

Tuesday – September 13, 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 SEPTEMBER 2022 AS “CHILDHOOD CANCER AWARENESS MONTH”

Mayor Manheimer read the proclamation proclaiming September 2022, as “Childhood Cancer Awareness Month” in the City of Asheville. She presented the proclamation to Amy Meinch who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING SEPTEMBER 15 - OCTOBER 15, 2022 AS “LATINX HERITAGE MONTH”

Councilwoman Roney read the proclamation proclaiming September 15 - October 15, 2022, as “Latinx Heritage Month” in the City of Asheville. Pilar Rosel also read the proclamation in Spanish. Councilwoman Roney presented the proclamation to Ms. Rosel, along with community leaders from BeLoved Asheville/Asheville en Espanol, who briefed City Council on some activities taking place during the month.

C. PROCLAMATION PROCLAIMING OCTOBER 25 , 2022 AS “INTERNATIONAL ARTISTS DAY”

Councilwoman Wisler read the proclamation proclaiming October 25, 2022, as “International Artists Day” in the City of Asheville. She presented the proclamation to John Davis and other River Arts District artists who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

Consent Agenda Items “D 1 and 2” and “N1 and 2” were removed from the Consent Agenda for discussion and/or individual votes.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 23, 2022

B. ORDINANCE NO. 4964 - ORDINANCE AMENDING SECTION 21-3-4 OF THE CODE OF ORDINANCES IN ORDER TO REMOVE POTENTIAL INCONSISTENCIES RELATED TO CONNECTIONS TO THE CITY’S WATER SYSTEM

Action Requested: Adoption of an ordinance amending sections of the City Code pertaining to its water system, in order to remove potential ambiguities between the City Code and the Water Resource Department's technical ordinances.

Background:

- The City's water distribution system is governed by both general ordinances, contained within Chapter 21 of the City Code, and technical ordinances in the form of policy and design manuals, adopted by Council.
- Staff have identified potential ambiguities that exist between the City's general and technical water ordinances, and are bringing forward the proposed ordinance amendment to remove any potential ambiguities.
- The proposed amendment will help clarify exactly what standards the public must adhere to when connecting to the City's water system.
- The proposed amendment will clarify that all connections to the City's water system must comply with certain minimum safety standards, including through the installation of backflow prevention devices.

Council Goal(s):

- A clean and healthy environment.

Committee(s):

- None

Pro(s):

- Clarifies the requirements of the City's ordinances as they relate to its water system.

Con(s):

- None.

Fiscal Impact:

- None.

Motion:

- Motion to adopt an ordinance amending Section Section 21-3-4(c) pertaining to its water system, in order to remove potential ambiguities between the City Code and the Water Resource Department's technical ordinances.

ORDINANCE BOOK NO. 34 - PAGE 233

C. RESOLUTION NO. 22-193 - RESOLUTION TO RENAME THE SENIOR OPPORTUNITY CENTER AT 36 GROVE STREET TO GROVE STREET COMMUNITY CENTER

Action Requested: Resolution to rename Senior Opportunity Center located at 36 Grove Street to Grove Street Community Center in accordance with the City's policy for naming publicly owned properties.

Background:

- Senior Opportunity Center opened in the 1970s as a community resource center specializing in recreational programming and outreach services for senior citizens, recognizing that older adults bring significant economic and civic assets to Asheville and challenging the then-prevalent perception that aging be associated with declining health, dependency, and irrelevance.

- In the early years, Asheville Parks & Recreation staff and community organizations offered meals, arts and crafts classes, clubs for special interests and hobbies, cultural experiences, and more opportunities to stay active while aging.
- Over the years, renovations and updates included a commercial kitchen, expanded craft room, ceramic kiln, greenhouse, drop-off driveway, and outdoor picnic seating.
- Today, the community center remains a focal point for active older adults to connect with vital community services that help them stay healthy and independent, but offers much more, including meals and nutrition services; health, exercise, and wellness opportunities; social, cultural, and recreational activities; education and arts programs; volunteer, advocacy, and civic engagement information; development of stronger support systems; and decreased social isolation.
- As the center on Grove Street has evolved over time, so has the way the community talks about older adults and retirees.
- As people live longer and more actively, it's unsurprising that "senior opportunity center" implies a place for the "old" or "elderly," not a resource for those still in the prime of life.
- As 50+ or 65+ become more arbitrary distinctions, the name of the center no longer fits the modern-day experience of aging.
- The community center also regularly hosts programming and special events for all ages as its location is the most easily accessible public community center for nearby neighborhoods including Downtown, South French Broad, South Slope, and WECAN.
- Throughout April 2022, Senior Opportunity Center staff members engaged with regular center visitors around the current name and solicited suggestions through conversations and an on-site suggestion box.
- In May and June 2022, feedback from the larger community was collected through information sharing and an online survey framed by feedback from the center's regular users.
- Some community members also emailed staff directly with recommendations.
- Community feedback favors renaming Senior Opportunity Center to reflect its geographic location with "Grove" being included on multiple recommendations.
- Parks & Recreation's communication team will develop a communications plan to ensure minimal confusion.
- This may include press releases, revising digital listings, and events such as ribbon cuttings.

Vendor Outreach Efforts:

- Not applicable

Council Goal(s):

- An equitable and diverse community
- A well-planned and livable community
- A connected and engaged community

Committee(s):

- None

Pro(s):

- Supports City Council's FY 2022-2023 Neighborhood Resilience and Improve and Expand Core Services priorities.
- Supports the City's policy giving priority to names carrying a geographical, historical, or cultural significance to the area in which publicly-owned property is located.
- Treats older adults with respect and dignity.
- Better reflects the expanded modern use of the facility.

Con(s):

- Initially, there may be public uncertainty surrounding the new name. Parks & Recreation’s communications team will develop a plan to ensure minimal confusion.
- Community members looking for a “senior center” may not be aware that the community center on Grove Street has a primary focus on older adults.
- This has not been a substantial challenge for Harvest House, a community center in Kenilworth with a similar focus.

Fiscal Impact:

- Cost of on-site identification updates such as replacement of building signs is available in the Parks & Recreation operating budget.
- Estimated cost of sign fabrication and installation is \$4,000.

Motion:

- Motion to adopt a resolution to rename the building located on 36 Grove Street to Grove Street Community Center.

RESOLUTION BOOK NO. 43 - PAGE 250

D. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND IF AWARDED, ENTER INTO AN AGREEMENT WITH THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE 2022 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT

BUDGET AMENDMENT FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE 2022 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT

These items were removed from the Consent Agenda for discussion and/or individual votes.

E. RESOLUTION NO. 22-195 - RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, AND IF AWARDED, ENTER INTO AN AGREEMENT WITH THE N.C. GOVERNOR’S HIGHWAY SAFETY PROGRAM FOR THE 2023 BIKESAFE GRANT

ORDINANCE NO. 4966 - BUDGET AMENDMENT FROM THE N.C. GOVERNOR’S HIGHWAY SAFETY PROGRAM FOR THE 2023 BIKESAFE GRANT

Action Requested: Adoption of a resolution authorizing the Mayor to apply for and accept a grant, in the amount of \$5,000, for the North Carolina Governor’s Highway Safety Program (GHSP) 2023 BikeSafe Grant, and adopt the associated budget amendment in the Special Revenue Fund in the amount of \$5,000.

Background:

- The Bike/Safe NC program is a partnership with the Governor’s Highway Safety Program and the North Carolina State Highway Patrol that is aimed at reducing motorcycle fatalities.
- Grant funds will be used to promote awareness by contacting motorcycle dealers, clubs and associations to discuss current highway safety activities and attend and/or host training opportunities.
- The Asheville Police Department will act as fiduciary for the program.
- The total of the grant is \$5,000 and does not require local matching funds.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- Public Safety Committee - August 23, 2022; Recommended 3-0 to proceed to Council

Pro(s):

- Grant funds are used to pay for travel and training.
- Potential reduction of statewide and regional motorcycle fatalities.

Con(s):

- Funding is evaluated annually and is only available for a one-year period.

Fiscal Impact:

- Matching funds are not required for this grant.

Motion:

- Motion to adopt a resolution approving the application and acceptance of the grant and a budget amendment in the Special Revenue Fund in the amount of \$5,000.

RESOLUTION BOOK NO. 43 - PAGE 252

ORDINANCE BOOK NO. 34 - PAGE 235

F. RESOLUTION NO. 22-196 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT FOR AUTOMATIC SERVICE BETWEEN THE CITY OF ASHEVILLE AND REEM'S CREEK FIRE DEPARTMENT

Action Requested: Adoption of the renewal of the automatic aid agreement between the City of Asheville and Reems Creek Fire Department.

Background:

- In August 2013, City Council approved a resolution authorizing a multi-year agreement with Reem's Creek Fire Department for automatic aid service.
- The City of Asheville has a need to strengthen its standard of response and cover in the Beaverdam Valley and the Reem's Creek Fire Department is the most appropriate organization to provide the service.
- The initial agreement costs were \$82,656 and as stipulated in the agreement, the costs are to be adjusted every year based on the consumer price index.
- After nine years of positive consumer price index increases, the renewal for the FY 22-23 services cost and are budgeted at \$106,565.18.
- The term of the renewal agreement will end June 30, 2023.

Vendor Outreach Efforts:

- No other vendors are able to provide this service.
- There are no Minority & Women-Owned Business Enterprise (MWBE) firms able to provide this service.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Allows the standard of cover to be met greater than 90% of the time.

Con(s):

- Increasing cost to maintain existing level of service.

Fiscal Impact:

- Funding for this agreement is available in the Fire Department's operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a renewal agreement for automatic aid service between the City of Asheville and Reems Creek Fire Department

RESOLUTION BOOK NO. 43 - PAGE 253

G. RESOLUTION NO. 22-197 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS FOR THE ANNUAL PAYMENTS TO BUNCOMBE COUNTY FOR THE PUBLIC SAFETY INTEROPERABILITY SYSTEM/CENTRALIZED DATA ENTRY AND BUNCOMBE COUNTY IDENTIFICATION BUREAU INTERLOCAL AGREEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute 1) a contract change order in the amount of \$1,029,799 for the annual payments to Buncombe County for the Public Safety Interoperability System/Centralized Data Entry (PSIP/CDE) interlocal agreement, and 2) a contract change order in the amount of \$561,287 for the annual payments to Buncombe County for the County Identification (ID) Bureau interlocal agreement.

Background:

- The City of Asheville and Buncombe County have long standing interlocal agreements regarding the provision of certain joint public safety-related technology and data services.
- The Public Safety Interoperability System/Centralized Data Entry information system and the Identification (ID) Bureau are both operated as County services.
- Public Safety Interoperability System/Centralized Data Entry (PSIP/CDE): \$1,029,799, which includes:
 - Records Management System (RMS)
 - Computer Aided Dispatch (CAD)
 - Fire service management software (Firehouse)
 - Interface with the North Carolina Criminal Information Network (DCIN) and

FBI-maintained

National Criminal Information Center (NCIC)

- County Identification (ID) Bureau: \$561,287, which includes:
 - A master name index for our records management system.
 - Fingerprinting for Asheville Police Department and City of Asheville residents.
- Based on the interlocal agreements, the City currently pays 45% of the cost of the Public Safety Interoperability System/Centralized Data Entry program and pays 50% of the cost of the County Identification (ID) Bureau program.
- Each year during the annual budget process, the County provides the City with estimates for the City's share of each program's cost.
- For fiscal year 2022-23, the County estimates that the City's share of the PSIP/CDE costs will be \$1,029,799 and the City's share of the ID Bureau will be \$561,287.
- The requested contract change orders will allow staff to encumber those amounts in the City's financial system.
- The County bills the City quarterly based on actual expenses.

- A cross-departmental team of City staff is currently working with Buncombe County to develop a new intergovernmental agreement (IGA) and cost allocation model for PSIP, which has a projected effective date of July 1, 2023.
- The City Council will be asked to review and consider approval of the updated PSIP IGA and associated cost allocation model prior to the start of the next fiscal year.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Provides authorization for the City to formally encumber annual amounts to pay existing interlocal agreements.

Con(s):

- None

Fiscal Impact:

- Funding for these contracts is available in the Non-Departmental and Police Department operating budgets.

Motion:

- Motion to authorize the City Manager to execute (1) a contract change order in the amount of \$1,029,799 for the annual payments to Buncombe County for the Public Safety Interoperability System/Centralized Data Entry (PSIP/CDE) interlocal agreement, and 2) a contract change order in the amount of \$561,287 for the annual payments to Buncombe County for the County Identification (ID) Bureau interlocal agreement.

RESOLUTION BOOK NO. 43 - PAGE 254

H. RESOLUTION NO. 22-198 - RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO CONTINUE THE HOMEOWNER GRANT PROGRAM

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

Background:

- In FY 2021-22, Buncombe County launched an economic public assistance program called the Homeowner Grant Program in which the City of Asheville and the Town of Woodfin also participated.
- The program is designed to assist homeowners of low and moderate income as defined by homeowners earning 80% of Area Median Income (AMI) or less to assist with the basic life necessities and welfare needs.
- At their meeting on September 6, 2022, the Buncombe County Board of Commissioners approved a resolution authorizing the execution of interlocal agreements with the City of Asheville and the Town of Woodfin to continue the Homeowner Grant Program for a second year.
- Grantees who apply for the program, meet the AMI criteria, and reside in the City limits, will receive a maximum grant award of \$300 from Buncombe County and \$200 from the City of Asheville.
- The County will be responsible for administering the program and paying any grants awarded, and thereafter invoice the City for its share of any grants awarded.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Supports homeownership for City households whose income is below 80% of AMI.

Con(s):

- None.

Fiscal Impact:

- Funding for this agreement (\$150,000) is available in the Non-Departmental operating budget. The total cost in the current fiscal year will depend on the number of participants.
- For reference, City residents received payments from this program totaling \$90,600 in FY 2021-22.

Motion:

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

RESOLUTION BOOK NO. 43 - PAGE 255

I. RESOLUTION NO. 22-199 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRIGHTLY SOFTWARE INC. FOR THE CONTINUED USE OF THEIR ASSET ESSENTIAL SOFTWARE FOR THE CITY'S FACILITY MAINTENANCE DEPARTMENT WORK ORDER AND ASSET MANAGEMENT SOFTWARE

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Brightly Software, Inc. for the continued use of their Asset Essential software for the City's facility maintenance department work order and asset management software.

Background:

- In 2016, the City entered into an initial agreement with Dude Solutions for the City's facility maintenance work order and asset management software.
- Since the initial contract award, the company has grown and expanded its product offerings.
- Through this growth, the name of the company has also changed to Brightly Software, Inc.
- Brightly Software, Inc. continues to provide and maintain the original asset management software and in 2021 the City added their Energy Manager product to track carbon emissions.
- Additional investments in the system have been made recently with the purchase of a capital maintenance prediction tool.
- This system works with the asset management and work order system to forecast future capital needs and guide capital budgeting.
- The existing Brightly Software tools allow the City to maintain an accurate picture of building condition and performance.
- They will also allow the City to be more proactive in future maintenance investments.

- Entering into this contract is critical to ensuring continuity related to managing facility assets and ensuring that the other asset management platforms mentioned in this report remain functional.
- This contract is for \$99,026.71 for 60 months broken down as follows:
 - Year 1 - \$18,839.52
 - Year 2 - \$19,310.51
 - Year 3 - \$19,793.27
 - Year 4 - \$20,288.10
 - Year 5 - \$20,795.31

Vendor Outreach Efforts:

- This represents an enhancement to an existing software system.
- The original system was purchased and installed several years ago and is a critical component of our facility asset management program.
- Because this contract represents a continuation of the use of existing software, there was no outreach performed prior to making this request.

Council Goal(s):

- Smart City

Committee(s):

- N/A

Pro(s):

- Continuing the service with Brightly Software Inc. will allow the City of Asheville to continue creating work orders in response to needed maintenance, prioritizing and scheduling of preventive maintenance, and analyzing repair compared to replacement cost.
- Continuing this service will also allow the energy management and capital predictor software to be supported with necessary asset information.

Con(s):

- None identified

Fiscal Impact:

- Funding for the first year of this contract is available in the Capital Projects Department operating budget.
- Future years will be planned for during the annual budget development process.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a five (5) year contract with Brightly Software, Inc. for the continued use of their Asset Essential software for the City's Facility Maintenance Department work order and asset management software in a total amount not to exceed \$99,026.71.

RESOLUTION BOOK NO. 43 - PAGE 256

J. RESOLUTION NO. 22-200 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH ALTA PLANNING + DESIGN INC. FOR THE GREENWAY CONNECTORS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional services contract amendment with Alta Planning + Design, Inc. (Alta) for the project

known as the Asheville Greenway Connectors, in the amount of \$50,800, increasing the total contract amount to \$164,904.90.

Background:

- The scope of the initial design contract with Alta was to design two on-street bicycle and pedestrian facilities that will connect the Nasty Branch Greenway to Memorial Stadium (future Beaucatcher Greenway) and the future Bacoate Branch Greenway.
- The original contract scope with Alta included but was not limited to data collection, base mapping, street engineering, streetscape design and wayfinding, public engagement, utility coordination, and design plans.
- The contract amendment is needed for right-of-way(ROW) acquisition, which is needed to move the project through the construction phase.
- ROW acquisition was not included in scope of the original design contract.
- For the original Phase I design for contract #91800250, Alta was selected from a pool of eleven respondents to the City's request for qualifications advertisement, issued on December 13, 2016.
- The selection process included a qualifications-based, individual and group review by a committee of City staff.
- Phase I of the project for \$24,912.60, awarded in February 2018, consisted of a feasibility study.
- Phase II of this design project, consisting of design and construction documents under contract #91900219.
- The initial Council resolution, 18-284, authorized contracting with Alta in the amount of \$114,104.90.
- This contract amendment will increase the Phase II contract amount by \$50,800, bringing the total contract amount to \$164,904.90.
- Completion ROW acquisition is expected to take several months, following which a final North Carolina Department of Transportation review will result in advertising the construction contract with construction estimated to begin in Spring 2023.
- Construction is anticipated to span approximately nine months.

Vendor Outreach Efforts:

- This project is partially funded using Federal funds.
- Vendor selection processes followed the requirements of the Federal Highway Administration.
- All of the Federal requirements for vendor outreach and inclusion have been met.
- As this is an amendment to the original contract, no additional outreach efforts were made.

Council Goal(s):

- Enhances alternative transportation goals and vision.
- Provides safe travel ways.

Pro(s):

- Increases access to the City's growing inventory of greenways.
- Further emphasizes Asheville as a recreation destination.

Con(s):

- Eventual construction will be disruptive to the area.

Fiscal Impact:

- Funding for this contract is currently budgeted in the General Capital Projects Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services contract amendment with Alta for the project known as the Asheville Greenway Connectors, in the amount of \$50,800, increasing the contract amount to \$164,904.90. The contract amendment is needed to implement ROW acquisition.

RESOLUTION BOOK NO. 43 - PAGE 257

K. RESOLUTION NO. 22-201 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH ADW ARCHITECTS FOR THE BROADWAY PUBLIC SAFETY STATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute contract amendments with ADW Architects, P.A., up to an additional \$20,000 in contingency, resulting in a total contract amount of \$970,565 to provide services for design adjustments during construction through project close-out for the Broadway Public Safety Station project.

Background:

- The Broadway Public Safety Station will house the new Fire Station #13 to serve the Northwest and Central sections of Asheville. This facility will enhance Fire service coverage in the identified areas.
- The facility will also include a Police substation and a new Emergency Operations Center.
- ADW Architects, P.A. was selected as the most qualified firm in 2014, and awarded the contract to design the Broadway Public Safety Station Project in 2018.
- The contract authorization amount was amended by City Council in November 2019 to amend the contract for \$864,150, with contingency up to 10% for a total contract authorization up to \$950,565.
- Staff has used the contingency to address value engineering, traffic engineering, and administrative changes.
- A design change occurred late in the project, and caused changes to the Emergency Operations Center support rooms, IT room, and break out room, and the associated electrical and HVAC systems.
- Design changes during construction are not uncommon, but this change has occurred after prior contingency authorization has been used.
- The resulting electrical and HVAC systems changes may result in additional design fees which staff is currently negotiating.
- Additional contingency authorization of up to \$20,000 will enable staff to address this design change, and to address similar concerns that may come up during construction in order to complete the project.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System and requiring that vendors reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Two Women-Owned Firms submitted qualifications for consideration.
- The selected team will be utilizing one subconsultant, Stewart Engineering, Inc, certified as a Historically Underutilized Business (HUB) and a Minority-Owned Enterprise (MBE) with the state of NC.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides additional contingency that allows staff to make design changes required to complete the project.
- No additional funding is required.

Con(s):

- None

Fiscal Impact:

- Funding for this amendment was previously budgeted and is available in the General Capital Projects Fund.

Motion:

- Resolution authorizing the City Manager to execute contract amendments with ADW Architects, P.A., up to an additional \$20,000 in contingency, resulting in a total contract amount of \$970,565 to provide services for the Broadway Public Safety Station project.

RESOLUTION BOOK NO. 43 - PAGE 258

- L. RESOLUTION NO. 22-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING & CONCRETE INC. FOR THE 2022 TRAFFIC CALMING PROJECT ON KLONDYKE AVENUE, KLONDYKE PLACE, STONER ROAD AND MITCHELL AVENUE**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Appalachian Paving & Concrete, Inc. in the amount of \$103,800.00, for the Traffic Calming Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$10,380.00 (10%).

Background:

- Speeding and unnecessary through-traffic presents dangers that affect the quality of life in residential areas.
- A 2000 Traffic Calming Policy approved by City Council established a protocol for responding to requests from residents for traffic calming installations.
- Additional details about the 2000 Traffic Calming Policy and the process to request traffic calming measures can be found on the Transportation Department's page of the City of Asheville website (www.ashevillenc.gov).
- In order to enhance safety for multimodal transportation throughout the community, the City of Asheville created a capital project intended to provide traffic calming to neighborhoods that have followed the request and review process.
- This project will construct speed cushions on Klondyke Ave., Klondyke Pl., Stoner Rd., and Mitchell Ave.
- Bids for the traffic calming project were initially advertised on July 29, 2022. The City received bids on August 19, 2022.
- One responsive bid was submitted, their name and bid amount is listed below:
 - Appalachian Paving & Concrete, Inc., Swannanoa, NC \$103,800.00
- This bid was informal, meaning it is acceptable to move forward with one bid.
- Appalachian Paving & Concrete, Inc. 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 and all work will be self performed by the prime contractor.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- None

Pro(s):

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

Con(s):

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

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the General Capital Projects Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Appalachian Paving & Concrete, Inc. in an amount not to exceed \$103,800.00 for the 2022 Traffic Calming project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$10,380.00 (10%).

RESOLUTION BOOK NO. 43 - PAGE 259

M. ORDINANCE NO. 4967 - ORDINANCE AMENDING THE HUMAN RELATIONS COMMISSION OF ASHEVILLE MEMBERSHIP AND APPOINTMENT PROCESS TO REMOVE THE REQUIRED NUMBER OF INDIVIDUALS FROM THE VARIOUS IDENTIFIED GROUPS AND TO EXPAND THE LIST TO BE MORE COMPREHENSIVE OF THE DIVERSE ASHEVILLE COMMUNITY

Action Requested: Adoption of an ordinance to amend and update Ordinance No. 4663 regarding the Human Relations Commission of Asheville (HRCA) membership and appointments.

Background:

- The HRCA was established by Ordinance No. 4663 in July of 2018.
- Language around Membership & Appointment includes quotas.
- On July 21, 2022, the HRCA voted 7-2 to recommend an update to the Ordinance regarding their membership and appointment.
- The recommended update removes the required numbers of individuals from the various identified groups and expands the list to be more comprehensive of the diverse Asheville community.

Committee(s):

- HRCA - July 21, 2022 - Voted 7-2 to amend ordinance
- Boards & Commissions Committee - August 23, 2022 - Voted 3-0 to move forward to City Council with recommendation to include Indigenous People on the list of identified groups.

Pros:

- Removes restrictions on HRCA membership.
- In compliance with laws forbidding racial quotas.

Cons:

- None.

Fiscal Impact:

- None.

Motion:

- Move to approve the amendments to Ordinance No. 4663 regarding the Human Relations Commission of Asheville (HRCA) regarding its membership and appointments.

ORDINANCE BOOK NO. 34 - PAGE 236

N. REMOTE MEETING POLICY

RESOLUTION AMENDING THE RULES OF PROCEDURE FOR BOARDS & COMMISSIONS TO INCLUDE A REMOTE MEETING POLICY FOR ADVISORY BOARDS AND COMMISSIONS APPOINTED BY CITY COUNCIL

RESOLUTION AMENDING ASHEVILLE CITY COUNCIL RULES OF PROCEDURE TO INCLUDE A REMOTE ATTENDANCE PROVISION FOR THE CITY COUNCIL AND ITS COUNCIL COMMITTEES

These items were removed from the Consent Agenda for discussion and/or individual votes.

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

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

D. RESOLUTION NO. 22-194 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND IF AWARDED, ENTER INTO AN AGREEMENT WITH THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE 2022 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT

ORDINANCE NO. 4965 - BUDGET AMENDMENT FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE 2022 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2022 High Intensity Drug Trafficking Areas (HIDTA) Grant on behalf of the Asheville HIDTA branch; and adopt a budget amendment in the City's Special Revenue Fund in the amount of \$204,638.

Background:

- The purpose of the HIDTA program is to reduce drug trafficking and especially production in the United States, specifically in areas where drug-related activities are having a significant harmful impact.
- This unit does not focus on, or adopt cases, that are for simple possession, but focuses only on cases that deal in trafficking, manufacturing, and distribution of illegal drugs.
- The Asheville Police Department acts only as the fiduciary for the grant.
- When expenses are incurred, the fiduciary settles the claims using appropriated City of Asheville funds and then requests a 100% reimbursement from the federal government.
- The Asheville HIDTA is the direct beneficiary of the grant funds and not the Asheville Police Department.
- The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration, one officer from the Asheville Police Department, and various individuals from the Sheriff Offices of several Western North Carolina Counties.
- A United States Drug Enforcement Administration supervisor, who is the Asheville HIDTA manager, determines how grant funds will be expended.
- All members of the Asheville HIDTA receive reimbursement when they incur qualified expenses conducting Asheville HIDTA business.
- The Office of National Drug Control Policy has preliminarily determined that the City of Asheville is eligible to manage this grant totaling \$204,638.
- Grant funds are used for overtime, travel, services and supplies.
- All expenses are tracked and audited by local and federal authorities.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- Public Safety Committee - August 23, 2022; Recommended 2-1 to proceed to Council

Pro(s):

- Fosters partnerships with federal and local law enforcement agencies.

Con(s):

- None

Fiscal Impact:

- Matching funds are not required for this grant.

David Evans said that he has worked with the successful HIDTA program in the past and offered his services as a volunteer to help with the drug problem in Asheville.

An individual spoke to Council on how the HIDTA program does not save lives. She said that if Council takes these federal funds then remove the same 204,638 from Asheville Police Department budget and put it towards harm reduction programs in our community.

Councilwoman Roney felt we don't have enough information for the outcomes in our community and our job is to direct management priorities. She knows that we all see the issue of violent crime in our community, especially among our youth, so if we are going to address violence among our youth, we are going to have to make choices on what we prioritize. For her

that looks like youth programming, violence interrupter programming, etc. If we are going to continue the war on drugs program that doesn't address the root causes of crime, and as so we don't have the capacity to do both, then she will have to vote against these actions.

Councilwoman Wisler moved to adopt a resolution approving the application and acceptance of the grant. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 vote, with Councilwoman Roney voting "no."

RESOLUTION BOOK NO. 43 - PAGE 251

Councilwoman Wisler moved to adopt a budget amendment to appropriate the funding. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 vote, with Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 34 - PAGE 234

N. REMOTE MEETING POLICY

RESOLUTION NO. 22-204 - RESOLUTION AMENDING THE RULES OF PROCEDURE FOR BOARDS & COMMISSIONS TO INCLUDE A REMOTE MEETING POLICY FOR ADVISORY BOARDS AND COMMISSIONS APPOINTED BY CITY COUNCIL

Action Requested: Adoption of resolution amending the Rules of Procedure for Boards & Commissions to include a Remote Meeting Policy for advisory boards and commissions appointed by City Council.

Background:

- In March of 2020 the Governor issued a State of Emergency (SOE) on the public health emergency posed by COVID-19; the SOE provided explicit authority to hold remote meetings.
- The City pivoted to hold all meetings remotely via Google Meets and meetings were accessible by live streaming to the City's YouTube channel and Public Engagement Hub, Public Input.
- In the past year, some of the City's official public bodies, including the City Council and all quasi-judicial boards have transitioned back to in-person meetings; however, a majority of advisory board meetings have remained remote per city advertisement.
- On August 15, 2022, the SOE was lifted, and with it, the automatic authority to hold remote meetings.
- The recommended Remote Meetings Policy gives advisory boards and commissions that are appointed by the City Council *the option* to continue holding fully remote meetings, provided the Board commits to the "venue" for the duration of the year, unless otherwise noticed in accordance with this policy and NC Open Meeting Laws.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- Boards and Commissions Council Committee - August 23, 2022 - Discussion; September 13, 2022

Pro(s):

- Provides flexibility for public bodies to hold in-person or remote public meetings.

Con(s):

- In person meetings will not be livestreamed.
- There will be inconsistency with how public meetings are held among boards and commissions; and therefore, how public comment is received.

Fiscal Impact:

- None noted.

Five individuals spoke to Council about the need for an option for hybrid meetings for all public meetings, for transparency and making it easier for everyone to attend and participate. Hybrid meetings are an essential element of equitable access to government and environmentally responsible. They asked that the remote meeting policy be amended to (1) allow hybrid meetings; (2) require only a simple majority vote; (3) ensure all meetings are recorded and made publicly accessible regardless of digital or physical location; and (4) provide flexibility to each body to adjust as needed for its work and members. The City should livestream every public meeting and allow for call-ins for public comment.

Councilwoman Roney moved to adopt a resolution amending the Rules of Procedure for Boards & Commissions to include a Remote Meeting Policy for advisory boards and commissions appointed by City Council, with the amendment that prioritization will be given to archiving a video or audio recording of the committee meeting and the pursuit of hybrid options for advisory boards. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 43 - PAGE 261

RESOLUTION NO. 22-205 - RESOLUTION AMENDING ASHEVILLE CITY COUNCIL RULES OF PROCEDURE TO INCLUDE A REMOTE ATTENDANCE PROVISION FOR THE CITY COUNCIL AND ITS COUNCIL COMMITTEES

Action Requested: Adoption of a resolution amending the Asheville City Council Rules of Procedure to include a Remote Attendance Provision for the Council and its Council committees.

Background:

- In March of 2020 the Governor issued a State of Emergency (SOE) in response to the public health emergency posed by COVID-19; the SOE resulted in new legislation (Session law 2020-3) which provided authority for local public bodies to hold “remote” meetings during a State of Emergency declared by the Governor or State Legislature.
- In accordance with this new law, the City pivoted to hold all meetings remotely via Google Meets in which the Council Members participated virtually.
- On August 15, 2022, the SOE was lifted, and with it, the automatic authority to hold remote meetings pursuant to aforementioned session law.
- Despite the SOE being lifted, the City retains the rights to conduct remote meetings pursuant to NCGS 143-318.13, but has never codified this option in the City Council Rules of Procedure.
- The recommended changes to the Asheville City Council Rules of Procedure will provide a written policy for the conduct of remote meetings by members of the City Council during

meetings of the governing board and its subcommittees in accordance with NC Open Meeting Laws.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- Governance Committee - September 13, 2022

Pro(s):

- Provides flexibility and a defined structure for Council Members to participate remotely in both Council and Council committee meetings.

Con(s):

- None

Fiscal Impact:

- None noted.

Councilwoman Kim moved to adopt a resolution amending the Asheville City Council Rules of Procedure to include a Remote Attendance Provision for the Council and its Council committees. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 43 - PAGE 263

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Capital Improvement Plan Update

Capital Projects Director Jade Dundas said that (1) Staff intends to provide quarterly status updates to the City Council on key capital projects; (2) Update on 2016 General Obligation Bond projects (a) Contract award target date summer 2023; and (b) A more detailed financial update on 2016 GO Bond projects will be shared with the Finance & HR Committee on September 27; and (3) Staff is currently evaluating capital needs in preparation for an update of the FY24 Capital Improvement Budget - Additional information will be shared in future Finance & HR Committee meetings and during future budget work sessions.

Mr. Dundas said that regarding the key capital projects, (1) The following capital projects represent large expenditures and/or have made significant progress in 2022; (2) Over 35 currently active projects at all stages of development. Funding sources include: GO bond, general fund capital budget, enterprise funds, and grants; and (3) Highlighted projects: College and Patton Bike Lanes; Broadway Public Safety Station; Dr. Wesley Grant Center; and French Broad River Greenway West.

He said that the College & Patton Bike Lane Project is between Pritchard Park and Biltmore/Spruce St. The project (1) provides key east/west connections in Downtown; (2) has had extensive public engagement held in April/May 2022; (3) Design and striping plan finalized; (4) Includes several new loading zones; and (5) To be bid for installation in September.

Regarding the Broadway Public Safety Station, (1) This is the first new fire station that has been built since 2007; (2) Building designed with a heightened emphasis on firefighter health

and safety; (3) Designed to be gender inclusive and provides a welcoming workplace for all of our employees - most of our fire stations were built before women were active firefighters; (4) This facility also includes the new emergency operations center (EOC); (5) Provides flexible space for community members and public safety agencies to come together in one location to collaboratively and holistically address our community's public safety needs; and (6) Anticipated completion date: March 2023.

Regarding the Dr. Wesley Grant Center, (1) Indoor improvements include: Multi-purpose gym, additional community meeting rooms; (2) Outdoor facility enhancements include: more parking spaces, new sidewalks, solar panels, rain garden, landscape improvements, lighting, restrooms, and changing rooms; (3) Recreational enhancements include: Indoor and outdoor basketball courts, picnic tables, and a neighborhood swimming pool with toddler play zone, lounge deck, picnic area; and (4) Anticipated completion date: June 202.

Regarding the French Broad River Greenway West, (1) Connecting two existing greenways with approximately 1 mile of new greenway; (2) Creates a continuous greenway connection of approximately 4 miles; (3) 80% of this greenway was paid for using a federal grant program through the Metropolitan Planning Organization (MPO); and (4) Scheduled ribbon cutting: Sept. 15, 2022 4:30 PM.

There was considerable discussion after Councilwoman Kilgore expressed concerns regarding the bike lanes on College Street in an area that she felt is already congested. She said that it's reported that there has been tremendous outreach; however, she has spoken to several businesses along that stretch and they were not informed of this project. She understands the concept of multimodal transportation, but she did not think this is the time to include bike lanes in the downtown area.

City Attorney Oast noted that after the award of the bid in September, staff will come back to City Council to award the contract.

Councilwoman Wisler noted that this project was included in the Capital Projects budget which City Council approved.

City Manager Campbell said that staff is willing to do more public engagement on this project and noted that Council has adopted the Complete Streets Policy and just about every community is moving towards a multimodal approach to enable us to grow into the future. She hoped that Council trusts their staff not to be waylaid by one group, but by policy for the entire City.

American Rescue Plan Act Update

American Rescue Plan Act (ARPA) Project Manager Kim Marmon-Saxe said the key takeaways from this presentation will be (1) A robust evaluation and scoring process based on council approved categories and criteria was used to select projects; (2) 27 projects funded to-date for a total of \$24.9 Million (18 from May Council Resolution); (3) City ARPA funded projects are starting on a staggered schedule through the end of October 2022; (4) All 18 projects will be under contract by December 31, 2022; (5) Response to COA process and structure has been positive and the City continues to work closely with the county; and (6) Remaining ARPA funds - \$1,376,384.

City Council Approved Funding Categories (Approved September 14, 2021): Affordable Housing; Care for Aging Residents; Homelessness Services; Small Business Recovery; Food Systems; City Infrastructure; Domestic Violence Prevention and Assistance; Community Communication; Climate Change; and Workforce Development. The Proposal Scoring Criteria

Developed based on Council Approved Categories: Equity Community Impact - 40%; Project Plan and Evaluation - 40%; and Organization's Qualifications - 20%.

She then went through the ARPA timelines. The ARPA implementation process overview is prepare contract template; divide sub-recipient/partners into groups to stagger onboarding; each group goes through orientation/draft contracts/requirements; contract agreed and signed; kick-off meeting - performance/reporting and compliance agreed and signed; projects initiate; and ongoing weekly/monthly support/partnership/reporting/compliance and learning.

She then reviewed a chart of the ARPA projects to date, along with the dashboard and engagement.

Regarding Dogwood funding, (1) The City responded to a request for proposals from the Dogwood Health Trust to leverage ARPA funds for affordable housing projects; (2) The City Council's ARPA allocations awarded partial funding to the affordable housing projects submitted by Asheville Habitat for Humanity and ABCCM; (3) The City was awarded \$1.6 Million from Dogwood Health Trust to provide additional funding for both programs to leverage affordable housing; and (4) Additional funding will be reported and managed using same the process as ARPA for continuity.

Next steps include (1) Complete orientation, risk assessment, and adding projects to treasury system; (2) Complete kick off for all projects; (3) All projects started and on going before the end of the year; (4) Manage compliance/reporting/performance management; (5) Robust and effective communication - working in a different way; and (6) Manage the ARPA project using the COA project management framework.

City Manager Campbell, along with Ms. Marmon-Saxe, responded to several questions/comments from Council, some being, but are not limited to: when do the funds have to be obligated by and then spent by; is staff still referring to the equity and inclusion scores; need to have more partnership funds for a low barrier shelter; suggestion for update on what the \$6 Million in holdback funds is/was used for; and need for quarterly updates on sales tax revenue.

Murphy-Oakley Park Tennis Courts

Interim Assistant City Manager Ben Woody said that the city is receiving increasing requests for access to pickleball courts and is trying to balance the needs of all users by engaging the community. Currently there are a total of 11 free public tennis courts - 6 are lined for pickleball use. With this particular site, no final decisions have been made on the potential conversion of the Murphy-Oakley Park tennis courts into pickleball only courts. A meeting between Parks and Recreation staff and leaders from the tennis association and pickleball representatives is scheduled for September 14, 2022. Input will be used to help the city determine the best path forward.

IV. PUBLIC HEARINGS:

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

This public hearing has been withdrawn by the applicant.

B. PUBLIC HEARING TO REZONE 645 BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL BUSINESS II DISTRICT

ORDINANCE NO. 4968 - ORDINANCE TO REZONE 645 BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL BUSINESS II DISTRICT

Councilwoman Wisler moved to recuse Mayor Manheimer from participating in the two public hearings on the rezonings of 645 and 651 Brevard Road due to a conflict of interest. This motion was seconded by Councilwoman Turner and carried unanimously.

At this time, Mayor Manheimer turned the gavel over to Vice-Mayor Smith to conduct the meeting.

Vice-Mayor Smith said that the public hearings on the two rezonings on Brevard Road will be combined; however, two separate votes will be taken.

Principal Planner Will Palmquist said that this is the consideration of an ordinance to rezone 645 Brevard Road from RS-8 Residential Single-Family High Density District to Commercial Business II District. This public hearing was advertised on August 12 and 19, 2022. On August 23, 2022, at the applicant's request, City Council continued the public hearing to September 13, 2022.

Project Location and Contacts:

- The rezoning petition consists of a single property totalling 0.61 acres located at 645 Brevard Road (PIN 9627-93-8311).
- Owner: Anderson Brevard RE #2 LLC

Summary of Petition:

- The applicant requests a rezoning of a single property to the Community Business II (CBII) District.
- The property is currently zoned Residential Single-Family High Density (RS-8) and is located within Manufactured Housing Community Overlay (MH-CO) and Manufacturing Housing Overlay (MH-O) districts.
- The land use of the property is currently a single-family house.
- This request relates to another rezoning petition for a property with the same applicant but different owner further to the south at 651 Brevard Road.
- Directly to the south of the subject property is a large parcel (PIN 9627-93-4086 and 5.12 acres) which is zoned Community Business II (CBII) and owned by the same entity.
- The subject property is designated "Urban Corridor" on the city's Future Land Use (FLU) Map.
 - A change in the FLU designation will not be required.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan including:
 - **Encourage Responsible Growth** - by prioritizing growth and development within designated growth areas
 - **Increase Mixed-Use Development Along Transit Corridors** - by encouraging large scale land assemblage where possible, particularly along corridors

- **Facilitate Real Estate Development that Maximizes Public Benefit** - by establishing accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas
- The proposed development is compatible with the Future Land Use designation of "Urban Corridor" which is proposed, in part, as "redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure"
- Community Business II (CBII) is cited as an appropriate zoning district within the Urban Corridor Future Land Use category.
- The Community Business II (CBII) district allows for a variety of residential and commercial uses, some of which having specific requirements and limitations, including but not limited to:
 - Residential: single-family, duplexes, townhouses, multi-family, ADUs
 - Institutional: assisted living, day care centers, police and fire stations, libraries and museums, schools, vocational and tech schools
 - Recreational: arboretums, community centers, parks
 - Food/Beverage/Entertainment: eating and drinking establishments, microbreweries, nightclubs, movie theaters, recreational uses (indoor and outdoor)
 - Lodging: bed and breakfast inns, boardinghouses, homestays
 - Office: home occupations, offices, radio and television studios, research and technology production
 - Retail/Service: barber shops, car washes, clinics, veterinary offices, financial institutions, funeral establishments, gasoline sales, grocery stores, hardware stores, health and fitness facilities, laundry and dry cleaning, motor vehicle service facilities, pharmacies, artist studios, tailors, tattoo parlors
 - Industrial: crematories (human), industrial uses (light)
 - Other: agriculture, antenna, crematories (animal), live-work units, outdoor storage, parking lots, recycling collection centers, telecommunications

Compatibility Analysis:

- The purpose of the CBII zoning district is, "to provide areas for medium-to-high-density business and service uses serving several residential neighborhoods," as well as, "designed to be located primarily along minor and major thoroughfare streets which serve multiple residential neighborhoods."
- The proposed rezoning petition is compatible with the surrounding land uses, including:
 - Highway Business (HB) zoned property to the north along Brevard Rd consisting mostly of automobile dealerships.
 - Community Business II (CBII) zoned property directly to the south of the subject property.
 - Property further to the south zoned Office and Community Business II
 - To the east of the subject property, across Brevard Rd, is a large tract of land associated with the Biltmore Estate.

Council Goal(s):

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

Committee(s):

- Planning & Zoning Commission (PZC) - August 3, 2022 - approved, 7:0.

Pro(s):

- Provides the opportunity for more intensive and efficient use of land along a major highway corridor.

Con(s):

- Encourages demolition of an existing single-family house.

Staff Recommendation:

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

B. PUBLIC HEARING TO REZONE 651 BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL BUSINESS II DISTRICT

ORDINANCE NO. 4969 - ORDINANCE TO REZONE 651 BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL BUSINESS II DISTRICT

Principal Planner Will Palmquist said that this is the consideration of an ordinance to rezone 651 Brevard Road from RS-8 Residential Single-Family High Density District to Commercial Business II District. This public hearing was advertised on August 12 and 19, 2022. On August 23, 2022, at the applicant's request, City Council continued the public hearing to September 13, 2022.

Project Location and Contacts:

- The rezoning petition consists of a single property totalling 0.74 acres located at 651 Brevard Road (PIN 9627-93-8039).
- Owner: James Goode Revocable Trust

Summary of Petition:

- The applicant requests a rezoning of a single property to the Community Business II (CBII) District.
- The property is currently zoned Residential Single-Family High Density (RS-8) and is located within Manufactured Housing Community Overlay (MH-CO) and Manufacturing Housing Overlay (MH-O) districts.
- The land use of the property is currently a single-family house.
- This request relates to another rezoning petition for a property with the same applicant but different owner further to the north at 645 Brevard Rd.
- Directly to the north of the subject property is a large parcel (PIN 9627-93-4086 and 5.12 acres) which is zoned Community Business II (CBII) and owned by the same entity as the aforementioned rezoning petitioner at 645 Brevard Rd.
- The subject property is designated "Urban Corridor" on the city's Future Land Use (FLU) Map.
 - A change in the FLU designation will not be required.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan including:
 - **Encourage Responsible Growth** - by prioritizing growth and development within designated growth areas
 - **Increase Mixed-Use Development Along Transit Corridors** - by encouraging large scale land assemblage where possible, particularly along corridors

- **Facilitate Real Estate Development that Maximizes Public Benefit** - by establishing accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas
- The proposed development is compatible with the Future Land Use designation of "Urban Corridor" which is proposed, in part, as "redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure"
- Community Business II (CBII) is cited as an appropriate zoning district within the Urban Corridor Future Land Use category.
 - The Community Business II (CBII) district allows for a variety of residential and commercial uses, some of which having specific requirements and limitations, including but not limited to:
 - Residential: single-family, duplexes, townhouses, multi-family, ADUs
 - Institutional: assisted living, day care centers, police and fire stations, libraries and museums, schools, vocational and tech schools
 - Recreational: arboretums, community centers, parks
 - Food/Beverage/Entertainment: eating and drinking establishments, microbreweries, nightclubs, movie theaters, recreational uses (indoor and outdoor)
 - Lodging: bed and breakfast inns, boardinghouses, homestays
 - Office: home occupations, offices, radio and television studios, research and technology production
 - Retail/Service: barber shops, car washes, clinics, veterinary offices, financial institutions, funeral establishments, gasoline sales, grocery stores, hardware stores, health and fitness facilities, laundry and dry cleaning, motor vehicle service facilities, pharmacies, artist studios, tailors, tattoo parlors
 - Industrial: crematories (human), industrial uses (light)
 - Other: agriculture, antenna, crematories (animal), live-work units, outdoor storage, parking lots, recycling collection centers, telecommunications

Compatibility Analysis:

- The purpose of the CBII zoning district is, "to provide areas for medium-to-high-density business and service uses serving several residential neighborhoods," as well as, "designed to be located primarily along minor and major thoroughfare streets which serve multiple residential neighborhoods."
- The proposed rezoning petition is compatible with the surrounding land uses, including:
 - Highway Business (HB) zoned property to the north along Brevard Rd consisting mostly of automobile dealerships.
 - Community Business II (CBII) zoned property directly to the north of the subject property.
 - Property further to the south zoned Office and Community Business II
 - To the east of the subject property, across Brevard Rd, is a large tract of land associated with the Biltmore Estate.

Council Goal(s):

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

Committee(s):

- Planning & Zoning Commission (PZC) - August 3, 2022 - approved, 7:0.

Pro(s):

- Provides the opportunity for more intensive and efficient use of land along a major highway corridor.

Con(s):

- Encourages demolition of an existing single-family house.

Staff Recommendation:

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

Mr. Palmquist used maps to show the location of the rezonings. Regarding the Living Asheville Comprehensive Plan, the rezonings are (1) consistent with the Future Land Use map ("Urban Corridor") promoting redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure; and (2) supports a number of goals in the Plan (a) prioritizes growth and development within designated growth areas; (b) encouraging large scale land assemblage where possible, particularly along corridors; and (c) establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas. He then outlined all the allowable land uses in the Community Business II District. The Planning & Zoning Commission unanimously approved these rezonings at their August 3, 2022, meeting. Staff concurs with the Planning & Zoning Commission and recommends approval of the proposed rezonings.

When Councilwoman Roney asked if it would be possible to remove lodging as a use in the Community Business II District, Mr. Palmquist noted that it would require a text amendment because this is a straight rezoning not a conditional use which Council can make certain conditions.

Mr. Brian Gulden, attorney representing the applicant, noted that all the uses allowed in the Community Business II District would be available for his client if the straight rezoning is approved by City Council. He spoke about the demolition of a single-family home on the property and how the rezoning complies with the Comprehensive Plan. He asked for Council's support of the rezonings.

Vice-Mayor Smith opened the combined public hearings at 6:41 p.m., and when no one spoke, she closed the combined public hearings at 6:41 p.m.

Vice-Mayor Smith said that members of Council have previously received copies of the ordinances and they would not be read.

Councilwoman Kilgore moved to approve the conditional zoning request for the property located at 645 Brevard Road from Residential Single-Family High Density (RS-8) to Community Business II (CBII) 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 growth and development within designated growth areas; 2) encourages large scale land assemblage along a corridor; and, 3) establishes well connected commercial nodes in a growth area. This motion was seconded by Councilwoman Mosley and carried on a 5-1 vote, with Councilwoman Roney voting "no" and Mayor Manheimer being recused.

ORDINANCE NO. 4968 - ORDINANCE BOOK NO. 34 – PAGE 238

Councilwoman Mosley moved to approve the conditional zoning request for the property located at 651 Brevard Rd from Residential Single-Family High Density (RS-8) to Community

Business II (CBII) 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 growth and development within designated growth areas; 2) encourages large scale land assemblage along a corridor; and, 3) establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas. This motion was seconded by Councilwoman Kilgore and carried on a 5-1 vote, with Councilwoman Roney voting "no" and Mayor Manheimer being recused.

ORDINANCE NO. 4969 - ORDINANCE BOOK NO. 34 – PAGE 241

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

At this time, Mayor Manheimer re-entered the meeting and Vice-Mayor Smith returned the gavel to her to conduct the remainder of the meeting.

A. RESOLUTION NO. 22-203 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH HOMEWARD BOUND FOR OUTREACH SERVICES

Community & Economic Development Director Nikki Reid said that this is the consideration of a resolution authorizing the City Manager to sign an agreement with Homeward Bound for street outreach services.

Background:

- The FY 2022-2023 adopted operating budget allocates \$110,000 for street outreach services to individuals and families experiencing homelessness.
- The City has partnered with Homeward Bound of Western North Carolina for the past four years to provide these services.
- With this agreement, Homeward Bound will provide street outreach services to persons experiencing homelessness as defined by the U.S. Department of Housing and Urban Development in the City of Asheville, including case management services and referrals to available community resources and permanent housing, working collaboratively with Asheville Police Department (APD) and Asheville Fire Department (AFD).
- The objective of the services provided is to reduce the number of people experiencing homelessness and increase the number of permanent housing placements in the NC-501 Continuum of Care.
- Services provided by Homeward Bound through this contract include:
 - Diversion-focused services and referrals;
 - Referrals to permanent housing resources, behavioral health and substance use disorder services; AHOPE Day Center; emergency shelter; Social Security Supplemental Income/Social Security Disability Income Outreach, Access, and Recovery (SOAR); primary health care; and basic needs, services, and resources;
 - Coordination with existing Homeward Bound street outreach as well as other street outreach efforts (e.g., Veterans Affairs Medical Center Homeless Services);
 - Response, training, and education to downtown businesses and residents impacted by the presence of people experiencing homelessness;
 - Assistance to APD and AFD for referrals and issues related to unhoused persons, working collaboratively with officers to de-escalate crises and divert from arrest when appropriate;
 - Access to NC-501 Continuum of Care Coordinated Entry as appropriate, with

assessments using the Vulnerability Index - Service Prioritization Decision Assistance Tool (prescreen triage tool) or other assessment instrument designated by the NC-501 Continuum of Care.

- This agreement is for a period of one year with four, one year options for renewal for a total term of five years.
- Renewals are subject to annual budget approval and availability.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Connects unhoused individuals with needed area resources
- Supports the City's efforts to reduce the number of people experiencing homelessness in the NC-501 Continuum of Care service area

Con(s):

- None noted

Fiscal Impact:

- Funding for the first year of this contract is available in the Community and Economic Development Department operating budget.
- Future years will be planned for during the annual budget development process.

Mayor Manheimer noted that the City is not a direct service provider, but we pass the funding to agencies in our community and partner with Homeward Bound to be more effective in this crisis.

Jonathan Wainscott felt that we are enabling the homeless population in asheville at the expense of our own community members.

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

Councilwoman Turner moved to authorize the City Manager to sign an agreement with Homeward Bound for street outreach services for a period of one year, with the option to renew for four additional one year periods, subject to budget approval and availability. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 - PAGE 260

B. RESOLUTION NO. 22-206 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDING FROM THE DOGWOOD HEALTH TRUST AMERICAN RESCUE PLAN ACT ADVANTAGE AFFORDABLE HOUSING FUNDING OPPORTUNITY

ORDINANCE NO. 4970 - BUDGET AMENDMENT TO ACCEPT FUNDING FROM THE DOGWOOD HEALTH TRUST AMERICAN RESCUE PLAN ACT

ADVANTAGE AFFORDABLE HOUSING FUNDING OPPORTUNITY

Mayor Manheimer noted that this presentation was covered under the ARPA Manager's Report presentation.

Action Requested: The consideration of (1) a resolution authorizing the City Manager to enter into a grant agreement with Dogwood Health Trust; and (2) the associated budget amendment from the Dogwood Health Trust ARPA Advantage Affordable Housing funding to the City's Special Revenue Fund, in the amount of \$1,600,000.

Background:

- In May 2022 the City of Asheville responded to a request for proposals from the Dogwood Health Trust to leverage the American Rescue Plan Act (ARPA) funds that the City is investing in affordable housing.
- Asheville Area Habitat for Humanity (AAHH) and Asheville Buncombe Community Christian Ministries (ABCCM) applied for ARPA funding for affordable housing projects.
- At its May 10, 2022 meeting, Asheville City Council adopted a resolution authorizing the City to execute the agreements for the fulfillment of the American Rescue Plan Act funding recommendations.
- The City Council's ARPA allocations awarded partial funding to the affordable housing projects submitted by Asheville Habitat for Humanity and ABCCM.
- These grant funds from Dogwood will provide additional funding for both programs to leverage affordable housing.

Council Goal(s):

- A financially resilient city
- A thriving local economy
- Affordable Housing

Committee(s):

- City Council approved ARPA funding

Pro(s):

- Additional funds for programs related to covid recovery.
- Fully funding projects for affordable housing.
- 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:

- Matching funds are not required for this grant, funding will be passed through to Asheville Area Habitat for Humanity and ABCCM.

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

Councilwoman Turner moved to authorize the City Manager to enter into a grant agreement with Dogwood Health Trust. This motion was seconded by Councilwoman Wisler and carried unanimously.

Councilwoman Turner moved to adopt a budget amendment from the Dogwood Health Trust ARPA Advantage Affordable Housing funding to the City's Special Revenue Fund, in the amount of \$1,600,000. This motion was seconded by Councilwoman Wisler and carried unanimously.

ORDINANCE BOOK NO. 34 - PAGE 244

C. BOARDS & COMMISSIONS

Regarding the Audit Committee, since no applications were received, the City Clerk was instructed to re-advertise for the seats.

Regarding the Human Relations Commission, no City residents applied; therefore, it was the consensus of City Council to re-advertise for the seats.

RESOLUTION NO. 22-207 - RESOLUTION APPOINTING A MEMBER OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

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

The term of Jan Davis, as Chair and member of the ABC Board expires on November 13, 2022.

The following individuals applied for the vacancy: Patrick Fox, Amber Johnson, Tommy Tsiros, Tod Leaven, James Poole, Anne Dickens, Dee Williams, Elliott Smith, David Angelus, Chappel Carter, Clifford Feingold and William Kopp.

The ABC staff of the ABC Board recommended appointing Thomas Tsiros, Chappell Carter or Dee Williams. The ABC Board also recommended appointing either Max Haner or Robin Cape as Chair.

It was the consensus of the Boards & Commissions Committee, along with City Council, that the Boards & Commissions Committee interview Max Haner and Robin Cape on October 11. City Council is to submit questions to the City Clerk's Office to compile and send to the two candidates, who will then submit written responses prior to their interviews on October 11.

Vice-Mayor Smith moved to (1) appoint Chappel Carter as a member of the ABC Board, to serve a three-year term, term to begin November 13, 2022, and expire on November 13, 2025, or until Chappel Carter's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 266

RESOLUTION NO. 22-208 - RESOLUTION APPOINTING A MEMBER TO THE HISTORIC RESOURCES COMMISSION

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

The term of James Vaughn expired on July 1, 2022.

The following individuals applied for the vacancy: Anna Ewing, Alexander Ellenbogen and Amy Moxley.

The Chair and staff of the Historic Resources Commission recommend. After discussion, the Boards & Commissions Committee recommended appointing Amy Moxley.

Vice-Mayor Smith moved to appoint Amy Moxley to serve as a member of the Historic Resources Commission, to serve a three-year term, term to begin on July 1, 2022, and expire on July 1, 2025, or until Amy Moxley's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 267

RESOLUTION NO. 22-209 - RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

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

Jason Desai has resigned, thus leaving an unexpired term until November 1, 2023. In addition, the terms of David Nash and David Bartholomew expire on November 1, 2022.

The following individuals applied for the vacancies: Angelique Brickner, Emily Kirchmeyer, Louisa Shipnuck Jones, Barry Shoor, Sim Wilkes, Sydney Broadhead, Michael Fulbright, Jo Golson, Cheryl Antoncic, Kenny Hancock, Sherri Bagwell, William Snoddy, Jimmi Lang, Andrew Garrard, Josh Houde, Elena Mansour and William Hanson.

The Chair and staff of the Homeless Initiative Advisory Committee recommend, and the Boards & Commissions Committee concur, to reappoint David Nash and David Bartholomew and re-advertise for the other vacant seat..

Vice-Mayor Smith moved to (1) reappoint David Nash as a member of the Homeless Initiative Advisory Committee, to serve an additional three-year term, term to expire November 1, 2025, or until David Nash's successor has been appointed; and (2) reappoint David Bartholomew as a member of the Homeless Initiative Advisory Committee, to serve a three-year term, term to expire November 1, 2025, or until David Bartholomew's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 268

RESOLUTION NO. 22-210 - RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

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

Michael Stratton, a member of the Multimodal Transportation Commission, has resigned, thus leaving an unexpired term until July 1, 2023.

The following individuals applied for the vacancy: Joseph Chester, Elyse Marder, Abigail RS Griffin and Jack Igelman.

The Multimodal Transportation Commission Chair recommended, and the Boards & Commissions Committee concurred, to appoint Jack Igelman.

Vice-Mayor Smith moved to appoint Jack Igelman to serve as a member of the Multimodal Transportation Commission, to serve the unexpired term of Michael Stratton, term to expire July 1, 2023, or until Jack Igelman's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 269

RESOLUTION NO. 22-211 - RESOLUTION APPOINTING MEMBERS TO THE SOIL EROSION AND STORMWATER REVIEW

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Soil Erosion and Stormwater Review.

The terms of Pete Hildebrand and Catherin Rosjford, as members of the Soil Erosion and Stormwater Review expire on November 1, 2022.

There were no applications for these vacancies.

Because this board has never met, the Boards & Commissions Committee recommended reappointing Pete Hildebrand and Catherine Rosjford.

Vice-Mayor Smith moved to reappoint Pete Hildebrand and Catherine Rosjford to each serve an additional three-year term, terms to expire November 1, 2025, or until their successors have been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 270

RESOLUTION NO. 22-212 - RESOLUTION APPOINTING A MEMBER TO THE URBAN FORESTRY COMMISSION

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

Perrin deJong, a member of the Urban Forestry Commission, has resigned, thus leaving an unexpired term until December 31, 2023.

The following individuals applied for the vacancy: Karen MacNeil, Nick Biemiller and Alex Kirby.

After discussion, the Boards & Commissions Committee recommended appointing Karen MacNeil.

Vice-Mayor Smith moved to appoint Karen MacNeil to serve as a member of the Urban Forestry Commission, to serve the unexpired term of Perrin deJong, term to expire December 31, 2023, or until Karen MacNeil's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 271

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to Council on various issues, some being, but are not limited to: disparity of property tax administration; September 21 as International Day of Peace; results from Ingle's community meeting for plans of retail area in Shiloh; need for dedicated pickleball courts in Asheville; bad design for bike lanes on College Street; Weaver Park hazard; and Patton Avenue corridor timing.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:22 p.m.

CITY CLERK

MAYOR