3) Update on Boards and Commissions Restructuring - Goals of restructuring Boards and Commissions; Community feedback we've heard; and Council discussion.

She then provided a background and history. City Staff (1) Identified recurring operational challenges with the current structure; (2) Conducted an assessment of the current structure; (3) Developed a draft proposal to holistically align the workflow of Council Committees and Boards and Commissions ; (4) Holding engagement workshops to get community input and feedback; and (5) Will continue to engage with the community. A request was made at 2022 Council retreat to hold a work session to review Council Committees and opportunities for alignment. Moving forward in incremental phases and continued community input for Council Committees; Boards and Commissions; and Pilot program.

Regarding the Council Committee realignment, the (1) Council committee structure has not been reviewed or adjusted in 16 years; (2) Proposal to align Council Committee focus areas with the Comprehensive Plan and Council's Vision; (3) Adjustment of committees will provide: (a) Refocus on Council strategic priorities and (b) Align community input, organizational work, and reporting with City Council priorities; and (4) Asking Council feedback on the recommendations.

A brief Council Committee history is (1) Created for policy review and discussion arms of Council; (2) Majority of Committees were created in 2006 in a Council work session - [Revenue and] Finance and [Human Resources]; Public Safety; Planning and Economic Development; and Housing and Community Development; (3) Governance created in 2013; (4) Boards and Commissions Committee created pre 1997; and (5) Finance added "Human Resources" in 2018.

The proposed Committee realignment will be Governance; Planning & Economic Development; Boards & Commissions; Housing & Community Development; Health Environment & Safe Community; and Connected & Equitable Community.

Deputy Clerk Gross then reviewed possible policy topics covered for each of the new proposed Committees.

She asked for Council discussion on the following proposed Council Committees which are based off of the Comprehensive Plan, Council's Vision and incorporates FY23 Council Priorities - (1) Do the proposed Committees align in a way that captures and reflects the spirit of the Living Asheville Plan, Council's 2036 Vision Plan and/or other policy areas?; and (2) Other issues or concerns about the proposed committee realignment?

Staff will then take today's feedback from Council and make any necessary updates to the recommendation to realign Council Committees; and bring final recommendation(s) back to City Council for review and action.

Regarding the Boards & Commissions restructuring, key takeaways include (1) The current structure is unclear, inconsistent, and does not maximize staff or volunteers' time; (2) Holistic assessment of current structure; (3) Proposed restructuring to make advisory boards more inclusive, effective and strategic; (4) Restructure Working Group will inform the final recommendation to City Council; and (5) Pilot of the recommendation is an opportunity to test and refine.

She said the intended results of restructuring will be (1) Effective engagement in order to drive change and address community needs; (2) Effective use of volunteer time and energy; (3) A system for new ideas are heard and addressed; (4) Align City resources to better support the work (5) Improved visibility and access into the decision making process; (6) Actively seek diverse cross section of volunteers; and (7) Alignment of board work with City Council priorities.

Deputy Clerk Gross then showed a chart of a draft proposed restructure.

We have held (1) two focus groups; (2) four workshops; (3) independent conversations with various members and stakeholders; and (4) one meeting with the Restructure Working Group on May 5. The Restructuring Working Group was created by staff and charged with (1) Find creative ways for community members who are unable to attend regular meetings to participate; (2) Troubleshoot the proposed structure by processing examples from the work of current boards and commissions; (3) Find creative solutions to community concerns about the proposed structure; (4) Help define the names and focus areas of each advisory board; and (5) Create guidelines and processes to ensure future Working Groups are inclusive and accountable. The general themes of what we heard from the Working Group was (1) Consensus the structure needs improvement; (2) Agreement with staff identified challenges; (3) There is abundant knowledge in the community; (4) Desire for stronger ties to City Council; (5) Staff support is inconsistent; and (6) More outreach and diversity is needed. We also heard concern that the proposal (1) was developed by staff; (2) limits voices; (3) hinders community concerns (i.e., too top-down); (4) overlooks participant expertise; (4) removes community from decision-making power; (5) has broad/confusing recommendations; and (6) includes an unrealistic workload for Advisory Boards.

Deputy Clerk Gross said that the proposed next steps for the Boards & Commissions restructuring includes (1) Working Group to continue work and make recommendations; (2) Incorporate working group input into pilot proposal; (3) Begin work to establish a pilot; (4) Test assumptions and adjust proposal; and (5) Report back and final recommendation to Council. At that time, there will be a Council review and action.

Throughout the presentation and considerable discussion, Councilwoman Wisler, City Manager Campbell and Deputy Clerk Gross responded to various questions/comments from Council, some being, but are not limited to: confirmation that the policy topics under each Council Committee are only examples of possible topics; is it anticipated that the new process will change each time new Council priorities are established or will we re-look at this new structure perhaps at Council retreats; staff liaisons need to be identified; confirmation that staff did benchmark Asheville with other cities, noting that what Asheville was missing is alignment and direct linkage; confirmation that only advisory boards are being considered to be restructured, not quasi-judicial boards or state mandated boards; will the working groups have staff support, i.e., posting agendas, taking minutes, etc.; will the Council Committees or the Advisory Boards determine the

level of staff support needed for working groups; how will the public engagement process work if most work is at the Working Group stage; how many people on the Restructuring Working Group are current or past board members; was a demographic survey of the four workshops held; and what is preventing our current boards from inviting outside groups to make presentations at their meetings. Deputy Clerk Gross said that many questions raised by City Council are questions that we hope the Restructuring Working Group will work on.

Councilwoman Roney asked for an example of what it might look like for a matter to move through this new process.

Councilwoman Wisler said that she has heard some current members feel like their board is very clear and very effective at this time. She said this is not a personal attack on an individual or board. Structurally the overall current system does not work. She hoped that the Restructuring Working Group will be open minded and creative while reviewing what is working and what isn't working so we can focus on what is working for a good end result. She stressed that not everything is broken, but there are opportunities to improve and enhance broader community participation and input.

Councilwoman Roney felt that we are tying up a lot of staff time on this restructuring process which could be devoted to other Council strategic priorities. She suggested we pause on this process and wait for the recommendations from the Restructuring Working Group.

Councilwoman Wisler said that one big feature about this proposal is that we ask people what they are interested in - instead of people having to chase around trying to find what board is talking about that issue. The Working Groups will be reaching out to people who have expressed interest in a particular topic with how they can get involved as much or as little as they want. The less formal Working Groups will have the opportunity to take down the barrier of having to have a quorum to meet in order to discuss issues; and they won't have to make the time commitment of serving on a particular board.

Councilwoman Wisler said that City Council has their top priorities and the Advisory Boards will have their top priorities as well, which should be aligned with Council's goals. Hopefully between the actions of the Council Committees and the Advisory Boards, the Working Groups won't go down a path of a recommendation that is not aligned with City Council. As there will be other great priorities that the Working Group will want to pursue, there is only limited resources and staff time. If the Advisory Board would like to take up a topic that is not a Council priority, then it was suggested that it be routed to the Boards & Commissions Committee to let them know the path forward.

In response to Councilwoman Sage, Councilwoman Wisler said that rather than look at individual boards and commissions and find out where they would fall into this new structure, we need to look at the work of the board or commission and that should determine where they will fall.

Councilwoman Roney said that the City of Durham has a stipend program, and perhaps that may increase participation.

City Council instructed staff to (1) rename the proposed Governance Committee to possibly Policy & Finance; (2) define the scope of the Boards & Commissions Committee; (3) continue working with Restructuring Working Group for recommendations; (4) slow down the advisory boards & commissions restructuring process to allow for more community feedback; (5) begin work to establish a pilot; (6) prepare Council some talking points about how we envision this not limit voices, but it will get more voices to the table; and (6) come back to City Council with final recommendations of the Council Committee alignments.

At 4:00 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – May 10, 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:

A. PROCLAMATION PROCLAIMING MAY 15-21, 2022, AS “NATIONAL PUBLIC WORKS WEEK”

Mayor Manheimer read the proclamation proclaiming May 15-21, 2022, as “National Public Works Week” in the City of Asheville. She presented the proclamation to Bernard McDowell (Utility Cuts), Will Rumley (Asset Management), Sofia Bonilla (Public Works Administration), Valerie Welbourn (Stormwater), Terrelle Brown (Sanitation), Keith Leader (Fleet Management) and Daniel Moffitt (Streets), who each stated their tenure with the City.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE WORKSESSION HELD ON APRIL 25, 2022, AND THE REGULAR MEETING HELD ON APRIL 26, 2022

B. RESOLUTION NO. 22-81 - RESOLUTION SUPPORTING THE N.C. DEPT. OF TRANSPORTATION IN FUNDING, DESIGNING, AND CONSTRUCTING PEDESTRIAN IMPROVEMENTS AT THE I-240/CHARLOTTE STREET INTERCHANGE (BOTH INTERSECTIONS) AND A RIGHT-TURN LANE ALONG THE EASTBOUND OFF-RAMP

Action Requested: Adoption of a resolution supporting the North Carolina Department of Transportation (NCDOT) in funding, designing, and constructing pedestrian improvements at the I-240/Charlotte Street interchange (both intersections) and a right-turn lane along the eastbound off-ramp.

Background:

- Project HL-0012 is currently listed in the NCDOT 2020-2029 State Transportation Improvement Program (STIP) at a total estimated construction cost of \$1,238,000.
- The scope of work includes pedestrian signals, crosswalks, and a right-turn lane along the eastbound off-ramp.
- The project is currently funded with Federal and State funds totaling \$1,400,000.
- Additional funds in the amount of \$400,000 are needed to deliver the project as scoped.
- The NCDOT proposes to use the High Impact Low Cost program (State funds) for the additional funds.
- Any project that uses High Impact Low Cost program funds and exceeds a total project cost of \$250,000 requires a resolution of support from the appropriate local government entity.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Multi Modal Transportation Commission - April 27, 2022 - Approved unanimously

Pro(s):

- Provides much needed pedestrian improvements (pedestrian signals and crosswalks) at two busy intersections.
- Provides a right-turn lane along the eastbound off-ramp to minimize traffic backup on the interstate.
- The increase does not affect funding for any other local projects.

Con(s):

- None

Fiscal Impact:

- There is no fiscal impact to the city.

Motion:

- Motion to adopt a resolution supporting the North Carolina Department of Transportation (NCDOT) in funding, designing, and constructing pedestrian improvements at the I-240/Charlotte Street interchange (both intersections) and a right-turn lane along the eastbound off-ramp.

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C. RESOLUTION NO. 22-82 - RESOLUTION AUTHORIZING A CONTRACT AMENDMENT WITH S&S MANAGEMENT GROUP (D/B/A GUARDONE SECURITY) FOR SECURITY GUARDS AT CITY OF ASHEVILLE PARKING FACILITIES

Action Requested: Adopt a resolution authorizing the City Manager to amend City of Asheville Contract #91900235 with S & S Management Group, LLC (dba GuardOne Security) in order to add \$80,000.00 (not to exceed \$348,000.00 in total) to the existing contract and extend the expiration date to September 30, 2022, for security guards at City of Asheville parking facilities.

Background:

- The City awarded a three-year contract to S & S Management Group, LLC (dba GuardOne Security) in 2018 as a result of a competitive bid (298-002 2019 PS) for security services at City of Asheville parking facilities; the contract provided for up to three one-year-each renewal periods.
- The last (third) renewal of the subject contract will expire on June 30, 2022.
- As of mid-April 2022, all approved City of Asheville Security Guard positions are vacant; the Contractor has provided additional security services beyond what was originally anticipated (hours/week) to offset the vacancies.
- Parking Services aims to release a competitive bid for security services at City of Asheville parking facilities in late April 2022, with the anticipated start date for an awarded Contractor to be July 1, 2022.
- Parking Services is also currently recruiting for several vacant positions, including Security Guards.
- The requested contract extension and increased contract value will allow the City to maintain appropriate security services in the event that (1) a new contract is awarded and

the selected vendor may be unable to begin services on July 1, 2022, and/or (2) that existing Parking Services positions remain vacant for a period of time - both of these scenarios are possible given current economic conditions.

Vendor Outreach Efforts:

- No new efforts.
- The existing contract with S & S Management Group, LLC (dba GuardOne Security) was issued in 2018 as the result of a competitive advertisement and selection process.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will allow continuity of security services within City of Asheville parking facilities.

Con(s):

- Failure to take this action will risk a lack of security services within City of Asheville parking facilities.

Fiscal Impact:

- Funding for this contract amendment is included in the adopted Parking Services Fund Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend City of Asheville Contract #91900235 with S & S Management Group, LLC (dba GuardOne Security) in order to add \$80,000.00 (not to exceed \$348,000.00 in total) to the existing contract and extend the expiration date to September 30, 2022, for security guards at City of Asheville parking facilities.

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D. RESOLUTION NO. 22-83 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH WOOTEN COMPANY FOR THE WALL STREET AND RANKIN AVENUE GARAGE ELEVATOR MODERNIZATION PROJECT

RESOLUTION NO. 22-84 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH PATTON CONSTRUCTION GROUP FOR THE WALL STREET AND RANKIN AVENUE GARAGE ELEVATOR MODERNIZATION PROJECT

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

- The Wooten Company to extend contract termination date to be June 30, 2022.
- Patton Construction Group, Inc. to extend contract termination date to be June 30, 2022.

Background:

- The City's contract with The Wooten Company to provide Construction Administration services for the modernization of elevators within the Rankin Avenue and Wall Street Parking Garages expired on January 31, 2022.
- Due to COVID-19 related supply chain and staffing issues, work has not been performed at the pace originally planned.
- The City's 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 expired on January 31, 2022.
- Due to COVID-19 related supply chain and staffing issues, work has not been performed at the pace originally planned.
- Both contractors have been providing services under the terms of the contracts since the date of contract expiration to present, and this action would ratify those services provided and include them under the current contract terms.
- Both contractors have expressed a ready willingness to ensure that work is satisfactorily completed; it is recommended that both contracts be extended, with a new expiration date to be June 30, 2022.

Vendor Outreach Efforts:

- None.
- 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):

- Failure to take this action will result in the City's inability to safely reopen the elevators at the Rankin Avenue Garage and Wall Street Garage.

Fiscal Impact:

- There is no fiscal impact to the Parking Services Capital and/or Operating Budgets as a result of the recommended action.

Motion:

- Motion to adopt two resolutions ratifying and authorizing the City Manager to amend the following contracts:
 - The Wooten Company to extend contract termination date to be June 30, 2022.
 - Patton Construction Group, Inc. to extend contract termination date to be June 30, 2022.

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RESOLUTION NO. 22-84 - RESOLUTION BOOK NO. 43 - PAGE 99**

**E. RESOLUTION NO. 22-85 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO ENTER INTO A CONTRACT WITH J. BARTHOLOMEW**

CONSTRUCTION FOR THE MAGNOLIA PLAYGROUND CONSTRUCTION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with J. Bartholomew Construction in the amount of \$199,950.00, for the Magnolia Park Playground project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$20,000 (10%).

Background:

- Magnolia playground, originally installed in the late 1990's, has surpassed the normal longevity of equipment and is currently in need of replacement.
- The park is located at 51 Magnolia Ave in the Five Points area.
- This project replaces the existing equipment, trike track, basketball court, provides new lighting, new site furnishings and creates a new accessible neighborhood entry.
- Construction is estimated to begin in June and last until fall.
- Base bids received on April 14th, 2022
 - J. Bartholomew Construction, Hendersonville, \$193,550
 - Patton Construction Group, Inc. of Asheville, \$243,250
 - Moore & Son Site Contractors of Mill River, \$523,323
- Alternates include replacing asphalt with concrete and colored concrete are all accepted for an additional \$6,400, for a total of \$199,950 construction costs.
- J Bartholomew 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.
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

- A well planned and livable community

Committee(s):

- None

Pro(s):

- New equipment and safety surfacing will provide a safer play environment.
- Revamping the park will reduce maintenance of failing elements

Con(s):

- The playground will be closed during construction.

Fiscal Impact:

- Funding for this contract is already included in the adopted Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with J. Bartholomew Construction in the amount of \$199,950.00, for the Magnolia Park Playground project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$20,000 (10%).

F. RESOLUTION NO. 22-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ARTISAN CONCRETE SERVICES, INC. D/B/A ARTISAN SKATEPARKS FOR THE ASHEVILLE SKATEPARK PROJECT

ORDINANCE NO. 4941 - BUDGET AMENDMENT FOR THE ASHEVILLE SKATEPARK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a design build contract with Artisan Skateparks in the amount of \$200,000.00, for the Asheville Skatepark project; and a budget amendment in that same amount to move funding from the General Fund to the General Capital Projects Fund.

Background:

- The current skatepark (originally built in 2000) is in need of repairs and updates.
- These updates will expand the park to support activities for all ages and skill levels.
- The skatepark community has been working with the City towards renovations for quite some time.
- Over the last year there has been input and feedback to help direct the project.
- Design is to start in May with construction anticipated to begin early fall and be complete before winter.
- Request for Qualifications for a design build team was advertised on February 25, 2022.
- Qualifications were received from three firms on April 13, 2022.
 - Artisan Skateparks of Kitty Hawk, NC and Pillar Design Studios of Arizona.
 - WTAPS Construction of Asheville
 - Grindline Concrete Skatepark Design & Construction of Seattle, Washington.
- After review, the most qualified candidate was determined to be Artisan Skateparks and Pillar.
- Additionally, Artisan Skateparks is collaborating with a local artist/skatepark contractor.

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 requesting teams to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- WTAPS Construction, a minority owned business submitted qualifications. Unfortunately they were not the most qualified team.

Council Goal(s):

- A well planned and livable community and an equitable and diverse community.

Committee(s):

- None.

Pro(s):

- Needed repairs will be completed.
- New street elements will bring a wider group of participants to the park

Con(s):

- The park will be closed during construction.

Fiscal Impact:

- Funding for this contract is included in the adopted Parks and Recreation General Fund Budget.
- Given the size of the expense and the need to capitalize the work, staff is recommending adoption of a budget amendment to move funding from the General Fund to the General Capital Projects Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a design build contract with Artisan Skateparks in the amount of \$200,000.00, for the Asheville Skatepark project; and a budget amendment in that same amount to move funding from the General Fund to the General Capital Projects Fund.

**RESOLUTION BOOK NO. 43 - PAGE 101
ORDINANCE BOOK NO. 34 - PAGE 122**

G. RESOLUTION NO. 22-87 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PBMARES, LLP, FOR AUDITING CITY ACCOUNTS FOR FISCAL YEAR ENDING JUNE 30, 2022

Action Requested: Adoption of a resolution authorizing the Mayor to execute a contract with PBMares, LLP for auditing City accounts for fiscal year ending June 30, 2022.

Background:

- North Carolina General Statute §159-34 requires that local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission.
- Staff recommends retaining the services of PBMares, LLP to conduct an audit of the City's accounts for the fiscal year ending June 30, 2022.
- The estimated cost for fiscal year 2021-2022 audit includes a base fee of \$103,080, which covers 900 hours of audit work; and a \$150 per audit hourly fee for each hour over 900 hours up to a maximum total of 25% of the base fee (\$25,770), for a maximum total fee of \$128,850.
- The previous years' fees, which only included base fees, were as follows:
 - 2020-2021: \$100,640
 - 2019-2020: \$98,200
 - 2018-2019: \$95,760
- Execution of this contract complies with the Audit Policy portion of City Council's Financial Policies which states that the City "shall enter into multi-year agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements."
- This will be the fifth consecutive year of contracting with the same auditors so staff will be conducting a competitive bid process in the upcoming fiscal year prior to the next audit.

Vendor Outreach Efforts:

- No competitive bid process was conducted this year.

Council Goal:

- Financially Resilient City

Committee::

- No prior Committee approval.
- Final audit results are presented annually to the Audit Committee.

Pro:

- Contracting with PBMares, LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con(s):

- None

Fiscal Impact:

- The maximum total fee amount of \$128,850 for the annual audit is budgeted in the Internal Audit operating budget.

Motion:

- Move to adopt a resolution authorizing the Mayor to execute a contract with PBMares, LLP for auditing City accounts for the fiscal year ending June 30, 2022.

RESOLUTION BOOK NO. 43 - PAGE 102

H. RESOLUTION NO. 22-88 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH PASSPORT LABS, INC. FOR THE CITY TO UTILIZE SEVERAL NEW ENFORCEMENT TOOLS, INCLUDING LICENSE PLATE BASED ENFORCEMENT OF TIME-LIMITED SPACES, AND A WEB-BASED PARKING PERMIT MANAGEMENT PLATFORM

Action Requested: Adopt a resolution authorizing the City Manager to amend a contract with Passport Labs, Inc. to utilize several new enforcement tools, including license plate based enforcement of time-limited spaces, and a Web-based parking permit management platform, and change the scope of the contract as follows:

- Suspend payment of the annual hosted server for Passport's enforcement and parking permit software system until October 2022 (\$5,225.00);
- Increase the contract value from \$89,000.00 to \$500,000.00 - the total value expected over the life of the contract (three years, if all renewals are exercised).
- Encompass the first of three one-year contract renewal options.

Background:

- In March 2021, the City of Asheville entered into a contract with Passport Labs, Inc., in the amount of \$89,000.00 to provide parking enforcement management services;
- The contract was entered into via a contract for goods and services as issued by the National Cooperative Purchasing Alliance (NCPA);
- Purchases made via the NCPA are exempt from the Asheville Business Inclusion (ABI) Policy;
- The cooperative agreement was competitively advertised and awarded to Passport Labs, Inc.;
- Passport Labs has provided these services to the City continuously to-date, and the recommended contract renewal/amendment will allow the City to utilize several new enforcement tools, including license plate based enforcement of time-limited spaces, and a Web-based parking permit management platform.

- This contract is not related to the contract with Flash Parking for the parking access and revenue control systems (PARCS) within City-operated parking garages.

Vendor Outreach Efforts:

- No new efforts.
- The existing contract with Passport Labs, Inc. was issued in March of 2021 as a result of a competitive nationwide advertisement and selection process.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will allow continuity of parking enforcement services within the City of Asheville.

Con(s):

- Failure to take this action means that continuity of existing parking enforcement services cannot be provided.

Fiscal Impact:

- The funding source for this contract amendment is included in the Parking Services Division's Enterprise Operating Budget; the first year of the renewal is expected to cost \$141,000.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend a contract with Passport Labs, Inc. to utilize several new enforcement tools, including license plate based enforcement of time-limited spaces, and a Web-based parking permit management platform; and change the scope of the contract as follows:
 - Suspend payment of the annual hosted server for Passport's enforcement and parking permit software system until October 2022 (\$5,225.00);
 - Increase the contract value from \$89,000.00 to \$500,000.00 - the total value expected over the life of the contract (three years, if all renewals are exercised).
 - Encompass the first of three one-year contract renewal options.

RESOLUTION BOOK NO. 43 - PAGE 103

I. RESOLUTION NO. 22-89 - RESOLUTION AUTHORIZING THE SALE OF THREE BACKHOES AND ONE STREET SWEEPER DEEMED SURPLUS CITY PERSONAL PROPERTY

Action Requested: Approval of a resolution authorizing the sale of one (1) 2009 John Deere 410J Backhoe, one (1) 2002 John Deere 410G Backhoe, one (1) 2006 John Deere 410G Backhoe, and one (1) 2005 Freightliner Street Sweeper deemed surplus and end of life equipment City personal property.

Background:

- The City's Water Maintenance Department identified three (3) John Deere Backhoes as surplus personal property, with no anticipation of future utilization by the City.
- The City's Stormwater Division identified one (1) 2005 Freightliner Street Sweeper as surplus personal property, with no anticipation of future utilization by the City.

- The 2009 John Deere 410J Backhoe sold for \$36,500 on April 18, 2022.
- The 2002 John Deere 410G Backhoe, 2006 John Deere 410G Backhoe, and 2005 Freightliner Street Sweeper are expected to sell for more than \$30,000.
- Each of these assets have reached the end of their useful life based on age and maintenance needs.
- Equipment and vehicles that exceed their economic lifespan increase downtime and operational costs, and decrease productivity and resale value.
- While these assets have reached the end of their usable life, there are parts and components that have value and can be salvaged and/or repurposed.
- All bids are solicited through GovDeals online auction.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at \$30,000 or more must be approved by the City Council.
- The City's Purchasing Manager has authority to dispose of personal property valued at less than \$30,000 by private negotiation and sale.

Vendor Outreach Efforts:

- Not Applicable

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

Con(s):

- None

Fiscal Impact:

- The only fiscal impact will be the revenue collected from the sale
- The Water Resources Fund and the Stormwater Fund will recognize the revenue from the sale of their respective assets.

Motion:

- Move to adopt a resolution authorizing the sale of one (1) 2009 John Deere 410J Backhoe, one (1) 2002 John Deere 410G Backhoe, one (1) 2006 John Deere 410G Backhoe, and one (1) 2005 Freightliner Street Sweeper deemed surplus City personal property.

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J. RESOLUTION NO. 22-90 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AND ASSOCIATED COST AMENDMENTS WITH WEAVER COOKE CONSTRUCTION TO COMPLETE THE CONSTRUCTION OF ASHEVILLE CITY HALL ELEVATOR MODERNIZATION PROJECT

Action Requested: Adopt a resolution authorizing the City Manager to execute construction and associated cost amendments with Weaver Cooke Construction up to a total of \$

2,360,000.00 in order to complete the construction of Asheville City Hall Elevator Modernization project.

Background:

- On August 25, 2020, City Council authorized the City Manager to enter into a Design-Build contract with Weaver Cooke Construction and to execute any associated cost amendments up to a total of \$2,304,831.00.
- The historic elevators are 94 years old Historic City Hall Elevators have been an identified priority project for many years.
 - The elevators are manually operated, and are the main transportation for staff and the public in City Hall.
 - The elevators had on-going mechanical issues which made them difficult and expensive to maintain.
 - The elevators did not meet current safety standards.
- Historic qualities will be preserved in the execution of the improvements.
- Per City Council Resolution No. 17-09, City Hall is noted as a Landmark historic structure, with specific references to the elevators.
- The Historic Resource Commission has issued a Certificate of Appropriateness for this as a Major Work project.
- The Design-Build delivery method was approved by the City Manager in January 2020 per the requirements of NC G.S. 143-128.1A and City Council Resolution No. 16-45.
- The project began in the summer of 2021 and is 70% complete.
- Elevator #1 is expected to return to service by late May 2022, fully restored & modernized.
- Work has proven more complex than anticipated due to the age of the building, and equipment, and further complicated by recent supply chain and related logistical issues.
- The additional funding is required to cover costs for additional unforeseen expenses, and for additional historic preservation items.
- This amendment increases the City Manager's authority to a revised total of \$2,360,000.00.

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.
- The Design-Build delivery method allows the City to accept bids from subcontractors other than the lowest bid.
- MWBE participation is anticipated to be \$119,221.00, or 5.04% which exceeds the City's goal of 4.6% for construction.

Council Goal(s):

- A clean and healthy environment & a financially resilient city

Committee(s):

- None

Pro(s):

- The amendment allows for the completion of the project.

Con(s):

- None

Fiscal Impact:

- Funding for this contract and any cost amendments up to a total of \$2,360,000.00 is already included in the project budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute construction and associated cost amendments with Weaver Cooke Construction up to a total of \$ 2,360,000.00 in order to complete the construction of Asheville City Hall Elevator Modernization project.

RESOLUTION BOOK NO. 43 - PAGE 105

K. RESOLUTION NO. 22-91 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DOGWOOD HEALTH TRUST TO ACCEPT FUNDING FOR A CONTRACT WITH A HOMELESS SERVICES CONSULTANT

ORDINANCE NO. 4942 - BUDGET AMENDMENT FROM DOGWOOD HEALTH TRUST FOR A CONTRACT WITH A HOMELESS SERVICES CONSULTANT

Action Requested: Approval of a resolution authorizing the City Manager to enter into an agreement with Dogwood Health Trust to accept funding for a contract with a Homeless Services consultant; and approval of a budget amendment in the City's Special Revenue Fund to accept \$72,974 from Dogwood Health Trust and allocate \$72,974 to a contract with a Homeless Services consultant.

Background:

- Unsheltered homelessness has increased substantially during the pandemic.
- The City of Asheville, Buncombe County, and Dogwood Health Trust have formed a collaborative to better understand and address unsheltered homelessness.
- Dogwood Health Trust has offered to fund a consultancy to bring national expertise to conduct a comprehensive needs assessment and develop responsive strategies to effectively address unsheltered homelessness.
- A Request for Proposals was published to identify a consulting partner, and 11 proposals were submitted.
- City of Asheville, Buncombe County, and Dogwood Health Trust staff participated in the selection process to evaluate proposals.
- The National Alliance to End Homelessness has been selected as the successful proposer based on the depth and breadth of their expertise and their proposed approach to the project.
- The City will serve as the contracting point of contact.
- The contract amount will not exceed \$72,974.
- Following contract execution, the consultancy is expected to begin in May and conclude in December 2022.

Vendor Outreach Efforts:

- The Request for Proposals was published February 14, 2022, and was distributed widely through local and national networks.

Council Goal(s):

- Quality affordable housing

Committee(s):

- None

Pro(s):

- Creates opportunity to bring national leadership to the local level to assess community needs, engage with community stakeholders, and identify actionable solutions to the complex and critical issue of unsheltered homelessness.

Con(s):

- None

Fiscal Impact:

- Requested action will accept full funding from Dogwood Health Trust for the contract with the National Alliance to End Homelessness.

Motion:

- Motion to approve a resolution authorizing the City Manager to enter into an agreement with Dogwood Health Trust to accept funding for a contract with the National Alliance to End Homelessness.
- Motion to approve a budget amendment in the City's Special Revenue Fund in the amount of \$72,974 to accept funding from Dogwood Health Trust and utilize that funding for a contract with the National Alliance to End Homelessness.

**RESOLUTION BOOK NO. 43 - PAGE 106
ORDINANCE BOOK NO. 34 - PAGE 123**

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

III. PRESENTATIONS & REPORTS:

A. STATE OF THE AIRPORT

Executive Director of the Greater Asheville Regional Airport Authority Lew Bleiweis provided City Council with the following highlights of their accomplishments and activities each year. The top three highlights include billions generated for our region's economy; passenger numbers began to soar; and all positions stayed in place at the airport. Key accomplishments include two new airlines announced, and six airlines (25 nonstop destinations). Significant business development efforts happened in 2021 which will continue to support the long-term financial stability of our region's airport. In 2021, the Airport entered into a ground lease agreement with DreamCatcher Broadmoor, LLC, for the development, management and operation of a commercial hotel with conference center and the 18-hole golf course. Some of the construction which took place, with more parking for cars and planes, the south apron expansion, and utility upgrade. They are celebrating 60 years by bringing back our runway 5K. More than 1,000 races and hundreds of spectators attended. All proceeds benefited two local aviation scholarship funds. At June 30, 2021, the Authority's assets exceeded liabilities by \$205,981,563. That is an increase of more than \$36.9 Million from 2020 and an increase of \$51.2 Million from 2019.

B. MANAGER'S REPORT - UPDATE ON HOMELESSNESS INITIATIVES

City Manager Campbell said that in this presentation will consist of the 2022 Point-In-Time Count; an update from one of our partner organizations Homeward Bound's AHOPE facility; data showing progress being made in and around the AHOPE facility related to calls for services and reduction in crimes; a brief update on the City's efforts, led by staff in our Equity & inclusion Department, related to food sharing in public spaces; and a highlight of the City's efforts, in partnership with Asheville Greenworks, on several community clean ups that occurred throughout the month of April.

Homeless Services System Performance Lead Emily Ball said that regarding the 2022 Point-In-Time Count, the key takeaways will be (1) homelessness has increased 21% since 2021; (2) COVID has significantly impacted community homeless services (a) volume and severity of needs increased; (b) shelter inventory decreased due to protocols; and (c) infusion of federal rental assistance and temporary non-congregate shelter helped offset COVID's impact on homelessness, but didn't fully close the gap; and (3) consultant will assist with deeper data analysis to better understand implications and opportunities.

Regarding the 2022 Point-In-Time Count, (1) Annual count of all people experiencing literal homelessness on a single night within the last 10 days of January - Follows federal definition of literal homelessness (shelter, transitional housing, unsheltered - excludes people doubled up); (2) Federal requirement for all Continuum of Care to conduct and report on; (3) Informs federal resources to address homelessness at the local level; (4) Has limitations but is conducted similarly year after year and is our only comprehensive dataset on homelessness; and (5) Shelter count is accurate; likely undercounts the number of people who are unsheltered.

The process for the Count is (1) Conducted evening of January 25, 2022 - Methodology change from Wednesday to Tuesday to include Haywood Street's Welcome Table; (2) 48 volunteers on 16 teams - Primarily homeless services staff and 7 City staff; (3) Data collected via the Homeless Management Information System (HMIS) and paper survey forms that are manually entered into HMIS, verified, and deduplicated by City staff; (4) Survey questions include demographics, history of homelessness, and household composition and characteristics - New this year: supplemental questions for people who are unsheltered; (5) Participation is voluntary; (6) Results include data from: (a) Shelters: Rescue Mission, Salvation Army, Helpmate, Trinity Place, Haywood Street Respite, Ramada, Homeward Bound's veteran non-congregate shelter, Code Purple sites; (b) Transitional Housing: ABCCM, Eliada, Swannanoa Valley Christian Ministry; and (c) Unsheltered: AHOPE, Haywood Street's Welcome Table, school system liaisons, APD, 16 street count teams; and (7) Report was submitted to HUD April 26th (submission deadline was May 6, 2022). The overview is (1) overall, a 21% increase in the number of people who are homeless; (2) the sheltered population declined slightly; and (3) the number of unsheltered individuals doubled.

Using charts, Ms. Ball reviewed the population characteristics, i.e., household composition; demographic characteristics, along with information that people are often represented in multiple subpopulations (e.g., can be both a veteran and chronically homeless).

Ms. Ball then reviewed the results of the following supplemental questions that were asked in the unsheltered survey: (1) When you last had housing; (2) What brought you to Asheville; (3) What's the main reason you aren't staying at a shelter right now; and (4) have you had a COVID vaccine.

Regarding the COVID impact on inventory (1) Shelter capacity decreased substantially (a) Some programs closed; (b) Some programs decreased beds to allow for distancing; and (c) COVID screening protocols slowed inflow; (2) Non-congregate shelters emerged as a new

national practice, and created shelter opportunities for people who are traditionally unsheltered; (3) Acuity of need, particularly behavioral health needs, has increased; and (4) CARES Act resources prevented homelessness and created new capacity in housing programs (CDBG-CV, ESG-CV). Using charts, she explained the shelter and transitional housing inventory; bed utilization; and permanent housing inventory.

Homeward Bound Homeless Services Director Marcus Laws explained the Asheville Homeless Outreach Project for Empowerment (AHOPE). He said they are an information and community resource hub for a unique array of individuals with unstable housing needs. This includes individuals from various backgrounds, with differing ideologies, racial and gender identities and sexual orientations - Physical Health; Mental Health; and Substance Use. We serve the community.

Presently, at the AHOPE Day Center - Daily Services for Community Stability; Outreach/Engagement: Community Service Engagement; and Coordinated Entry - Housing Systems Management & Placement. Future services for building service capacity include Employment Support Services; Enrichment Services; and Peer Support Services. They continue our mission to care for the most vulnerable with assistance of our partners through: Safety Measures; Systems Management; Resource Management; Collaboration; Communication; and Participation. They have created and foster a calm, safe and productive environment through: Awareness for Safety; Crisis Management; Reinforcement of Community Expectations; Appeals for violations; Restitution; Overnight security services; and Cleanliness. They are building a community of inclusion with: Community Members; Community Leaders; Community Meetings; Accountability; and Partnerships.

Police Captain Mike Lamb said that the Asheville Police Department calls for service at A-Hope have decreased - December 2021 - 98 calls; January 2022 - 44 calls; February 2022 - 66 calls; March 2022 - 42 calls; and April 2022 - 22 calls. AHOPE area crime statistics are from January 1st to April 25th, there have been 29 crimes reported within 250 ft of 19 N Ann St and 39 within 500ft (the 500 ft radius includes the initial 29 crimes).

City Manager Campbell said that regarding food sharing, (1) City staff have held 4 meetings with groups that share food with community members; (2) Conversations are on-going as we work together to identify how the city can work with and support organizations that serve the needs of our community members; (3) The city currently does not have plans to enact an ordinance around food sharing; and (4) working with groups to develop meal sharing guidelines.

She said that regarding community cleanliness efforts, throughout April Asheville GreenWorks and the City of Asheville collaborated with community groups and organizations for community clean ups: (1) Downtown Cleanup with ADA and BeLoved - 153 volunteers, 60 bags, 700 lbs; (2) Haywood Road Cleanup with West Asheville Business Association - 62 volunteers, 50 bags, 690 lbs; and (3) Neighborhood Cleanups during Earth Week - 8 groups reported back - 107 bags of trash + 86 volunteers.

City Manager Campbell said that key takeaways are (1) We are still experiencing the effects of the pandemic, and City staff is responding with an "all hands on deck" approach; (2) The National Alliance to End Homelessness will help us understand our community's capacity and identify strategic opportunities to do more in partnership based on what's working across the country; and (3) Our whole community benefits by ending homelessness, and our greatest impact comes when we work together; we can do more as partners than we can do alone.

City Manager Campbell, along with Ms. Ball and Mr. Laws, responded to various questions/comments from Council, some being, but are not limited to: can you break down by race the adults with mental illness and the adults with substance use disorders; can you explain

why the 2021 Point in Time Count had a reduction of black homelessness and if so, can we do more; can we ask other partners these same additional questions so we can grow this data in future years; what is the projection for shelter and transitional housing for the rest of 2022; can we analyze why we have an inventory of beds not be utilized; who is mainly supplying permanent supportive housing; what is the difference between rapid rehousing vs. permanent supportive housing; suggestion to do more frequent Point in Time Counts; suggestion to have our City partners to participate in HMIS system; is the consultant contract planned to look at emergency shelters, managed camps, etc.; what does it look like for the consultant process to include narrative data along with data sets so we can get closer to better understanding why people aren't choosing to go inside so we can get closer to equity outcomes; when can we expect to see the national and regional reports; can you provide Council with comparative data on crime statistics for downtown and this area for the last two years; is it possible to circle around to the neighborhoods in perhaps July to see if there are still complaints about AHOPE; and data seems to suggest that by Homeward Bound implementing accountability, everyone is better served.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING ON THE ISSUANCE OF 2022 INTERIM LIMITED OBLIGATION BONDS

Finance Director Tony McDowell said that this is the consideration of a public hearing on the issuance of 2022 Interim Limited Obligation Bonds . This public hearing was advertised on April 29, 2022.

Background:

- The City has been utilizing a multi-year Capital Improvement Program (CIP) and Debt Model since fiscal year 2013-14.
- As a part of that multi-year financial model, the City routinely enters into short-term draw programs with financial institutions through the issuance of interim Limited Obligation Bonds (LOBs).
- The short term draw programs provide cash to reimburse the City for capital expenses prior to the issuance of long term fixed rate financing.
- The projects covered under this debt issuance include a wide range of strategic capital goals the City wishes to meet in public safety, multi-modal transportation, economic development, quality of life, and facility maintenance.
- Specific projects of note include the Broadway Public Safety Station, a portion of the Dr. Wesley Grant/Southside Center project, City Hall elevator modernization, and the Nasty Branch and French Broad West greenways.
- Council approved the initial resolution authorizing the installment financing and related issuance of 2022 Interim Limited Obligation Bonds (LOBs) in an amount not to exceed \$42,000,000 at the April 26 formal meeting and approval of the final resolution is scheduled for Council's May 24, 2022, meeting.
- A public hearing is required prior to Council's approval of the final resolution.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Allows the City to move forward with the Capital Improvement Program (CIP) and Draw Program financing.

Con(s):

- None

Fiscal Impact:

- The interim LOBs draw program includes an amount not to exceed \$42,000,000.
- Approximately \$13,300,000 will likely have already been expended and will be taken on the first draw at closing as a reimbursement to the City.
- The City then expects to spend the remaining monies over a twenty-four-month period.
- The City will then look to convert the program into a long-term fixed rate financing at or around July 2024.
- The debt service payments for this financing are already included in the multi-year CIP/Debt Financial Model.

Mayor Manheimer opened the public hearing at 6:24 p.m., and when no one spoke, she closed the public hearing at 6:24 p.m.

Mayor Manheimer said that the next action on this matter will be on May 24, 2022, at which time Council will adopt an Approving Resolution for 2022 Interim Limited Obligation Bonds.

B. PUBLIC HEARING TO CONDITIONALLY ZONE 21 & 99999 GOVERNOR'S VIEW ROAD FROM RIVER DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

ORDINANCE NO. 4943 - ORDINANCE TO CONDITIONALLY ZONE 21 & 99999 GOVERNOR'S VIEW ROAD FROM RIVER DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

Urban Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone 21 & 99999 Governor's View Road from River District to Residential Expansion/Conditional Zone. This public hearing was advertised on April 26 and May 6, 2022.

Action Requested: Conditionally zone all portions of two properties located at 21 Governors View Rd from River (RIV) to Residential Expansion - Conditional Zone (RES EXP-CZ).

Project Location and Contacts:

- The project site totals 2.73 acres located along Governors View Rd and Swannanoa River Rd (PINs 9658-54-6060 and 9658-53-8922).
- Owners: Swannanoa River Road LLC; Realty Company II LLC

Summary of Petition:

- The property is currently zoned River (RIV) and is designated "Urban Corridor" on the city's Future Land Use (FLU) Map. A change in the FLU designation will not be required.
- New building construction includes a single 4-story building with 70 dwelling units.
- Given the size of the project (over 50 residential dwelling units) a conditional zoning to the Residential Expansion (RES EXP) district is required.
- All the dwelling units will be affordable to households at 60% Area Median Income (AMI) or less.
- The owner may choose to do income averaging which often ranges from 30% AMI to 80% AMI, but averaging 60% AMI or less.
- All 70 units (100%) will be designated affordable for a minimum of 30 years.
- All units will also accept housing choice vouchers.
- Maximum building height for multifamily buildings in the RES EXP district is 60'.
- The maximum building height of the proposed project is 38'.
- Maximum density in the RES EXP district is 50 units/acre for this project, since at least 20% of the dwelling units are affordable at 80% AMI. The proposed project's density is

25.6 units/acre.

- The project proposes access via two new vehicular driveways from Governors View Rd.
- A total of 73 parking spaces are proposed, which is more than the minimum required number of 70 total spaces (1 per unit).
- The RES EXP district requires new 10 foot-wide sidewalks be constructed.
- The project proposes 5'-wide sidewalks with a 10'-wide planting strip along Governors View and Swannanoa River Roads. Internal sidewalks throughout the site will be 5'-wide, with the exception of the sidewalk in front of the building's main entrance and the connection to Governors View Rd, which will be 10'-wide.
- The existing bus stop along the property's frontage on Swannanoa River Rd will be relocated less than 200' to the west.
- A new shelter and wheelchair landing pad will also be constructed.
- A walkway from the building will be constructed and connect to the sidewalk and bus stop.
- Front yard, rear yard, and side yard setbacks of 15 feet are proposed as is required in the RES EXP district.
- Landscape requirements apply, including street tree, parking lot, building impact, property line, and retaining wall screening.
- The required street trees along Swannanoa River Road will be located to the east of the building, due to the presence of the existing 30'-wide MSD sewer easement along the frontage of Swannanoa River Road.
- This easement prevents placement of street trees between the road frontage and the retaining wall.
- The project is classified as "multi-family urban" under the Tree Canopy Preservation standards and has a classification of "Class B".
- The Project is requesting a technical modification from the required 15% new tree canopy to 4% new tree canopy.
- The proposed 4% new tree canopy is the maximum amount of planting possible on the site due to other landscaping requirements and the presence of underground utilities and utility easements.
- Open space shall be required at a rate of 500 s.f. per unit (35,000 s.f. total) with at least one 7,000 s.f. area that provides a park or plaza-type features.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%. The proposed project would result in a total impervious area of 50.5%
- The project is seeking technical modifications to development standards through the conditional zoning process including:
 - 5'-wide sidewalks instead of the required 10'-wide standard.
 - 10' sidewalks are provided for an accessible route from the building frontage to Governors View Rd.
 - A reduction in Tree Canopy Preservation area from 15% to 4%.
 - No bike lanes into the development.
 - Relocation of required street trees along Swannanoa River Road to the east of the building, due to the presence of the existing MSD sewer easement along the frontage of Swannanoa River Road.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan including encouraging responsible growth by prioritizing greater densities of development overall, throughout the city as appropriate, by increasing the supply of housing, including affordable housing in proximity to schools, transit and parks, and by eliminating gaps in the city-wide sidewalk network and especially where sidewalks tie in to greenways..
- The proposed development is compatible with the Future Land Use designation of "Urban Corridor" which is described, in part, as "Over time urban corridors could see infill

redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure”.

Compatibility Analysis:

- The proposed multi-family residential project is compatible with the surrounding land uses, including:
 - Suburban commercial uses and light industrial uses to the east and west of the site, as well as to the south across the Swannanoa River;
 - The single-family residential to the north of the site, which will be buffered by the proposed street trees and parking lot; and,
 - The existing and proposed segments of the Swannanoa Greenway, which will be connected to the project with existing and proposed sidewalks.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - March 7, 2022 - approved with conditions.
- Design Review Committee (DRC) - April 21, 2022 - approved unanimously (Vote: 7-0) with the following conditions: 1) That the building design articulate the heights of the proposed materials; 2) That the building design articulate the heights of the roof elements; and, 3) That the building design break up the massing of the east elevation.
- Planning & Zoning Commission (PZC) - May 4, 2022 - approved (Vote: 5-1) with the following conditions: 1) That the applicant work with NCDOT and the City's Transportation Department to seek if improvements can be made to the visibility of existing crosswalks and the timing of the pedestrian crossing phase at the intersection of Swannanoa River Rd and Bleachery Blvd; 2) That the applicant work with the Design Review Committee through informal review(s) to further improve the design of the building; and, 3) That the required Tree Canopy Preservation be reduced from 15% to 4% and waiving the fee in lieu.

Staff Recommendation:

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

Urban Planner Will Palmquist reviewed the site plan: new 4-story multi-family building; 70 affordable senior-living units; two new driveways on Governor's View Road; 73 parking spaces total; sidewalks being 5'-wide with 10'-wide planting strip on fringes - 5' to 10'-wide internal; improved bus stop to shelter on Swannanoa River Road; landscaping and open space standards; and tree canopy preservation technical modification (15% to 4%). He reviewed the building elevations, along with the building perspective. He explained how the project complies with the Living Asheville Comprehensive Plan, along with the three committee review processes and their approvals with recommendations. He highlighted the technical modifications (1) 5'-wide sidewalks instead of the required 10' standard - 10' sidewalks are provided for an accessible route from the building frontage to Governor's View Road; (2) a reduction in Tree Canopy Preservation area from 15% to 4%; (3) no bike lanes in the development; and (4) relocation of required street trees along Swannanoa River Road to the east of the building. Other project conditions include (1) all 70 units (100%) will be designated affordable for a minimum of 30 years to those earning an average of 60% Area Median Income, and will accept Housing Choice vouchers; (2) that the applicant work with the N.C. Dept. of Transportation and the City's Transportation Department to seek if improvements can be made to the visibility of existing crosswalks and the timing of the pedestrian crossing phase at the intersection of Swannanoa River Road and Bleachery Boulevard; and (3) that the applicant work with the Design Review Committee through informal review(s) to further improve the design of the building. Staff concurs

with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

Discussion was held, with several questions/comments being responded to by Mr. Palmquist. Some questions/comments being, but are not limited to: is there a difference between requiring street trees, parking lot trees and the Tree Canopy Preservation; reason for the Tree Canopy Preservation reduction request from 15% to 4% and waiving the fee in lieu; is the 5' wide sidewalks Americans with Disabilities Act compliant; suggestion that if developers meet certain criteria (less than established criteria now) that only a review on a staff level be required; no bike lanes planned now, but we need to think about the future; and was there any conversation about only waiving half of the fee in lieu.

Councilwoman Roney supported a commercial and residential community benefits table (similar to the hotel benefits table) that would help us reach for a renewable energy plan for these units, along with other benefits, so that developers know what to expect and not have to come through this process. Councilwoman Turner suggested a community benefits table for conditional zoning.

Mayor Manheimer outlined the challenge of more trees on the site.

Councilwoman Roney would support this conditional zoning because we deeply need affordable housing, but she suggested we have a plan for renewable energy sources in developments.

Mayor Manheimer opened the public hearing at 6:44 p.m., and when no one spoke, she closed the public hearing at 6:44 p.m.

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

Councilwoman Wisler moved to approve the conditional zoning request for the property located at 21 Governors View Rd from River (RIV) to Residential Expansion - Conditional Zone (RES EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that the request: 1) prioritizes greater densities of development overall; 2) increases the supply of affordable housing in proximity to transit, schools and parks; and, 3) eliminates gaps in the city-wide sidewalk network and especially where sidewalks tie in to greenways. This motion was seconded by Councilwoman Kilgore and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 124

**C. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF 275
DEAVERVIEW ROAD FROM RM-16 RESIDENTIAL EXPANSION DISTRICT TO
RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE**

**ORDINANCE NO. 4944 - ORDINANCE TO CONDITIONALLY ZONE 275
DEAVERVIEW ROAD FROM RM-16 RESIDENTIAL EXPANSION DISTRICT TO
RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE**

Urban Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zoning 275 Deaverview Road from RM-16 Residential Multi-Family High Density District to Residential Expansion District/Conditional Zone. This public hearing was advertised on April 15 and 22, 2022. On April 26, 2022, this public hearing was continued to this date.

Project Location and Contacts:

- The project site totals 20.69 acres located along Deaverview Rd (PIN 9628-46-1397).
- Owner: Asheville Housing Authority

Summary of Petition:

- The property is currently zoned Residential Multi-family High Density (RM-16) and is designated "Residential Neighborhood" on the city's Future Land Use (FLU) Map. A change in the FLU designation will not be required.
- New building construction includes two 3-story buildings with 12 units each (identified as Buildings 1 and 2 on the site plans), and one 4-story building with 58 units and common amenity space (identified as Building 3 on the site plans) for a total of 82 dwelling units.
- Given the size of the project (over 50 residential dwelling units) a conditional zoning to the Residential Expansion (RES EXP) district is required.
- All 82 units (100%) will be designated affordable in perpetuity.
- All 82 units (100%) will be designated affordable to those earning an average of 60% Area Median Income (AMI). The owner may choose to do income averaging which often ranges from 30% AMI to 80% AMI, but averaging 60% AMI or less. All units will also accept housing code vouchers.
- Building 1 consists of six 2-bedroom units and six 3-bedroom units. Building 2 consists of eight 3-bedroom units and four 4-bedroom units. And Building 3 consists of 48 1-bedroom units and 10 2-bedroom units.
- The existing Deaverview Apartments Community Center and playground in the southeast corner of the site will be demolished to accommodate Building 3 and the parking lot to the north.
- The existing driveway off of N. Bear Creek Rd will be shifted slightly north in order to serve the new and existing parking areas.
- Maximum building height for multifamily buildings in the RES EXP district is 60'. The total building height of Buildings 1 and 2 in the southwest of the site is 32' and the total building height of Building 3 in the southeast of the site is 42'-8".
- Maximum density in the RES EXP district is 50 units/acre for this project, since at least 20% of the dwelling units are affordable at 80% AMI. The proposed 82 dwelling units will replace approximately half of the existing 160 units totals at Deaverview Apartments, resulting in a final unit density of 7.7 units/acre.
- A total of 98 parking spaces are proposed, with 13 being handicap spaces. Based on the number of bedrooms and dwelling units, the minimum/maximum number of required parking spaces is 100/182.
- The RES EXP district requires new 10 foot-wide sidewalks be constructed. The applicant is requesting a technical modification to install five foot-wide sidewalks with an eight foot-wide planting strip. The two segments in front of Buildings 1 & 2 and in front of Building 3 won't connect until construction of the eventual second phase.
- Front yard, rear yard, and side yard setbacks of 15 feet are proposed as is required in the RES EXP district.
- Landscape requirements apply, including street tree, parking lot, building impact, property line buffer (Type A), and retaining wall screening.
- The project is classified as "suburban" under the Tree Canopy Preservation standards and has a classification of "Class C". The existing canopy coverage (2018) is 38%.
- Open space shall be required at a rate of 15% of the total parcel.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%. The proposed project would result in a total impervious area of 30.6%.
- The project is seeking technical modifications to development standards through the conditional zoning process including:
 - Sidewalks less than 10 feet in width;
 - 98 (including handicap) parking spaces instead of the 100 minimum required.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals including encouraging responsible growth by prioritizing greater densities of development overall, throughout the city as appropriate, by increasing the supply of housing, including affordable housing in proximity to schools, transit and parks, and by promoting the development and availability of affordable and workforce housing by redeveloping the public housing stock.
- The proposed development is compatible with the Future Land Use designation of “Residential Neighborhood” which is proposed, in part, that “residential neighborhoods can benefit from having more housing diversity such as accessory apartments, duplexes and other types of smallscale infill housing”.

Compatibility Analysis:

- The small-to-medium density residential project is compatible with the:
 - Small-to-medium scale multifamily buildings located at the remainder of the Deaverview Apartments;
 - Medium-scale multi-family buildings, known as Westmore Apartments, found at the northern end of Westmore Dr;
 - Single-family houses located to the south and west of the project site; and,
 - Light-industrial and commercial uses, including warehousing and self-storage, located to the east of the project site.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - March 21, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - April 6, 2022 - approved, 4:0.
- City Council - April 26, 2022 - Public Hearing Continued until May 10, 2022

Staff Recommendation:

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

Mr. Palmquist explained the site plan of 3 buildings; 82 units; demolition of community center and playground; new driveway on Deaverview Road; shifted driveway on North Bear Creek Road; 98 parking spaces total; sidewalks 5’ wide with 8’ planting strip; and open space and tree preservation standards. The site plan for Buildings 1 and 2 will be: 3-story each; 12 units each; maximum height of 32’. Building 1 will be six 2-bedroom units and six 3-bedroom units. Building 2 will be eight 3-bedroom units and four 4-bedroom units. Building 3 will be 4-stories; 58 units; maximum height of 43’-8”; 2,000 square feet community amenity space; 48 one-bedroom units and 10 2-bedroom units. He then reviewed the building perspective. He explained compliance with the Living Asheville Comprehensive Plan goals and the two different committee review processes. Highlighted technical modifications include (1) sidewalks less than 10 feet width; and (2) 98 (including handicap) parking spaces instead of the 100 maximum required. Other conditions include (1) all 82 units (100%) will be designated affordable in perpetuity to those earning an average of 60% Area Median Income, and will accept Housing Authority Housing Choice vouchers; and (2) 2,000 square feet of community amenity space will be provided in Building 3 in the southeast of the site. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

In response to Councilwoman Roney, Mr. Palmquist explained the Housing Authority’s transition plan for current residents.

Councilwoman Roney mentioned her ongoing desire to see more renewable energy sources in developments.

Mayor Manheimer opened the public hearing at 6:52 p.m., and when no one spoke, she closed it at 6:52 p.m.

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

Councilwoman Wisler moved to approve the conditional zoning request for the property located at 275 Deaverview Rd from Residential Multi-Family High Density (RM-16) to Residential Expansion - Conditional Zone (RES EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that the request: 1) prioritizes greater densities of development overall; 2) provides housing units in proximity to transit, schools and parks; 3) supports city goals for affordable housing; and, 4) promotes the development and availability of affordable and workforce housing by redeveloping the public housing stock. This motion was seconded by Councilwoman Mosley and carried unanimously.

ORDINANCE BOOK NO. 34 - PAGE 133

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. AMERICAN RESCUE PLAN ACT (ARPA)

RESOLUTION NO. 22-92 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS FOR THE FULFILLMENT OF THE AMERICAN RESCUE PLAN ACT FUNDING RECOMMENDATIONS

ORDINANCE NO. 4945 - BUDGET AMENDMENT FROM AMERICAN RESCUE PLAN ACT FUNDING TO SET UP BUDGETS FOR AWARDS

ARPA Project Manager Kim Marmon-Saxe said that this is the consideration of approving a resolution authorizing the City Manager to execute agreements for the fulfillment of the American Rescue Plan Act funding recommendations; and a budget amendment in the City's Special Revenue Fund in the amount of \$11,723,257 from ARPA Funding to set up budgets for the awards.

Background:

- As part of the American Rescue Plan Act that was signed into law in March 2021, the City of Asheville was allocated \$26.2 million designated as Coronavirus State and Local Fiscal Recovery Funds.
- The U.S. Treasury Department is managing the distribution and oversight of these funds, and it is the City's responsibility to make sure we adhere to their guidelines.
- The City outlined guiding principles informed by previous community engagement efforts to identify funding categories to maximize the community impact of these grant funds.
- City staff led a robust evaluation and scoring process based on city council approved categories and criteria, and Treasury designated allowable expenses.
- The Request for Proposal (RFP) process, community questions and comments, staff evaluation process and feedback from the City Council led to the recommendations for funding.

Council Goal(s):

- A financially resilient city
- A thriving local economy

Committee(s):

- Full City Council work session 4/25/22

Pro(s):

- The ARPA local government funding is a unique opportunity to make significant investments in addressing disparate impacts of the COVID-19 pandemic and to build future resilience of our communities in an equitable way.
- At every stage of this process the City of Asheville has focused on ensuring successful outcomes, from initial selection of categories to development of the RFP to the evaluation process and discussion that led to this resolution.
- Maintaining a focus on successful outcomes continues into the implementation phase. The influx of funds will undoubtedly benefit the community and aid in the recovery from the budgetary, economic, and financial impacts of the pandemic.
- Allows the City to focus on partnerships in the community, along with capacity building, support and networking to build towards a collaborative future.

Con(s):

- None

Fiscal Impact:

- No City General Fund funding or other City-sourced funding is included in this budget amendment.
- As noted in the tables below, the City has previously budgeted \$8,386,212 in ARPA funding.
- After approval of this budget amendment in the amount of \$11,723,257, the City will have budgeted \$20,109,469 in ARPA funding; unbudgeted ARPA funding will total \$6,184,384.

Proposal Title	Organization Name	Recommended Funding
COA Inclusive and Accessible Government	City of Asheville CAPE	\$514,120
Community Engagement for Equitable Response	Young Men's Institute Cultural Center (YMICC)	\$800,000
Southside Kitchen	We Give A Share, Inc	\$90,000
Homeless Services Program	Eliada Homes, Inc.	\$473,050
Litter & Cleanliness Program	City of Asheville	\$500,000
HELP2Day	Eagle Market Streets Development Corporation	\$143,128
Mobile Meals Expansion	Food Connection Inc	\$221,676
Domestic Violence Intervention Program	SPARC Foundation	\$153,483
Increasing Access to Affordable Housing	Thrive Asheville	\$135,000
Modernization & upgrade Downtown restrooms	City of Asheville	\$650,000

Emergency Shelter for Domestic Violence Survivors	Helpmate	\$2,000,000
Mountain Community Capital Fund Expansion	Mountain BizCapital, Inc. dba Mountain BizWorks	\$1,293,000
Continuum of Victims' Services	The Mediation Center	\$900,000
Permanent Supportive Housing Expansion Project	Homeward Bound of Western North Carolina	\$999,900
Equity & Resiliency Thru Affordable Homeownership	Asheville Area Habitat for Humanity	\$600,000
Clean-Energy Upgrades for Low-Income Housing	Green Built Alliance	\$250,000
Transformation Village Housing for Women & Children	ABCCM	\$999,900
Housing & Income Stability	Pisgah Legal Services	\$1,000,000
18	Total \$ of initial recommended funding	\$11,723,257

Ms. Marmon-Saxe said the key takeaways are (1) the requested funding far exceeded the amount allocated to the City; (2) federal guidelines have been updated and are continuing to be interpreted; (3) robust evaluation and scoring process based on council approved categories and criteria; and (4) staff evaluation process and feedback from city council led to the recommendations. She then reviewed the timeline from January 6, 2022 to May 10, 2022. She said following up-to-date guidance from the Treasury, State, legal, management and staff, the proposed resolution is to fund \$11,723,257 as eligible and allowable use of ARPA funds following the City's guiding principles. The recommendation for \$6 Million for revenue replacement funds (hold funds) for upcoming potential projects that have been previously discussed. The remaining funds for future awards from this Request for Proposals/other ARPA uses is \$184,384. She said the next steps will be: (1) The City of Asheville is a sub-recipient of the ARPA monies and the successful RFP applicants in this resolution will become partners with COA to help achieve successful outcomes; (2) Subrecipient/partner contracts issue schedule created. Project structure and relationships set up and kick off meeting scheduled; (3) The sub recipients/partners information and progress will be monitored and added to the City of Asheville's quarterly reporting to the Treasury; and (4) The exacting reporting standards must be adhered to and provides an opportunity for collaboration, capacity building and learning together.

In response to Councilwoman Turner, City Attorney Branham said that even though there may be additional revisions to the rules, the Treasury has allowed grants made under prior rules to stand.

Ms. Marmon-Saxe responded to Councilwoman Roney when we asked how we are layering in our non-discrimination ordinance into our contracting for equity and inclusion. Ms. Marmon-Saxe also explained how staff will work with applicants to make sure that they are meeting their obligations.

Councilwoman Roney acknowledged the many proposals not being funded for various reasons, and for transparency and accountability, she asked that staff post all the documents used to help Council make their decisions, noting that everyone understands that as new regulations were received, changes needed to be made.

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 Wisler moved to authorize the City Manager to execute the agreements for the fulfillment of the recommended allocations of the American Rescue Plan Act funding as shown below:

Proposal Title	Organization Name	Recommended Funding
COA Inclusive and Accessible Government	City of Asheville CAPE	\$514,120
Community Engagement for Equitable Response	Young Men's Institute Cultural Center (YMICC)	\$800,000
Southside Kitchen	We Give A Share, Inc	\$90,000
Homeless Services Program	Eliada Homes, Inc.	\$473,050
Litter & Cleanliness Program	City of Asheville	\$500,000
HELP2Day	Eagle Market Streets Development Corporation	\$143,128
Mobile Meals Expansion	Food Connection Inc	\$221,676
Domestic Violence Intervention Program	SPARC Foundation	\$153,483
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Modernization & upgrade Downtown restrooms	City of Asheville	\$650,000
Emergency Shelter for Domestic Violence Survivors	Helpmate	\$2,000,000
Mountain Community Capital Fund Expansion	Mountain BizCapital, Inc. dba Mountain BizWorks	\$1,293,000
Continuum of Victims' Services	The Mediation Center	\$900,000
Permanent Supportive Housing Expansion Project	Homeward Bound of Western North Carolina	\$999,900
Equity & Resiliency Thru Affordable Homeownership	Asheville Area Habitat for Humanity	\$600,000
Clean-Energy Upgrades for Low-Income Housing	Green Built Alliance	\$250,000
Transformation Village Housing for Women & Children	ABCCM	\$999,900
Housing & Income Stability	Pisgah Legal Services	\$1,000,000
18	Total \$ of initial recommended funding	\$11,723,257

This motion was seconded by Vice-Mayor Smith.

Executive Director of the Housing Authority of the City of Asheville David Nash spoke in support of the PODS program, not being recommended for funding. He said that if this is not the right funding source, he looked forward to working with the City on finding another funding source. Councilwoman Mosley explained that it was removed from the list based on subsequent changes to the requirements from ARPA.

Jonathan Wainscott was opposed to funding Homeward Bound, Helpmate and Pisgah Legal Services.

The motion made by Councilwoman Wisler and seconded by Vice-Mayor Smith carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 107

Councilwoman Wisler moved to adopt a budget amendment in the City's Special Revenue Fund in the amount of \$11,723,257 from America Rescue Plan Act (ARPA) Funding to set up budgets for the awards. This motion was seconded by Councilwoman Turner and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 145

B. RESOLUTION NO. 22-93 - RESOLUTION APPROVING A REQUEST BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR \$1.465 MILLION IN GENERAL OBLIGATION AFFORDABLE HOUSING BOND FUNDS FOR THE DEAVERVIEW APARTMENT PROJECT

Urban Planner Sasha Vrtunski said that this is the consideration of a resolution authorizing the City Manager to negotiate and enter into a grant agreement with the Housing Authority of the City of Asheville (HACA) in the amount of \$1.2 million from General Obligation (GO) Affordable Housing Bond funds.

Background:

- The Reimagining Deaverview - Phase I will build 82 new affordable mixed-income housing units serving families earning between 10% and 80% of Area Median Income (AMI).
- The majority of units will serve those below 60% AMI, and when averaged, incomes for the project will be below 60% AMI.
- These units will replace 82 of the existing 160 units at Deaverview, but will allow residents who want to stay in the Deaverview community to move once and not experience any displacement during construction.
- The total project cost is estimated at approximately \$16.45 Million, and the project is seeking funding through a combination of 9% Low Income Housing Tax Credit (LIHTC) funds, NCHFA Loan funds, permanent loan financing, Housing Authority Funds, Buncombe County grant funds in the amount of \$935,286 and City grant funds in the amount of \$1.465 million. The developer fee for this project is within the limits set by NCHFA.
- The Housing Authority originally requested \$1.2 Million for the project, but has asked the City to raise that amount to \$1.465 Million to cover the gap in funding.
- 42 of the 82 units will continue to have deep subsidies, serving families below 50% of AMI.
- HACA's current families have an average income of just over \$10,000 or 20% of AMI.

- The City's full funding of \$1.2 million will fund eligible project costs including such costs as demolition of the community building, site work, infrastructure and construction at 275 Deaverview Road.
- Though not a requirement of the City funding, requirements for HUD Davis Bacon (appropriate local prevailing wages from the US Department of Labor) & Section 3 (to the greatest extent possible, the developer will provide training, employment, contracting and other economic opportunities to low- and very low-income persons) will be followed in this redevelopment.
- This funding is similar to past City/County/Housing Authority partnerships.
- As a precedent, the City had previously partnered with the Housing Authority and Buncombe County on funding for Maple Crest at Lee Walker Heights.
- The City utilized CIP, Fund Balance, and Affordable Housing Bond to facilitate a grant of funds.
- This recommendation is similar to that situation in that it is a grant, and does not utilize the Housing Trust Fund.
- The Housing Authority is seeking a grant of funds from both the City and the County to support their 9% tax credit application.

Request

- HACA has requested that the City's funds be structured as a grant to HACA, which HACA will invest in the project consistent with Low Income Housing Tax Credit requirements.
- City staff agrees based on the following:
 - City funding is contingent on the award of a 9% Low Income Housing Tax Credit (LIHTC) proposal.
 - City funding is contingent on Buncombe County also agreeing to provide a grant of \$935,286.
 - City funding is contingent upon HACA putting in \$1.2M from their reserve fund.
 - \$1.2 million for 82 units at Deaverview is a subsidy of \$14,634 per unit (which aligns with the subsidy level typically approved for the City's HTF loans).
 - Per HACA, this project will provide affordability in perpetuity as is consistent with the Housing Authority's mission.
 - The mission of the HACA is to provide safe, quality, and affordable housing, to expand available resources, and to collaborate with the community to create opportunities for resident self-reliance and economic independence.
 - HACA often houses our most vulnerable and hardest to house residents, and have been fulfilling this mission since 1940.
- Given the low subsidy per unit to assist our very-low AMI residents and families, a guarantee of perpetual affordability, the importance of this neighborhood redevelopment and the future success of the 82 individuals and families, City Staff agrees that a grant to HACA is appropriate.

Committee(s):

- Housing and Community Development Committee (HCD) - April 27, 2022 - approved 3-0.

Council Goal(s):

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

Pro(s):

- This funding supports 82 new affordable and replacement units that will be permanently affordable, a subsidy of \$14,634 per unit, which represents a comparatively high value for the City subsidy given the target incomes being served by this development.

- The development of these units will allow 82 households to move into new units without being displaced during construction (no demolition of existing units until there are new units available).
- Aligns with the purpose of GO Housing Bonds in making progress on Affordable Housing Bond Projects.
- The redevelopment of Deaverview Apartments, when considered in the context of the larger Deaverview area as a whole, will generate affordable mixed-income housing.
- City funds will be used to fill the gap on a Low Income Housing Tax Credit (LIHTC) proposal and without these funds, the project would not be possible.
- This redevelopment aligns with the City of Asheville's Consolidated Plan goals of prioritizing rental housing affordable to 60% AMI and below.
- While the funding is structured as a grant, draw requests, after the initial disbursement, will only be disbursed when sufficient work has been completed and verified by the City.

Con(s):

- None

Fiscal Impact:

- Approval of this request would reduce the existing balance of approximately \$7.4M in available Affordable Housing bond funds to a remaining estimated balance of \$6.2 Million.

Ms. Vrtunski said that the Housing Authority is requesting \$1.2 Million for Reimagining Deaverview Phase I from Affordable Housing Bond funds. Buncombe County has granted \$935,826 towards the project. HACA is now requesting \$1.465 Million to fill the gap in funding. Staff is recommending \$1.2 Million for this project. The City funding is contingent on the award of a 9% Low Income Housing Tax Credit (LIHTC) proposal. The City funding is also contingent on Buncombe County also contributing a grant to HACA. The \$1.2 million for 82 units at Deaverview is a subsidy of \$14,634 per unit which aligns with subsidy level typically approved for the City's Housing Trust Fund loans. This funding is similar to past City - County - Housing Authority partnerships i.e Maple Crest at Lee Walker Heights. Regarding the background, (1) The Reimagining Deaverview - Phase I will build 82 new affordable mixed-income units serving families earning between 10% and 80% of Area Median Income (AMI), with incomes averaging below 60% AMI; (2) 51% of the units will serve those with incomes under 50% AMI; (3) These units will replace 82 of the existing 160 units at Deaverview; (4) Residents who want to stay in the Deaverview community can move into new units and not experience any displacement during construction; and (5) The total project cost is estimated at approximately \$16.45 Million and the project is seeking funding through a combination of 9% Low Income Housing Tax Credit (LIHTC) funds, NCHFA Loan funds, permanent loan financing, Housing Authority Funds, Buncombe County grant funds in the amount of \$935,286 and City grant funds in the amount of \$1.2 million. The bedroom mix is 48 one bedroom units; 16 two bedroom units; 14 three bedroom units; and 4 four bedroom units. The AMI mix is 21 units - 30% AMI and below; 21 units - 50% AMI and below; and 40 units - 60% AMI and below. Given the low subsidy per unit to assist our very-low AMI families, a guarantee of affordability in perpetuity, the importance of the future success of the 82 individuals and families, City Staff agrees that a grant to HACA is appropriate. Staff recommends approval of a motion that the Asheville City Council authorize the City Manager to negotiate and enter into a grant agreement with the Housing Authority of the City of Asheville in the amount of \$1.2 million according to the terms and conditions herein. Funding is contingent on the award of the 9% tax credits.

Executive Director of the Housing Authority David Nash responded to various questions/comments from Council, some being, but are not limited to: are the residents aware that you may not be awarded the funds this year; what type of situation are the current Deaverview resident living in; confirmation that none of the housing developments currently have

central air conditioning; and confirmation of installation of a solar installation system for long-term renewability purposes on the rooftops.

Vice-Mayor Smith moved to authorize the City Manager to negotiate and enter into a grant agreement with the Housing Authority of the City of Asheville in the amount of \$1.2 million according to the terms and conditions herein. This motion was seconded by Councilwoman Mosley.

Councilwoman Mosley offered an amendment to the motion to authorize the City Manager to negotiate and enter into a grant agreement with the Housing Authority of the City of Asheville for \$1.465 million in City funding in support of the redevelopment of Reimagining Deaverview Phase I in accordance with the terms and conditions contained in the City's staff report. This motion was seconded by Vice-Mayor Smith.

Mr. Nash explained the Housing Authority's request for an additional \$265,000 from the City, noting that after they get a full design, they might have to ask the City for another local match. He said that if that happens, he would not come to the City first for any matching funds.

Councilwoman Wisler was supportive of the project, but frustrated that the City continues to be asked to make up for funds that community partners are not willing to share with us, noting that City residents are also paying County taxes as well, which makes the City's ask even higher than a split. She would not support the additional \$265,000.

Councilwoman Roney was curious about the disproportionate impact of property tax assessment on historically black neighborhoods. She did not feel it was appropriate for the City to fill the gap; however, we need to be committed to the residents living there.

Councilwoman Turner felt there should be a more transparent way of what the development fees are used for.

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

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

The amendment to the original motion offered by Councilwoman Mosley and seconded by Vice-Mayor Smith carried on a 5-2 vote, with Councilwoman Turner and Councilwoman Wisler voting "no".

The primary motion, now amended, made by Vice-Mayor Smith and seconded by Councilwoman Mosley carried on a 5-2 vote, with Councilwoman Turner and Councilwoman Wisler voting "no".

RESOLUTION BOOK NO. 43 – PAGE 109

C. BOARDS & COMMISSIONS

Regarding the Historic Resources Commission, no one applied for the vacancy so it was the consensus of City Council to re-advertise for that seat.

RESOLUTION NO. 22-94 - RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMISSION

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

Zakiya Bell-Rogers resigned as a member of the Affordable Housing Advisory Commission, thus leaving an unexpired term until September 1, 2023.

The following individuals applied for the vacancy: Andrew Garrard, Emily Axtman, Jessica Phelan, Doug Brown, Evan Quirk-Garvan and Nnweyne Smith.

The Chair of the Affordable Housing Advisory Commission recommended Nweyna Smith; however, after discussion, the Boards & Commissions Committee recommended Emily Axtman.

Vice-Mayor Smith moved to appoint Emily Axtman as a member of the Affordable Housing Advisory Commission, to serve the unexpired term of Zakiya Bell-Rogers, term to expire September 1, 2023, or until Emily Axtman's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 111

RESOLUTION NO. 22-95 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

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

Rick Sluder (journeyman) has moved from the journeyman seat to the electrical contractor seat, thus, leaving an unexpired term until July 1, 2024, for the journeyman seat.

The following individuals applied for the vacancy: Jonathan Dale Knox, Jeffrey Branks (not eligible for journeyman seat) and Garrett Twiss.

The staff liaison for the Board of Electrical Examiners, and the Boards & Commissions Committee, recommended appointing Garrett Twiss.

Vice-Mayor Smith moved to appoint Garrett Twiss to the journeyman seat on the Board of Electrical Examiners, term to expire July 1, 2024, or until Garrett Twiss' successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 112

RESOLUTION NO. 22-96 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

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

Nicole Lee resigned as a member of the Civic Center Commission, thus leaving an unexpired term until June 30, 2023.

The following individuals applied for the vacancy: Kim Oliver, Kevin King, Chad Evans, Todd Cash and Todd Dunnuck.

The Chair and staff of the Civic Center Commission recommend Chad Evans, Todd Cash or Todd Dunnuck. The Boards & Commissions Committee recommended the appointment of Chad Evans.

Vice-Mayor Smith moved to appoint Chad Evans as a member of the Civic Center Commission, to serve the unexpired term of Nicole Lee, term to expire June 30, 2023, or until Chad Evans' successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 113

RESOLUTION NO. 22-97 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

Ivan Melchor and Alex Nava have resigned as a member of the Human Relations Commission, thus leaving two unexpired terms until June 1, 2022. In addition, Michael Brown has resigned, thus leaving an unexpired term until June 1, 2023. Alfred Green was removed from the Commission due to lack of attendance, thus leaving an unexpired term until June 1, 2022. Also, Emma Worthy was removed from the Commission due to lack of attendance, thus leaving an unexpired term until June 1, 2023.

The following individuals applied for the vacancy: Edie Weichert, Ashley Wilberding, Bethany Duke and Nnweyna Smith.

The Chair of the Human Relations Commission recommended appointing Edie Weichert, Ashley Wilderding, Bethany Duke and Nnweyna Smith. The staff liaison recommended appointing Ashley Wilberding, Bethany Duke and Nnweyna Smith. After discussion, the Boards & Commissions Committee recommended appointing Nnweyna Smith, Ashley Wilberding, and re-advertising for the other three seats.

Vice-Mayor Smith moved to appoint Nnweyna Smith and Ashley Wilberding as members of the Human Relations Commission, to serve the unexpired terms of Ivan Melchor and Alex Nava, terms to expire June 1, 2022, and then each to serve a full two-year term, terms to expire June 1, 2024, or until their successors have been appointed; and to re-advertise for the other three seats. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 114

RESOLUTION NO. 22-98 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

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

Juan Pablo Chalarca (28801 representative) has resigned as a member of the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2024.

The following individuals applied for the vacancy: Tracy Fagan Brown, Michael L. Fulbright, Dane Barrager, Jaik Smith and Karl Knight.

The Boards & Commissions Committee recommended appointing Karl Knight.

Vice-Mayor Smith moved to appoint Karl Knight as a member of the Neighborhood Advisory Committee, to serve the unexpired term of Juan Pable Chalarca as the 28801 representative, term to expire July 1, 2024, or until Karl Knight's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

Councilwoman Roney was pleased that Mr. Knight also has the capability and willingness to also serve as a liaison to the Multimodal Transportation Commission.

RESOLUTION BOOK NO. 43 – PAGE 115

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to Council on various topics, some being, but are not limited to: rebuild Jones Park playground; request for the City to maintain Jones Park playground once rebuilt; mental health benefits of pickleball; need permanent, dedicated, and netted pickleball courts; request for signs to state multi-purpose courts with time limits specified; stripe tennis courts for picketballs; request to stop the restructuring process of boards & commissions until we find out what is and what is not working; alleged false crime data; and request review of City's policy about banning people from City parks.

It was the consensus of Council to instruct the City Manager to ask staff to follow-up with the pickleball group.

After discussion, understanding that we would be deferring maintenance on other City current assets, it was the consensus of Council to place on the May 24, 2022, agenda to consider whether or not to ask staff to evaluate the request for maintenance of Jones Park playground, along with a request for information on how to rename the park after Candice Pickens.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:51 p.m.

CITY CLERK

MAYOR