

Regular Meeting

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 11, 2022**

- B. ORDINANCE NO. 4974 - BUDGET AMENDMENT FOR ASPHALT PATCH TRUCK**

Action Requested: Adoption of a budget amendment in the amount of \$120,000 in the Street Cut Utility Fund to purchase a new asphalt patch truck.

Background:

- The adopted Fiscal Year 2022-23 budget established for machinery and equipment in the Street Cut Utility Fund was \$140,000.
- This original budget was intended to only replace the body of an existing truck.
- After budget adoption, it was determined that the accumulated maintenance costs along with the extended lead time for replacement warrants an entire truck replacement.
- The truck and body replacement are available through a cooperative agreement at a total cost of \$258,965, requiring an additional \$120,000.
- The Street Cut Utility Fund is budgeted on a cost recovery basis.
- All work is performed for and paid by the partners of the Utility Cut program.
- These partners are City of Asheville (COA) Water Resources, COA Stormwater Division, Metropolitan Sewerage District (MSD), and Dominion Energy.

Council Goal(s):

- A Well-Planned and Livable Community
- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This budget amendment will allow the Street Cut Utility Fund to purchase the needed equipment for the required asphalt work to return the roadway to a usable state after utility work is performed.

Con(s):

- Additional debt payments will be passed on to the partners in the Utility Cut program.

Fiscal Impact:

- An additional \$120,000 in short-term equipment debt will be incurred by the City and ultimately billed to the partners of the program.

Motion:

- Motion to adopt a budget amendment in the amount of \$120,000 in the Street Cut Utility Fund to purchase a new asphalt patch truck.

ORDINANCE BOOK NO. 34 - PAGE 264

C. RESOLUTION NO. 22-232 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ECS SOUTHEAST LLP FOR THE BENT TREE AND CRESTWOOD ROAD SLIDE REPAIR DESIGN AND INSPECTION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with ECS Southeast, LLP in an amount not to exceed \$127,170.00 for the Bent Tree and Crestwood Road Slide Repair Design and Inspection contract.

Background:

- Heavy rains in July caused slope failures on Bent Tree and Crestwood Roads.
- Public Works staff performed temporary repairs to the slides, but a permanent solution will be required.
- The Request for Qualifications was advertised on July 15, 2022, and responses were due by August 4, 2022.
- This contract falls under the mini-brooks act, which requires the City to select engineering and architecture firms based upon their competency, qualifications and experience rather than by price.
- Three responses to the RFQ were received:
 - Gannett Fleming, Inc. of Asheville, NC
 - Vaughn and Melton Consulting Engineers, Inc. of Asheville, NC
 - ECS Southeast, LLP of Asheville, NC
- ECS Southeast, LLP received the highest score from the scoring committee.
- The scoring committee consisted of representatives from the Public Works and Capital Projects Departments.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Staff also checked the City of Asheville list of certified MWBE business, the NC Historically Underutilized Business database, and the NCDOT MWBE database for potential contractors.
- Three companies from an identified disparity group were found in the ten-county plus Mecklenburg area and staff directly contacted those companies.
- The companies did not submit a response.

Council Goal(s):

- A Well-Planned Livable Community

Committee(s):

- None

Pro(s):

- This contract will provide a design to stabilize Bent Tree and Crestwood Roads.
- Successful completion of the project will assure the continuation of emergency response access and core service delivery to the community.

Con(s):

- None

Fiscal Impact:

- Funding for this contract will come from the FY23 Capital Improvement Program (CIP) contingency budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with ECS Southeast, LLP in an amount not to exceed \$127,170.00 for the Bent Tree and Crestwood Roads Slide Repair Design and Inspection contract.

RESOLUTION BOOK NO. 43 - PAGE 303

D. WOODFIELD RIVER ARTS

RESOLUTION NO. 22-233 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC/PRIVATE STORMWATER AGREEMENT WITH WOODFIELD RIVER ARTS LLC TO CONSTRUCT A NEW STORM DRAINAGE SYSTEM WITHIN THE PUBLIC RIGHT-OF-WAY OF ROBERTS STREET

ORDINANCE NO. 4975 - BUDGET AMENDMENT TO APPROPRIATE FUND BALANCE IN THE STORMWATER FUND FOR THE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY VIA A REIMBURSEMENT TO WOODFIELD RIVER ARTS LLC

Action Requested: Adoption of a resolution authorizing the City Manager to 1) execute a public/private stormwater agreement with Woodfield River Arts, LLC to construct a new storm drainage system within the public right-of-way on Roberts Street; and 2) to approve a budget amendment to appropriate fund balance of \$250,000 in the Stormwater Fund for the improvements within the public right-of-way via a reimbursement to Woodfield River Arts, LLC.

Background:

- Woodfield River Arts, LLC is the owner of a 2.88 acre property located at 146 Roberts Street, in the River Arts District.
- The developer has plans to construct a new 237-unit multi-family housing and retail development on the property.
- The site has an existing private stormwater system consisting of an old rock culvert running under the property and Roberts Street which carries stormwater from a large drainage area.
- The owner/developer desires to relocate this culvert to a better suited location on the property and connect back into the City's public right-of-way along Roberts Street by replacing it with a larger concrete drainage pipe.
- The remaining portion of the old rock culvert that exists within the Roberts Street Right-of-Way will also be removed and replaced with a new concrete drainage pipe.
- After installation of the new pipes, the curbing, asphalt, sidewalk, etc. will be replaced.

- Through a public/private partnership, the City will gain new appropriately sized stormwater infrastructure along Roberts Street in a more expedient time frame and at costs that are less than if the improvements were undertaken by the City's own forces.
- Engineers and contractors hired by Woodfield River Arts, LLC will design and construct the new stormwater system, curb and asphalt within the right-of-way on Roberts Street, the total cost of which is estimated to be \$361,610.39; and the City will reimburse Woodfield River Arts, LLC an amount not to exceed \$250,000 for the improvements within the public right-of-way.
- The cost of the reimbursement (\$250,000) will come from a fund balance appropriation in the Stormwater Fund.
- Via Resolution No. 16-244 dated November 8, 2016, the Asheville City Council authorized the City Manager to enter into a public/private stormwater agreement with the previous developer/owner (RAD Lofts, LLC/146 Roberts, LLC) to effectuate the aforementioned terms of the relocation and construction of the new stormwater infrastructure; the previous owner never commenced this stormwater construction and the City did not expend any funds under that previous agreement.
- This new agreement will replace and supersede the previous agreement.
- Construction is currently underway for the large culvert replacement in Roberts Street.
- The older existing rock culvert has been removed inside the Right-Of-Way already.

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment
- Resilient and Sustainable Infrastructure

Committee(s):

- None

Pro(s):

- Provides for the installation of new drainage infrastructure to be located within the public right-of-way.

Con(s):

- Requires City funding for a portion of the project cost.
- The City will be responsible for the ongoing maintenance of this system in the right-of-way (already responsible for drainage located in the right-of-way; this replaces old and undersized infrastructure).

Fiscal Impact:

- Reimbursement per the agreement will be funded by a fund balance appropriation of \$250,000 in the Stormwater Fund.
- Based on current estimates, the fund should remain within its fund balance policy target of 8% of annual expenses.

Motion:

- Resolution authorizing the City Manager to execute a public/private stormwater agreement with Woodfield River Arts, LLC to construct a new storm drainage system within the public right-of-way on Roberts Street; and to approve a budget amendment to appropriate \$250,000 from the fund balance of the Stormwater Fund for the improvements within the public right-of-way via a reimbursement to Woodfield River Arts, LLC.

**RESOLUTION BOOK NO. 43 - PAGE 304
ORDINANCE BOOK NO. 34 - PAGE 265**

**RESOLUTION NO. 22-234 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO CONVEY TWO PERMANENT SUBSURFACE EASEMENTS
WITHIN CITY RIGHT-OF-WAY ON CLINGMAN AVENUE EXTENSION AND
ARTFUL WAY TO WOODFIELD RIVER ARTS LLC.**

Action Requested: Adoption of a resolution authorizing the City Manager to grant easements on Clingman Avenue Extension and Artful Way to Woodfield River Arts, LLC.

Background:

- Woodfield River Arts, LLC is constructing a mixed use development on the former site of Dave's Steel at the corner of Clingman Avenue Extension and Roberts Street.
- This is a three acre site which will have 237 residential units and 362 parking spaces. Approximately 19,000 square feet of retail/commercial/restaurant space will also be available upon project completion.
- The project involves raising the vertical height of Roberts Street and installing stormwater drainage improvements that will provide additional capacity for conveyance through this area.
- The project will install approximately 600 linear feet of regional stormwater culvert and Council is considering a public / private partnership for a portion of these improvements located in the right-of-way of Roberts Street.
- Site limitations necessitate the construction of retaining walls on Clingman Avenue Extension and Artful Way.
- To secure the walls, improvements need to be made that extend onto the City's right-of-way under the roadway on Artful Way.
- Additional improvements are needed in order to complete the project on Clingman Extension that encroach onto the City right-of-way.
- In order to conduct this work, two subsurface easements are needed.
- The compensation for the two easements has been calculated based on the tax appraised value of the property and discounted by 50% due to the easements being subsurface, for a total value of \$12,848 as fair market consideration for said easements.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- This project will construct stormwater infrastructure improvements within the public right-of-way.
- The easement within Artful Way is a public benefit as well in that the soil nail wall proposed will stabilize the slope between the property and Artful Way where there have been small slope failures in the recent past.

Con(s):

- Construction requires subsurface easements in the City's right-of-way.

Fiscal Impact:

- The City will be compensated \$12,848 for granting the easements, generating additional revenue for the General Fund.

Motion:

- Motion to approve the resolution authorizing the City Manager to convey two permanent subsurface easements within City right-of-way on Clingman Avenue Extension and Artful Way to Woodfield River Arts, LLC.

RESOLUTION BOOK NO. 43 - PAGE 305

E. RESOLUTION NO. 22-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CDM SMITH FOR THE NORTH FORK AND WILLIAM DEBRUHL TREATMENT STUDY AND PLANT IMPROVEMENTS PROJECT

ORDINANCE NO. 4976 - BUDGET AMENDMENT TO ACCEPT GRANT FUNDING FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY - DIVISION OF WATER INFRASTRUCTURE

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional services - supplemental agreement with CDM Smith for the North Fork & Wm. DeBruhl Treatment Study and Plant Improvements; and the associated budget amendment in the amount of \$400,000 to accept grant funding from the NC Department of Environmental Quality - Division of Water Infrastructure.

Background:

- Climate change has produced unusual effects (changes in pH, turbidity, temperature, and alkalinity) on the quality of raw water available at both the Burnett and Bee Tree Reservoirs.
- Changes in raw water quality can happen quickly during significant weather events.
- The NC Public Water Supply has encouraged all direct filter treatment plants to investigate improvements that would help meet EPA and State Dept. of Environmental Quality rules and regulations. (See Exhibit A)
- North Fork and Wm. DeBruhl are both direct filtration water treatment plants.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning on May 18, 2020 the City of Asheville selected 5 consulting firms to provide on-call professional services for an array of different types of water system Water Plant Projects.
- CDM Smith was one of the selected firms due to their expertise in areas of water treatment plant construction and upgrades.
- The City of Asheville entered into a master agreement with CDM Smith on September 4, 2020 for on-call professional services valid for three years with the option to renew for two additional years.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for Water Treatment Plant projects was the best method to deliver this project and CDM Smith was the most qualified of the on-call firms.
- If approved, the proposed engineering services described here within will be developed into a supplemental contract under the conditions of the master agreement. (See Exhibit B)

Council Goal(s):

- Improve Core Services

Committee(s):

- n/a

Pro(s):

- The study will provide guidance on further optimizing current techniques for the treatment process.
- The study will provide guidance documents to assist staff with real-time decision making when raw water quality is low.
- The study will investigate treatment alternatives and recommend two for further consideration and pilot-study.
- All data, recommendations, and guidance would assist the plants in achieving future State and EPA regulations.

Con(s):

- Without conducting this study, the City / Water Resources risks having to temporarily close a treatment plant during significant low raw water quality.
- Limiting production due to significant low raw water quality may require mandatory water conservation measures for our customers.

Fiscal Impact:

- The cost of the study, estimated to be \$407,695, will primarily be funded via a grant awarded by NCDEQ-Division of Water Infrastructure (utilizing state ARPA funds).
- Grant funding totals \$400,000, and the remaining \$7,695 has been identified within the current Water Resources capital budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services - supplemental agreement with CDM Smith for the North Fork & Wm. DeBruhl Treatment Study and Plant Improvements; and the associated budget amendment.

**RESOLUTION BOOK NO. 43 - PAGE 306
ORDINANCE BOOK NO. 34 - PAGE 266**

F. RESOLUTION NO. 22-236 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT CHANGE ORDER WITH DEC ASSOCIATES INC. FOR FINANCIAL ADVISORY SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract change order in the amount of \$300,000 for financial advisory services with DEC Associates, Inc.

Background:

- The City of Asheville requires a financial advisor of record for the purpose of reviewing, evaluating, planning, developing, administering, soliciting, structuring, negotiating, and otherwise assisting the City in its financial responsibilities related to municipal debt.
- DEC Associates, Inc. has assisted the City with financial modeling, debt issuance, marketing of securities, and other financial services since 2014.
- DEC Associates, Inc. utilizes a complex model and the continued use of this firm maintains continuity in the management of the City's debt model.
- The current contract with DEC Associates, Inc. in the amount of \$500,000 was approved by City Council via Resolution 19-220 on September 24, 2019 with a five-year term ending in September 2024.
- Staff is requesting that City Council approve a change order to add an additional \$300,000 to the contract for expected services over the next two years of the contract term.
- These services will include assistance with upcoming debt issuances for the remaining 2016 General Obligation (GO) bonds, Water Revenue Bonds associated with the automated meter reader project, equipment loans, and other Limited Obligation (LOBs) Bonds as part of the ongoing Capital Improvement Program (CIP).

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Contracting with this company provides outside expertise that enhances the City's financial management; and
- Statute requires a financial firm of record if issuing new debt.

Con(s):

- None.

Fiscal Impact:

- Expenses incurred each fiscal year for services rendered as part of this not-to-exceed, multi-year contract will be funded through the annual Capital Improvement Program (CIP) and Debt Model allocation.

Motion:

- Motion authorizing the City Manager to execute a contract change order in the amount of \$300,000 for financial advisory services with DEC Associates, Inc

RESOLUTION BOOK NO. 43 - PAGE 307

G. RESOLUTION NO. 22-237 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH EVERBRIDGE INC. FOR THE CITY'S EMERGENCY NOTIFICATION SYSTEM

Action Requested: Adoption of a resolution authorizing the City Manager to amend the general service contract with Everbridge, Inc. for the City's Emergency Notification System.

Background:

- In September 2019, the City adopted a maintenance agreement with Everbridge, Inc. (Resolution No. 19-219).
- In addition to emergency communications, Everbridge allows the City of Asheville to contact residents via text message, phone message, and/or email with important information (e.g. boil water advisories) based on where they live.
- Residents can also "opt-in" for additional communications through the AVL Alert registration process accessible through the City of Asheville's website.
- Our current contract with Everbridge, Inc. will be up for renewal on November 12, 2022.
- The proposed renegotiated contract has a term of five years with a locked-in rate of \$32,544.75 per year. This represents a 5% increase from the previous annual cost of \$30,995 and will stay fixed through 2027.
- The proposed agreement for the renegotiated contract is from November 13, 2022 until November 12, 2027; with a total cost to the City of \$162,723.75.

Vendor Outreach Efforts:

- Everbridge Inc. has been contracted to support and maintain the City's Emergency Notification System by the City of Asheville since November 2014.
- A competitive Request for Proposals was used in 2014 for the initial contract.
- The selection process involved the North Carolina Purchasing System and the City's website.

- This request is to amend the Service Agreement.

Council Goal(s):

- Improve & Expand Core Services

Committee(s):

- N/A

Pro(s):

- The City has been using Everbridge, Inc. since November 2014, and staff are familiar with its strengths, limitations, and support process.
- Community members receive important information (e.g. water boil advisories, emergency alerts) in a timely manner and through multiple communication channels.
- This agreement will support the City's Emergency Notification System.

Con(s):

- None noted.

Fiscal Impact:

- Funding for the first year of this contract is available in the Fire Department (General Fund) and Water Resources Fund operating budgets.
- Funding for future years will be planned for during the annual budget development process.

Motion:

- Move to approve a resolution authorizing the City Manager to amend the general service contract with Everbridge, Inc. for the amount of \$32,544.75 for the Fiscal Year 2023 plus the same amount in subsequent years for the maximum of (5) five fiscal years with total cost of \$162,723.75 with the understanding that funding is project specific and subject to the annual appropriation of funds.

RESOLUTION BOOK NO. 43 - PAGE 308

H. RESOLUTION NO. 22-238 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT AMENDMENT WITH NEW CINGULAR WIRELESS, PCS, LLC, (D/B/A AT&T) FOR ADDITIONAL ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 166 RESERVOIR ROAD

Action Requested: Adoption of a resolution authorizing the City Manager to sign a license agreement amendment with New Cingular Wireless, PCS, LLC (d/b/a/ AT&T) to install additional telecommunications equipment on the tower in exchange for an increase to the current rental rate

Background:

- The City of Asheville owns real property at PIN #9648-56-7004 and 9648-55-8749 whose address is 166 Reservoir Road.
- The City owns a telecommunications tower that is located on the site, known as the Lower White Fawn tower.
- The City uses the tower for public safety equipment and licenses the use of extra space to private telecommunications companies.
- In 2017, the City executed a license agreement with New Cingular Wireless, PCS, LLC and the current term extends through 2032.
- As part of the original 2017 agreement, New Cingular Wireless paid for the demolition and construction of a new tower to replace the old Lower White Fawn Tower.

- The total cost (\$204,534.00) was converted to rent credit.
- At present, New Cingular Wireless requests to install additional equipment onto the tower.
- Based on the increase of three additional antennas to the tower, staff recommends an increase to the rental rate of \$150 for each additional antenna.
- In this case, that would result in an increase of \$450 per month.
- The current rent of \$3,517.22 per month will increase to \$4,072.73 per month (including the additional space and escalation).
- The new monthly rental amount will continue to be credited to New Cingular Wireless until the total cost of the new tower is reached, at which point New Cingular Wireless will begin paying the monthly rental fee to the City.
- Based on the request to add equipment, New Cingular Wireless was required to perform a structural analysis to determine if the tower was able to sustain the modifications that are proposed and the modifications are allowed.

Council Goal(s):

- Financially Resilient City

Committee(s):

- None

Pro(s):

- The presence of New Cingular Wireless on the tower increases the value of this asset and provides revenue to the City.

Con(s):

- Additional load has been added to the tower.

Fiscal Impact:

- There is no immediate fiscal impact.
- Once the rent credit concludes (during FY 2023-24), the City will receive an additional \$5,400 each year of the lease term.

Motion:

- Motion to adopt a resolution authorizing the City Manager to sign a license agreement amendment with New Cingular Wireless to install additional telecommunications equipment on the tower in exchange for an increase to the current rental rate.

RESOLUTION BOOK NO. 43 - PAGE 309

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 Kilgore and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Memory of Brad Hunter

City Manager Campbell said that we lost a talented and dedicated public servant this past weekend. Brad Hunter was a 16 year Public Works veteran that worked in various roles for this community. He worked in paving, sidewalks, graffiti abatement and storm response for years. He had no problem with getting his hands dirty to do what needed to be done. His most recent role was as an Area Supervisor/Code Enforcement Officer in our Sanitation Division of Public Works. Brad was an innovative and compassionate employee that worked with our residents and visitors, our homeless population, line level employees and community leaders alike. He treated them all the same; with dignity and respect. He always puts people first. Brad was the loving father of two children and was a brand new grandfather. His million dollar smile was always there when talking about his family. We will never replace him, but will continue to use his examples of hard work, humor and mutual respect to others as a guide to serve this community.

First Quarter Fiscal Year 2023 Financial Report

Budget Manager Taylor Floyd summarized for Council the City's overall financial position for Fiscal Year 2022-23 (FY23) through September 2022.

Regarding the General Fund revenues, through September 30, 2022, the City has collected approximately \$9.5 million in General Fund revenue, which represents 6% of the revised General Fund revenue budget (not including fund balance appropriations). With so little collection data available through the first quarter, most of the FY23 revenue projections are based on prior year results and multi-year trends.

Property and sales taxes are the General Fund's largest sources of revenue, making up a combined 74% of total adopted General Fund revenue. Staff is currently projecting both of these revenues will end the year close to budget estimates.

- Limited number of property tax payments have been received, these revenues generally pick up during the second quarter as property owners pay annual tax bills.
- Buncombe County and HCA have reached a settlement on disputed property tax valuation for Mission Hospital. As part of this settlement, overpayment of prior year taxes by HCA will be deducted from their current property tax bill. This will result in a reduction of approximately \$483,000 in City property tax revenues. While significant, staff anticipate that higher than projected growth in the property tax base from new construction will make up for this revenue loss.
- The City received its first month of sales tax revenue on October 12. This figure is included in the Q1 actuals. July 2022 sales tax revenue was up 8.5% compared to July 2021. While a significant increase, it is under the year-over-year growth from FY22 to FY21 (17%). Inflation is likely also a factor, as the Consumer Price Index for July rose 8.5%.
- Despite strong performance through the pandemic, economic uncertainty, interest rate increases, and inflation concerns will likely temper sales tax growth in the current fiscal year.

Regarding the General Fund expenditures, the First Quarter General Fund expenditures generally align with expectations at 20% of the revised budget. While personnel expenditures appear low relative to budget, planned pay adjustments to address compression and increase the City's minimum salary for full-time employees to \$36,816 will occur later in the fiscal year. In addition, several adjustments have been made since budget adoption in an effort to recruit and retain staff in the Asheville Police Department, including:

- Pay to employees with advanced law enforcement certification has changed from a one-time payment of 5% of their salary to an ongoing 5% supplement.

- Hiring bonus structure providing incentives to current employees that refer new hires (\$1,000), new hires into the training academy (\$3,500), and certified new hires (\$5,000).
- Relocation assistance and enhanced leave benefits.

Staff estimate that these changes can be absorbed within APD's personnel budget through additional APD savings that have been identified based on higher than previously projected vacancy rates.

Operating (non-personnel) expenditures track typical spending patterns. Staff will continue to monitor economic trends as inflation concerns expand from goods to services and fuel prices remain volatile. A recently approved contract for management of the Municipal Golf Course may also impact operating expenses as the year continues. This new agreement provides a profit sharing arrangement between the company and City. While staff believe this agreement will provide a higher quality experience for players and additional revenue to the City, losses may be incurred as the new company makes improvements to the course and related amenities.

Regarding the Enterprise Funds, the following information summarizes year-to-date and year-end projections for the City's six enterprise funds. First quarter revenues and expenses in enterprise funds are generally on target relative to budget, and track prior year trends.

- Parking Services Fund actual revenues, which were significantly under budget in the prior fiscal year, are performing as expected. First quarter FY23 parking garage revenues were 27% of budget, compared to 7% last fiscal year. While this more closely aligns with pre-pandemic budget performance, actual revenues remain below pre-pandemic levels.
- Street Cut Utility Fund revenues are billed quarterly to customers based on actual expenses. As a result, revenues generally lag expenses.

In summary, based on the information currently available, revenues and expenses in all funds are performing as expected through the first quarter of the fiscal year. Staff will continue to monitor trends and assess the impact of changes, especially inflation, fuel prices, and the potential for economic recession. More data, especially sales tax revenues and personnel costs, will be available with the second quarter report scheduled for presentation on January 24.

An update on capital projects will be provided as part of a City Council Work Session scheduled for December 13. In the interim, project-specific information can be found on the Capital Project Dashboard at https://dashboards.ashevillenc.gov/capital_projects.

City Council asked various questions/comments, some being, but are not limited to: a request to come back to Council with additional data regarding the Police Department's new recruitment efforts; request a report in 6 months what the Police Department's resources are that we have that we haven't allocated yet; additional salary savings are, which are identified through updated vacancy assumptions; announcement that we are specifically targeting high school and college recruits for the Asheville Police Department, along with conversation about retention and recruitment and the demographics of where the ads are reaching; request to have a side-by-side comparison, similar to the Asheville Police Department's personnel expenses and Alcoholic Beverage Control slides, for the parking fund.

African American Heritage Resource Survey

Planning & Urban Design Department Director Todd Okolichany provided Council with a brief presentation on the African American Heritage Resource Survey. The key takeaways were (1) Planning & Urban Design staff began engaging the community on documentation of historic resources specifically related to African American heritage in 2018; (2) The African American Heritage Resource Survey project is a first phase of continuing efforts by the department to fully

document African American historic resources in Asheville; (3) Documentation of historic resources in our traditionally underrepresented neighborhoods provides opportunity to illustrate and honor a more complete history of Asheville; (4) The African American Heritage Resource Survey report provides a detailed historical narrative of African American life in Asheville over the course of our history; and (5) Survey information can be utilized for historic designations, long range planning, and/or to inform other projects in the community. The next steps include (1) Press release and publication of final African American Heritage Resource Survey Report; (2) Identify next phase of architectural survey of African American historic resources; and (3) Explore grant opportunities to fund the next phase or phases of architectural survey.

Burton Street Architectural Survey

Planning & Urban Design Department Director Todd Okolichany provided Council with a brief presentation on the Burton Street ARchitectural Survey. The key takeaways were (1) City staff have been working closely with the Burton Street Community Association for several years to aid in implementation in the Burton Street Neighborhood Plan, which outlines goals and strategies aimed at preserving neighborhood character; (2) As a result of those efforts, it was determined that a pattern book should be created as a tool to help preserve community character and mitigate incongruous infill in the neighborhood; and (3) The Burton Street Architectural Survey is a technical document that identifies common building typologies and streetscape elements, which will aid the creation of a digital pattern book for the neighborhood. Next steps include (1) Press release and publication of final Burton Street Architectural Survey Report; (2) Completion of Burton Street Neighborhood Pattern Book; and (3) Publication and community engagement for pattern book.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE WALTON STREET POOL & POOLHOUSE, LOCATED AT 570 WALTON STREET, ASHEVILLE, N.C., AS A LOCAL HISTORIC LANDMARK

ORDINANCE NO. 4977 - ORDINANCE DESIGNATING PROPERTY KNOWN AS THE WALTON STREET POOL & POOLHOUSE, LOCATED AT 570 WALTON STREET, ASHEVILLE N.C., AS A LOCAL HISTORIC LANDMARK

Principal Planner Will Palmquist said that this is the consideration of an ordinance designating property known as the Walton Street Pool & Poolhouse, located at 570 Walton Street, Asheville, N.C., as a local historic landmark. This public hearing was advertised on October 14 and 21, 2022.

Project Location and Contacts:

- The designation site consists of a 4.37 acre parcel located at 570 Walton Street (PIN 9648.12-2845) owned by the City of Asheville.
- Petitioners/Applicant: Josi Ward, Historic Preservation Consultant (Foreground Consulting)/Preservation Society of Asheville & Buncombe County

Summary of Petition:

- The subject property consists of a 4.37 acre parcel located on Walton Street within the Southside Neighborhood.
- The property contains a swimming pool and associated bathhouse, a basketball court, softball field, picnic shelter, playground area, and an asphalt parking lot.
- Walton Street Park was established by the City of Asheville and the Works Progress Administration (WPA), and was constructed in 1938-1939 and opened to the public in

- June 1939;
 - the Walton Street Pool was completed in the fall of 1947;
 - the Poolhouse was completed in 1948 and
 - the Pool and Poolhouse opened to the public in June 1948
- A study of the subject property was conducted by the applicant, and it was determined that the Walton Street Park & Pool are significant for being the sole municipal park and swimming area for Asheville's Black population, and are thus associated with events that have contributed significantly to the history of Asheville and Buncombe County; areas of significance include:
 - Black ethnic heritage,
 - Entertainment/Recreation, and
 - Social History
- The park complex retains the arrangement of features established during the period of significance (1939-1972).
- The park, pool, and bathhouse retain integrity of the location, setting, association, feeling, workmanship, and design.
- The proposed designation includes the entire park parcel, swimming pool, and exterior of the bathhouse.
- Pursuant to N.C. General Statutes 160D-945 and 160-946, and UDO Ch. 8-5 and 8-6, the Historic Resources Commission has found the subject property to be of special significance in terms of its historical, prehistoric, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association, and recommends in favor of local historic landmark designation.
- Local historic landmark designation dictates that any future alteration of the site and/or site features will require review by the Historic Resources Commission for a Certificate of Appropriateness.

Comprehensive Plan Consistency:

- This action aligns with Goal 7 (Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking) and Goal 8 (Elevate the Arts and Cultural Sectors to Strengthen and Preserve Heritage and History) of the Living Asheville Comprehensive Plan by continuing to support stewardship and preservation of historic properties and by celebrating and honoring the City's cultural and historic resources.
- This proposal also aligns with the 2036 Council Vision in the "Well-Planned and Livable Community" area.
- The local historic landmark designation would preserve a historic place that greatly contributes to Asheville's historic and cultural history.

Fiscal Impact:

- None.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Historic Resources Commission - October 12, 2022 - unanimously recommended approval
- African American Heritage Commission - September 8, 2022 - unanimously recommended approval

Staff Recommendation:

- Staff finds that the proposed local historic landmark designation has special historic and cultural significance, and is compatible with the Living Asheville Comprehensive Plan and the Historic Preservation Master Plan.

- The African American Heritage Commission reviewed this proposed designation on September 8, 2022 and the Historic Resources Commission reviewed this proposed designation on October 12, 2022.
- Both commissions voted unanimously in favor of the landmark designation and recommended Asheville City Council approval of this local historic landmark designation application.

Mr. Palmquist outlined the following key takeaways from this presentation (1) Walton Street Park & Pool were identified as significant historic resources as part of the African American Heritage Research Survey; (2) Planning & Urban Design (PUD) received Local Landmark application from The Preservation Society of Asheville & Buncombe County (PSABC) in early 2022; (3) Parks and PUD partnered to engage the community in an effort to get input on improved park amenities and to gauge support for historic designation over the past 6+ months; (4) Walton Street Park & Pool have contributed significantly to the history of Asheville and Buncombe County; areas of significance include Black ethnic heritage, entertainment/recreation and social history; (5) Based on survey results, community members support both Local Landmark and National Register designation; and (6) Local Landmark designation would ensure that the historic character of the park and pool are retained. He reviewed the landmark designation process. Regarding the background (1) February 2022 - City receives preliminary landmark application from PSABC; (2) Parks Dept. & PUD partnered with Southside United to work on plan for community engagement for the Walton St. Park amenity improvements and potential historic designation; (3) Project team developed a survey to engage the community; (4) Staff identified in-person community engagement opportunities - April 28 - Grant Southside Center Groundbreaking; April 29 - Walton Street Block Party; May 6 - Grant Southside Center Block Party; and May 7 - Walton Street Park Bike Pop-Up; (5) August 2022 - City receives draft landmark designation report; (6) August 2022 - Designation report forwarded to NC HPO for comment; (7) September 2022 - Designation report presented to AAHC for comment and recommendation; and (8) October 2022 - Designation report presented to HRC for comment and recommendation. Additional outreach efforts included (1) Project mailer sent out to all households in the Southside neighborhood; (2) Information and paper surveys available at the Grant Center; (3) Informational signs and QR code for survey placed around Southside Community; (4) Project pages posted on City website; (5) City staff attendance at Southside United Neighborhood meetings; (6) Information posted at City community centers & Eddington Center; (7) Reparations Health & Wellness Committee Meeting (August 23); (8) Goombay Festival; (9) East End Valley Street Heritage Festival; (10) Burton St Community Meeting (August 16); (11) Walton St Community Water day (August 20); (12) Hand delivery of paper surveys and flyers in the Southside area (August 17 & 24); (13) Press release (September 30); (14) Asheville Citizen-Times article (August 15); and (15) WLOS interview (August 8). He then reviewed the survey results. He provided the following Walton Street Park & Pool historical overview (1) 4.37 acre park established by the City and the Works Progress Administration (WPA); (2) Park was constructed in 1938-1939 and opened to the public in June 1939; the Walton Street Pool was completed in the fall of 1947; the Poolhouse was completed in 1948 and the Pool and Poolhouse opened to the public in June 1948; (3) Walton Street Park & Pool are significant for being the sole municipal park and swimming area for Asheville's Black population, and are thus associated with events that have contributed significantly to the history of Asheville and Buncombe County; and (4) The park complex retains the arrangement of features established during the period of significance (1939-1972). The park, pool, and poolhouse retain integrity of location, setting, association, feeling, workmanship, and design. The effects of the landmark designation include (1) Recognizes and honors the cultural and historical significance of a place that allows us to tangibly connect to our past; and (2) Allows for historic character to be retained through a design review process whenever proposed changes are made for the site. He then said that the African American Heritage Commission and the Historic Resources Commission both recommended unanimously in favor of the designation.

Councilwoman Roney said that as a symbol of Black history, resiliency, and job, the Walton Street Pool of the historic Southside neighborhood was completed in 1947. For years, neighbors have provided abundant input on how and why the Walton Street Pool must be preserved for cultural identity in the face of gentrification. Thanks to their tenacity and community organizing, designation of historic landmark as a first step in meaningful action is on our agenda and she is glad to support it.

Councilwoman Kilgore said that the Walton Street Park means a lot to people in the southside community. It's not just a swimming pool but a family of networks working together. It has been many years of listening to the community.

Mayor Manheimer opened the public hearing at 6:03 p.m.

Seven individuals spoke in favor of the local historic landmark.

Mayor Manheimer closed the public hearing at 6:19 p.m.

In response to Councilwoman Kilgore and Vice-Mayor Smith, City Manager Campbell said that prior to moving forward with this action, City staff met with the State Historic Preservation Office to make sure that if we wanted to add additional recreation elements, that we could do that without too much of an obstacle.

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

Councilwoman Kilgore moved to adopt an ordinance designating Walton Street Park & Pool as a local historic landmark as recommended by the Historic Resources Commission based on the special historic and cultural significance of the property and integrity of design, setting, workmanship, materials, feeling and/or association of the property. This motion was seconded by Councilwoman Mosley and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 267

B. PUBLIC HEARING TO CONSIDER ADOPTION OF THE CLOSE THE GAP, THE CITY'S INTEGRATED GREENWAY MASTER PLAN, AMERICANS WITH DISABILITIES ACT TRANSITION PLAN, AND PEDESTRIAN MASTER PLAN

RESOLUTION NO. 22-239 - RESOLUTION ADOPTING THE CLOSE THE GAP, THE CITY'S INTEGRATED GREENWAY MASTER PLAN, AMERICANS WITH DISABILITIES ACT TRANSITION PLAN, AND PEDESTRIAN MASTER PLAN

Transportation Planning Division Manager Lucy Crown said that this is the consideration of adoption of the Close The GAP, the City's integrated Greenway Master Plan, Americans with Disabilities Act (ADA) Transition Plan and Pedestrian Master Plan. This public hearing was advertised on October 14 and 21, 2022.

Background:

- In 2018, the City received \$135,000 in Surface Transportation Block Grant funding from the N.C. Dept. of Transportation (NCDOT) to develop a City Pedestrian Plan and an ADA Self-Evaluation and Transition Plan for public rights-of-way (a federally-required plan that evaluates ADA accessibility and recommends improvements).
- At that time, the City Council also approved an additional \$100,000 to be used to simultaneously update the City's existing Greenway Master Plan.

- The plans will replace the current Greenway Master Plan (2013), ADA Transition Plan (1998), and Pedestrian Master Plan (2004).
- City staff worked with a local transportation consultant to develop all three plans together to ensure that the plans and resulting recommendations related to sidewalks, greenways, ADA infrastructure, and other pedestrian amenities were coordinated.
- Extensive public outreach and engagement was conducted over a period of approximately two years to identify community needs and priorities for the pedestrian, greenway, and ADA-accessible infrastructure.
- In addition to community-identified needs, robust GIS-based analyses were conducted to assist with the identification and prioritization of potential future pedestrian, greenway, and ADA projects.
- These analyses used a combination of demographic data from the U.S. Census that included data related to race, income, vehicle ownership, age, and disability, and coupled it with data related to pedestrian crashes, transit routes, connectivity opportunities, and the locations of housing and jobs.
- Each plan provides an Action Plan of prioritized lists of recommended projects that will be used to help program the City's Capital Improvement Plan and maintenance projects, as well as inform future grant applications.
- Each Action Plan goal also provides recommendations related to City policies that need to be updated, as well as design standards.
- The Action Plans for the Close the GAP Plans will strengthen our commitment to a strong network of safe pedestrian facilities with new design guidelines, policy updates and changes, new best practices for development, and technology to assist with communications and reporting.
- Multiple departments will work on the implementation of the GAP plans.
- Staff intends to develop an annual report that will provide information on the implementation status and monitor progress toward improving pedestrian, greenway and ADA infrastructure.

Council Goal(s):

- Improve and expand core services

Committee(s):

- MMTTC - 04/27/2022 - Approved unanimously
- Greenway Committee - 04/07/2022 - Approved unanimously
- AARRC - 04/14/2022 - Approved
- DRC - 05/19/2022 - Approved unanimously
- P&Z - 06/01/2022 - Approved unanimously
- PED - 10/10/2022 - Information only
- PED - 10/25/2022 - Approved unanimously

Pro(s):

- Adoption of the "Close the GAP" Plans will provide a resource for City staff to utilize when programming the City's CIP, determining priorities for maintenance of sidewalks, adding and reconstructing ADA accessibility improvements, and determining which projects we should submit grant applications for moving forward.
- The adopted plans provide comprehensive documentation of public engagement conducted, data collection and analysis, and the methodologies used to recommend and prioritize projects.
- Adoption of the ADA Transition Plan is required by federal law.

Con(s):

- Implementing the action steps in the adopted plans will require significant City resources, including both staff time and funding on an annual basis.
- In particular, planning, design, and construction of various capital projects will require additional funding resources.
- A number of existing City policies and standards will need to be updated.

Fiscal Impact:

- While the City currently funds new sidewalk construction, sidewalk maintenance, ADA improvements, and greenways, significantly more funding over the next several decades will be necessary to complete the projects prioritized in the GAP plans.

Ms. Crown said the key takeaways from this presentation will be (1) The GAP Plans include the Greenway Master Plan, the ADA Transition Plan, and the Pedestrian Master Plan; (2) The 3 plans were developed together to ensure consistency and coordination of priorities and recommendations; (3) Priorities are based on data that includes: Equity + Destinations, Safety, Connectivity, and Public Input; (4) The Greenway Plan identifies greenway “typologies” for the City to use to make connections; (5) The required ADA Transition Plan focuses on bringing existing facilities into compliance with ADA; and (6) The Pedestrian Plan focuses on the creation of new pedestrian facilities. She said GAP is (1) strengthen greenway network with new greenways; (2) improve existing sidewalks and greenways; and (3) fill gaps with new sidewalks. Regarding engagement and outreach, (1) 3 Stakeholder Groups - “Think Tank”; Citizen Action Committee; and ADA Focus Group; (2) Online meetings and surveys; (3) Recordings posted on project page; (4) Neighborhood outreach; and (5) Promotions - [Project Page](#); Smart Posters, etc.; Promotional Video “[Why Does Close the GAP Matter](#)”; and Media. Ten major goal areas are Greenway Network; ADA Transition; Pedestrian Network; Multimodal Vision; Equity; Development Strategies; Policy; Funding; Safety; and Tools for Communication and Implementation. She explained methodology for the pedestrian network; the Pedestrian and ADA Plan outcomes; the ADA Transition Plan and the ADA Self Evaluation; the typical elements of an ADA Transition Plan; and the estimated cost to achieve ADA compliance. She explained how Asheville currently makes ADA improvements (1) Maintenance (a) Curb ramps must be brought into compliance with street repaving (required of COA and NCDOT) - Examples: Chestnut, State Street; and (b) Sidewalk maintenance by Public Works; (2) Replacement of existing sidewalks - Examples: Vermont Street, Fulton Street; (3) Private development (new construction and redevelopment) - Only when ROW improvements are required; and (4) Street reconstruction - Examples: Haywood Street, Coxe Avenue. Regarding focus group and survey feedback, (1) key corridors in the ADA plan include (in order of most mentioned) Merrimon Avenue, Haywood Road, Broadway Street, Tunnel Road, Amboy Road, Fairview Road, and Kenilworth Road; and (2) Added to the Pedestrian plan: Leicester Highway; Swannanoa River Road; Johnston Boulevard; Sweeten Creek Road; Riverside Drive; and Hominy Creek Road. Regarding the GAP Action Plans, (1) The Action Plan addresses the 10 Major Goal Areas of the Plans; (2) This Fiscal Year, staff will identify which Actions can be accomplished across the organization in the short term (1-3 years) and added to the Organizational Work Plan; and (3) Each year: Align CIP requests and maintenance projects on the GAP Plans priorities. These plans are dedicated to Barb Mee and Janet Barlow. Staff recommends adopting the “Close The GAP” Plans, the City’s integrated Greenway Master Plan, ADA Transition Plan for public rights-of-way, and Pedestrian Master Plan.

In response to Mayor Manheimer, Ms. Crown said that we will have a dashboard item on our website that shows what has been accomplished.

Councilwoman Roney said that our transportation planning documents, with exception of Transit, are outdated, and this action is needed to guide our future budget, plans, and policies on ensuring equity and safety for all modes in our transportation network. Thinking of accessibility advocates like Priya Ray of DIY-Abled, the members of the blind community who she has served with on advisory boards, and the late Janet Barlow and Barb Mee mentioned today, they have

informed this work over time. She felt that if we are going to get to our goals, we need two things: action leading to accountability and partners. She asked if we anticipate Unified Development Ordinance updates in short-term goals. One way the public can partner is by elevating issues, and asked if someone identifies a lacking area or ADA issue, how can they elevate their concern and what response can be expected.

Ms. Crown responded to Councilwoman Roney noting that the best way to submit a concern is through the Asheville App. She also noted that our consultant has a list of some amendments to the UDO and the Standard Specifications and Details Manual which we hope to begin implementing after adoption of the Close The GAP Plan.

Mayor Manheimer opened the public hearing at 6:37 p.m.

Two individuals spoke in support of the Close The GAP Plan, with mention that we need more data on how pedestrians move which will improve the life for everyone.

Mayor Manheimer closed the public hearing at 6:43 p.m.

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

Councilwoman Roney moved to adopt a resolution adopting the “Close The GAP” Plans, the City's integrated Greenway Master Plan, ADA Transition Plan for public rights-of-way, and Pedestrian Master Plan. This motion was seconded by Councilwoman Turner and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 310

C. PUBLIC HEARING TO CONSIDER AMENDMENTS TO SECTIONS 7-2-5, 7-8-1 AND 7-17-5 OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE DEFINITIONS, THE TABLE OF USES, AND TO ALLOW MANUFACTURED HOUSING TO BE REPLACED WITH OTHER MANUFACTURED HOUSING AFTER SIX MONTHS OF VACANCY

ORDINANCE NO. 4978 - ORDINANCE AMENDING SECTIONS 7-2-5, 7-8-1 AND 7-17-5 OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE DEFINITIONS, THE TABLE OF USES AND TO ALLOW MANUFACTURED HOUSING TO BE REPLACED WITH OTHER MANUFACTURED HOUSING AFTER SIX MONTHS OF VACANCY

Affordable Housing Officer Sasha Vrtunski said that this is the consideration of an ordinance amending the Unified Development Ordinance (UDO) to allow replacement of manufactured homes where they previously existed, updates to manufactured housing definitions, and the Table of Uses. This public hearing was advertised on October 14 and 21, 2022.

Background:

- Current UDO language prevents the replacement of lawfully established manufactured homes, whether in a manufactured home park/community, in the manufactured home overlay, or in other locations when the manufactured home has been removed and the space has been vacant for more than 180 days.
- In almost every instance, these spaces have an address and utility services for another home but are prevented from having a replacement home by current zoning regulations.

- Manufactured housing can represent some of the most affordable housing options available and provide variety to the community's existing housing stock.
- This ordinance change will not expand manufactured housing parks and should not have a negative impact on the character and quality of neighborhoods.

Proposal

- Adopt a wording amendment to:
 1. Allow replacement of manufactured homes within a lawfully established manufactured home park as long as the park is not expanded and to remove the specific time period for replacement. This is for all parks whether or not they are in an overlay area.
 2. Extend the period of time for replacement of manufactured homes on single lots within a qualified overlay district from 180 days to 365 days when not part of an existing manufactured home park.
 3. Remove language regarding age of home, a factor which cannot be regulated by municipalities (NCGS 160D-910), from the non-conformity sections that pertain to manufactured homes.
 4. Revise the definition of manufactured home to comply with NCGS
 5. Add manufactured home and manufactured home park to the Table of Uses.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed wording amendment supports a number of goals in the Living Asheville Comprehensive Plan, including:
 - Encourage Responsible Growth - by prioritizing greater densities of development overall, throughout the city as appropriate.
 - Increase and Diversify the Housing Supply - by increasing the supply of housing, including affordable housing.
 - Promote the Development and Availability of Affordable and Workforce Housing - by maximizing the opportunities for the development and maintenance of affordable housing.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- The Affordable Housing Advisory Committee reviewed this item on September 1, 2022 and voted 11-0 in support of the change to the UDO.
- Staff presented to the Neighborhood Advisory Committee on September 26, 2022. One committee member spoke in favor of the amendment.
- The Neighborhood Advisory Committee had no concerns about the amendment and indicated to staff that they supported it moving forward.
- The Planning & Zoning Commission reviewed the amendment at their October 5, 2022 meeting and voted 6-1 in support of the amendments.

Pro(s):

- This wording amendment will allow manufactured home parks to remain conforming even if homes within the park are removed and will permit replacement of homes within the park regardless of the length of time a home has been removed and space vacant.
- The amendment will also extend the period of time that a manufactured home can be replaced within a manufactured home overlay.
- These changes will stop or reduce the loss of manufactured home spaces that has occurred since the adoption of the UDO in 1997.

- The wording amendment will *not allow* for the expansion of manufactured housing parks beyond their previous number of lots unless it is allowed by ordinance.

Con(s):

- None noted

Fiscal Impact:

- None noted

Staff Recommendation:

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

Ms. Vrtunski said the key takeaways from this presentation are (1) The proposed amendment to the Unified Development Ordinance (UDO) represents an incremental change that addresses the replacement of manufactured homes in existing manufactured housing parks; (2) The proposed amendment also includes several other updates to bring the ordinance in line with new State statutes - These revisions include updated definitions, table of uses, and removes the age of units from consideration; (3) These revisions will help preserve some of the community's most deeply affordable housing units; and (4) Staff does not anticipate that the proposed changes will have noticeable impacts on neighborhoods. The background is (1) Current UDO language prevents the replacement of lawfully established manufactured homes, whether in a manufactured home park/community, in the manufactured home overlay, or in other locations when the manufactured home has been removed and the space has been vacant for more than 180 days; (2) In almost every instance, these manufactured housing spaces have an address and utility services for another home but are prevented by zoning regulations; and (3) Manufactured housing can represent some of the most affordable housing options available and are part of variety in the community's existing housing stock. The following are proposed revisions to the replacement of manufactured homes: (1) Allow replacement of homes in existing Manufactured Housing Park spaces; (2) Allow replacement of homes within 365 days if located within qualified Overlay District (applies to single lots, not parks); (3) Maintains 180 day limit for replacement in all other zoning areas (no change to current ordinance); and (4) The proposed revision will not allow the expansion of existing manufactured housing parks unless already allowed by ordinance. The following definition change is consistent with state statutes (1) Adopt the State definition of Manufactured Housing found in the General Statutes; and (2) Deletes campers/trailers and travel trailers as being allowed under this definition. She then reviewed the recommended revisions which include the addition of the following use categories to the Permitted Use Table to make the table consistent and inclusive. We will remove language regarding age of home, a factor which cannot be regulated by municipalities (NCGS 160D-910), from the non-conformity sections that pertain to manufactured homes - This brings the UDO in line with the State requirements. She used maps in various sections of the City to show parcels with one or more manufactured homes, Manufactured Housing Overlay District, and Manufactured Housing Community Overlay (parks). She then reviewed the committee reviews of the Affordable Housing Advisory Committee, the Neighborhood Advisory Committee, and the Planning & Zoning Commission. She said that staff recommends *approval* of the proposed unified Development Ordinance amendment to allow for the replacement of manufactured homes where they previously existed, updates to manufactured housing definitions, and revision to the Table of Uses.

In response to Councilwoman Kilgore, City Attorney Branham clarified the amendment, noting that this does not place any new restrictions on manufactured housing owners.

Councilwoman Roney noted that this is our third consecutive public hearing tonight touching on our strategic priority of neighborhood resiliency. In this decision, by updating three sections of our UDO, manufactured homes will be easier to maintain and replace because their limited zoning allowance will be more protected. While the staff report says the change won't be

“noticeable” it will be significant that deeper affordability and community connection to resources is being preserved in these neighborhoods as working class and vulnerable people are being displaced due to rising cost of living in Asheville.

Mayor Manheimer opened the public hearing at 7:05 p.m.

Two individuals spoke in support of this UDO amendment, which one suggested that we find ways to incorporate manufactured housing in the broader statement of our housing stock.

Mayor Manheimer closed the public hearing at 7:09 p.m.

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

Councilwoman Roney moved to approve the proposed wording amendments to Articles II, VIII, and XVII of the UDO and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will, 1) Eliminate the attrition of manufactured homes in parks due to time limits; 2) Allow manufactured home park owners to take advantage of existing infrastructure; and 3) Promotes the availability of affordable and workforce housing by maximizing the opportunities for the location and maintenance of affordable housing units. This motion was seconded by Councilwoman Kilgore and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 271

D. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 848, 853 AND 856 HENDERSONVILLE ROAD FROM HIGHWAY BUSINESS DISTRICT AND OFFICE DISTRICT TO HIGHWAY BUSINESS/CONDITIONAL ZONE

ORDINANCE NO. 4980 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 848, 853 AND 856 HENDERSONVILLE ROAD FROM HIGHWAY BUSINESS DISTRICT AND OFFICE DISTRICT TO HIGHWAY BUSINESS/CONDITIONAL ZONE

Councilwoman Turner moved to recuse Mayor Manheimer from participating in this portion of the meeting due to conflict of interest . This motion was seconded by Councilwoman Wisler and carried unanimously on a 6-0 vote (with Mayor Manheimer not voting).

At this time, Mayor Manheimer handed the gavel over to Vice-Mayor Smith to preside over this portion of the meeting. and left the meeting room.

Principal Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone all portions of properties located at 848, 853 and 856 Hendersonville Road from Highway Business District and Office District to HighwayBusiness/Conditional Zone. This public hearing was advertised on October 14 and 21, 2022.

The following staff report was submitted prior to recent site plan changes, which recent site plan changes are outlined in the presentation by Mr. Palmquist:

“Project Location and Contacts:

- The project site totals 2.29 acres located at 848, 852, and 856 Hendersonville Rd (PINs 9647-91-4072, 9647-91-4116, 9647-91-6100).
- Owners: Ingles Markets Inc, Pantheon Investments LLC, Commerce Drive Holdings LLC

Summary of Petition:

Project Site

- The project site consists of three parcels totalling 2.29 acres located at 848 Hendersonville Rd.
- The site is currently zoned Highway Business (HB) and Office (OFF I).
- The applicant is requesting a conditional zoning of the site to the Highway Business - Conditional Zone (HB - CZ) district.
- The project site currently consists of a mattress factory and store.
- The site is designated "Urban Corridor" on the City's Future Land Use (FLU) Map.
 - A change in the FLU designation will not be required.

Overall Project Proposal

- The project consists of redevelopment of the site to include three new retail buildings totalling 24,014 square feet.
- The proposed building at 848 Hendersonville Rd, located at the northwest corner of the site, will be a redevelopment of the existing mattress manufacturing and retail use on the same general footprint.
- It will be two stories tall (one story as viewed from Hendersonville Rd), and will consist of a mattress manufacturing space (on the lower level) and a retail space (on the main level).
- The proposed building at 852 Hendersonville Rd, located along the east and rear of the site, will be a new one-story building with an exposed basement, with a maximum of six retail spaces.
- The proposed building at 856 Hendersonville Rd, located at the southwest corner of the site, will be a new one-story building with a maximum of six retail spaces.
- Other site improvements include off-street parking, new sidewalks, and stormwater retention.

Site Layout and Design

- The maximum height of buildings allowed in the HB district is 60'.
- The maximum height of the proposed buildings is approximately 50' as measured from the ceiling of the highest occupied floor to the primary level of fire department access.
- The HB district requires a minimum front setback of 35', a rear setback of 10', and a side setback of 25' as the project site is on a corner lot. The project proposes a 35' front setback, a 10' rear setback, and 25' side setback for the proposed buildings, except for the proposed buildings at 848 Hendersonville Rd and 856 Hendersonville Rd, for which technical modifications are being requested.
 - The proposed building at 848 Hendersonville Rd is a redevelopment of the existing building's footprint and is seeking a technical modification for the required 35' front setback and 25' side setback to a 30' front setback and a 10' side setback.
 - The proposed building at 856 Hendersonville Rd is seeking a technical modification for the required 35' front setback to a 30' front setback.
- There are no impervious surface standards in the HB district.
- The project proposes a maximum impervious area of 76.3%.

Landscaping and Open Space

- Landscape requirements apply, including street tree, parking lot, and building impact.
- Open space shall be required at a rate of 10% of the total site as the project is meeting the incentive for stormwater standards. The project proposes 10% of the site (approximately 10,000 square feet) as open space.
- The subject property is classified as "Urban" under the tree canopy preservation standards with a classification of "Class B". The existing tree canopy is 44%. Due to no

canopy being preserved, the project has a 15% tree canopy requirement which will be met through a combination of plantings and payment of fee-in-lieu.

Access, Sidewalks and Parking

- Vehicular access to the site is provided by an existing curb-cut at Hendersonville Rd, and new curb-cuts at Forest St and Cornell St (for loading access).
- A total of 81 parking spaces are proposed. Based on the proposed square feet of commercial space and expected employees for the manufacturing use, the minimum/maximum number of required parking spaces is 78/137 for the HB district.
- The HB district requires new 5'-wide sidewalks with an 8'-wide planting strip along Hendersonville Road, and new 5'-wide sidewalks with a 5'-wide planting strip along Forest and Cornell Streets.
 - The project proposes sidewalks and planting strips as required, except for a portion along Cornell St north of the loading access where no planting strip is proposed due to topographical issues.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process, some of which are the result of the project being moved closer to Hendersonville Rd, which increased the rear setback and buffering, after discussions with the community and review by the Planning & Zoning Commission. The technical modifications include:
 - A reduction of the required 35 foot front setback and 25 foot side setback for the reconstructed building at 848 Hendersonville Rd, consistent with the siting of the existing building, to a 30 foot front setback and a 10 foot side setback.
 - A reduction of the required 35 foot front setback for the proposed building at 856 Hendersonville Rd to 30 feet.
 - A reduction in the required planting strip for new sidewalk along a portion of Cornell St, where no planting strip is proposed instead of the required five foot-wide standard.
 - A reduction in the required 10 foot width of two parking lot islands to 8 feet in width.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:
 - **Encourage Responsible Growth** - by providing infill development in targeted growth areas.
 - **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.
 - **Make Streets More Walkable, Comfortable and Connected** - by eliminating gaps in the city-wide sidewalk network.
- The Living Asheville Comprehensive Plan generally notes the site as an "Urban Center" on the Preferred Growth Scenario Map. However, the Future Land Use designation of the site is "Urban Corridor". Properties to the south of the project site, between Forest St and Deanwood Cir are designated as "Urban Center" in the Future Land Use map. Urban Centers are defined, in part, as "While they may currently be the location of commercial and office uses, the future focus of urban centers will be mixed-use development including higher density residential development providing a wide range of multifamily housing types".
- The proposed development is compatible with the Future Land Use designation of the project site of "Urban Corridor" which is described, in part, as "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”.

Shiloh Community Plan 2025

- The Shiloh Community Plan (adopted in 2010) provides goals and strategies for the neighborhood to achieve its long-term vision.
- The proposed development supports the following goal and strategy in the plan:
 - **Quality of Life Goal #3: Work to improve the livability of our neighborhood – particularly housing and safety.**
 - *Strategy 2. Improve pedestrian accessibility throughout the neighborhood).*
- The proposed development **partially** supports the following goal and strategy in the plan:
 - **Quality of Life Goal #4: Protect, enhance and complement the existing character of Shiloh.**
 - *Strategy 3. Commercial incursion should be prevented in the Shiloh community (p. 39):* The project does not propose changing any residential uses or residentially-zoned property to commercial. However, the rear property within the project site is zoned Office and serves as a buffer between the Highway Business zoning along Hendersonville Road and the residential zoning further into the neighborhood. This property at the rear of the site is adjacent to a single-family house which is zoned Office.
 - Following the project’s review by the Planning & Zoning Commission on October 5, 2022, and following the condition and recommendation of their approval, the project was redesigned to include an increased rear setback of 20’ from these adjacent residential uses. The project also proposes additional tree plantings along this property boundary, which is in addition to the previously designed six foot-high opaque fence and shrub (arborvitae) plantings.

Compatibility Analysis:

- The proposed commercial project is compatible with the surrounding land uses, including:
 - Suburban commercial uses located to the north and south of the site along Hendersonville Road.
 - Office-zoned property located directly to the east of the site.
 - Single-family houses located across Hendersonville Road to the west of the site (outside of the City limits), and further to the east of the site (located in the Shiloh neighborhood).

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) - September 19, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - October 5, 2022 - approved (Vote 7:0) with the following condition: 1) That the front parking aisle can be reduced to accommodate an eight foot-wide planting strip and five foot-wide sidewalk along Hendersonville Rd; and a recommendation that the Applicant work with City Staff to identify reductions in required setbacks and buffers in order to increase the buffer at the rear of the property.

Staff Recommendation:

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

Mr. Palmquist reviewed the existing and proposed zoning, along with the aerial imagery and Future Land Use map. He described the site plan as (1) three new retail/manufacturing buildings totalling 24,000 square feet; (2) access from Hendersonville Road, Forest Street, and Cornell Street (for loading); (3) 81 total parking spaces total; (4) sidewalks 5'-wide with varying planting strip widths; (5) landscaping and open space standards; (6) tree canopy preservation standards met on-site and fee-in-lieu; and (7) 20' rear setback and enhanced buffering and screening. He then reviewed recent site plan changes: (1) Total square footage increased by 200 s.f. (a) 848 Hendersonville Rd (existing mattress factory) decrease by 1,000 s.f.; (b) 856 Hendersonville Rd increase by 1,200 s.f.; and (c) 852 Hendersonville Rd unchanged; (2) Existing mattress factory at 848 Hendersonville Rd to be rebuilt with addition at rear at basement level for warehouse space, and addition at front on main level for retail space: (a) Setback from Hendersonville Rd decreased from 30' to 18' (35' required in HB district); and (b) Setback from Cornell St unchanged at 10', consistent with the existing building's siting (25' required in HB) district; (3) Proposed building at 856 Hendersonville Rd enlarged and moved closer to the street. - Setback from Hendersonville Rd decreased from 30' to 20' (35' required in HB district); (4) Loading area on Cornell St moved 20' to the east to accommodate mattress factory expansion; and (5) Other aspects of the project, including parking, landscaping, screening, sidewalks largely unchanged. He then reviewed the landscape plan and building elevations. He explained the following technical modifications: (1) A reduction of the required 35 foot front setback and 25 foot side setback for the expanded building at 848 Hendersonville Rd to an 18 foot front setback and a 10 foot side setback; (2) A reduction of the required 35 foot front setback for the proposed building at 856 Hendersonville Rd to 20 feet; (3) A reduction in the required planting strip for new sidewalk along a portion of Cornell St, where no planting strip is proposed instead of the required five foot-wide standard; and (4) A reduction in the required 10 foot width of two parking lot islands to 8 feet in width. The Technical Review Committee reviewed the project on September 19, 2022, and approved it with conditions. The Planning & Zoning Commission reviewed the project on October 5, 2022, and approved it unanimously with the following condition: 1) That the front parking aisle can be reduced to accommodate an eight foot-wide planting strip and five foot-wide sidewalk along Hendersonville Rd; and a recommendation that the Applicant work with City Staff to identify reductions in required setbacks and buffers in order to increase the buffer at the rear of the property. He then reviewed the comprehensive plan goals. Regarding the recommendation, (1) staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning; (2) staff supports the changes to the site plan since the review by the Planning & Zoning Commission, and finds that these changes are consistent with the recommendations of the Planning & Zoning Commission; (3) any additional technical modifications not yet identified would require City Council review and approval; and (4) City Council may recommend that the project return to the Planning & Zoning Commission prior to final review.

Councilwoman Roney questioned why the Highway Business District only requires 5-foot sidewalks because we talk about mobility and accessibility. Mr. Palmquist responded that the UDO refers to the Standard Specifications and Details Manual, and that 5-foot sidewalk width is in that Manual. He said that future amendments to that Manual are being looked at and that is something that can be reviewed.

Mr. Craig Justice, representing the applicant, explained that they listened to the Planning & Zoning Commission and from dialogue with the Shiloh neighborhood, they revised their site plan to move the building closer to Hendersonville Road and created a double buffer in the rear of their property. He felt their revisions are consistent with the Planning & Zoning Commission's recommendation. He said that it is a viable retail project close to residential, and how they are improving the 30-year old sidewalks. He asked Council for their support.

Vice-Mayor Smith opened the public hearing at 7:35 p.m.

Two individuals from Shiloh spoke in support of the project, with a request for a traffic light onto Hendersonville Road from Jeffress.

Mr. Justice responded to the traffic light request stating that the paper and the studies have been ongoing and they will file them with the N.C. Dept. of Transportation. He noted that the last time an application was received for a traffic light at this location, the State said there was not enough traffic to warrant a light. However, with this new development, that could help generate traffic.

Councilwoman Roney said that if this request went back to the Planning & Zoning Commission for another review with all the changes made, and we might see future traffic projections because of this development, we could also see what the application would look like for a traffic light. Mr. Justice asked that Council not send this back to the Planning & Zoning Commission because there is no reason to send it back as they have ultimately addressed their concerns.

Vice-Mayor Smith closed the public hearing at 7:43 p.m.

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

Councilwoman Turner moved to approve the conditional zoning request for the property located at 848, 852, and 856 Hendersonville Rd from Highway Business (HB) and Office (OFF I) to Highway Business - Conditional Zone (HB-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) provides infill development in targeted growth areas; 2) establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas; and, 3) eliminates gaps in the city-wide sidewalk network. 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 BOOK NO. 34 – PAGE 275

At this time, Vice-Mayor Smith handed the gavel over to Mayor Manheimer to continue presiding over the meeting.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

- A. RESOLUTION NO. 22-240 - RESOLUTION TO ALLOCATE THE REMAINING \$6 MILLION OF THE REMAINING 2016 AFFORDABLE HOUSING BOND FUNDS TO THE HOUSING TRUST FUND**

ORDINANCE NO. 4979 - BUDGET AMENDMENT

Affordable Housing Officer Sasha Vrtunski said this is the consideration of a resolution to allocate \$6.0 million from the remaining 2016 Affordable Housing Bond funds to the Housing Trust Fund, and the accompanying budget amendment in the amount of \$6.0 million.

Background:

- In 2016, the voters approved a General Obligation Bond for Affordable Housing in the amount of \$25 million.

- Earlier this year, staff reported to the Housing & Community Development Committee (HCD) on the Affordable Housing Bond investments, totaling \$18.5 million, resulting in:
 - 32.5 acres purchased or under contract
 - 403 affordable units constructed
 - 197 affordable units in the pipeline to be constructed
- In accordance with legal requirements and in compliance with the Local Government Commission (LGC), bond funds must be allocated within a seven year period, which ends in November 2023.
- The City is planning to issue the remaining bonds in spring 2023.
- Once allocated, the funds do not have to be expended right away.
- The Housing Trust Fund has shown to be an efficient way for the City to leverage the production of affordable units.
- It is a flexible funding source that can be used to support a range of housing types and populations.
- Under the current policy, Housing Trust funding may be loaned/spent for the following purposes:
 - Development of Affordable Rental and For-Sale Housing
 - Substantial rehabilitation of existing units.
 - Down Payment Assistance
 - Land Acquisition
- Over the next few months, staff will be reviewing the Housing Trust Fund Policy and bringing forward some potential changes for City Council consideration.

Proposal

- To meet the bond allocation requirements and leverage the successful outcomes as seen by the City's Affordable Housing Trust Fund, staff recommends allocating \$6 million of the remaining bond funds into the Housing Trust Fund.
- Staff also recommends utilizing \$500,000 for future planning of city-owned land for affordable housing, which includes the Cedar Hill/Deaverview parcels.
- Staff is also working to more closely align the Housing Trust Fund funding cycle with Buncombe County's funding schedule.
- Ideas and proposals for specific uses of the Housing Trust Fund such as Site Readiness or Land Acquisition will be further developed over the coming months and can be incorporated into future HTF policy revisions.

Committees:

- HCD heard this item at their September 20 meeting and gave feedback. The committee asked AHAC for feedback on three issues: land acquisition in previously redlined areas, a site readiness program and down payment assistance.
- AHAC recommended that the Housing and Community Development Committee approve allocating \$6 million of the remaining Affordable Housing Bond funds to the Housing Trust Fund, and \$500,000 to planning activities for city owned property.
- AHAC requested a priority focus of reallocated bond funds to Housing Trust Fund on down payment assistance and encouraging the redevelopment of sites within the Urban Renewal and redlining maps.
- HCD heard the feedback from AHAC and voted 2-0 on October 18 to approve the allocation of remaining bond funds.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Pro(s):

- Allocating the funds will allow the city to fully utilize the bond funding and to issue the remaining bonds next calendar year (2023).
- This allocation lays the foundation for HTF decision-making and planning over the next 1-2 years.
- Staff is working to align the Housing Trust Fund process with Buncombe County, and will have a call for proposals later this year.

Con(s):

- None noted

Fiscal Impact:

- This action will allocate an additional \$6.0 million of Affordable Housing General Obligation Bond funding to the Housing Trust Fund, aligning with the planned issuance of remaining GO debt.

Ms. Vrtunski said the key takeaways from this presentation will be (1) Voters approved a \$25 million Affordable Housing Bond in 2016; (2) [Affordable Housing Bond Investments](#) to-date total \$18.5 million, including: 32.5 acres purchased or under contract; 403 affordable units constructed; 197 affordable units in the pipeline to be constructed; (3) The Housing Trust Fund has been a successful tool in leveraging Affordable Housing Bond funding; (4) Staff is proposing to use the remaining funds for planning and pre-development as well as for Housing Trust Fund related projects. This recommendation was unanimously supported by the Housing & Community Development Committee; and (5) Housing Trust Fund Policy revisions are currently in development and will be reviewed by City Council later this calendar year. Lessons learned consist of (1) Investing in capacity building for new non-profit organizations (ABCLT & Haywood Street CD) takes time to pay off; (2) Policies need to be in place to guide decision making prior to program creation or implementation; and (3) The Housing Trust Fund has seen the most straightforward success and highest leverage of Affordable Housing Bond funding. Using a chart, she explained the bond projects funded by the Housing Trust Fund, totalling \$5 Million, along with the Housing Trust Fund current status - available balance is \$1,650,000. She explained how the remaining 2016 affordable housing bond funds would be allocated - Housing Trust Fund allocation - \$5 Million; Land Banking - \$3 Million; ABCLT - \$1 Million; City-owned land - \$8,035,000; and Deaverview Phase I - \$1,465,000 - for a total balance of available Affordable Housing Bond funds of \$6,500,000. The recommendation for the remaining \$6.5 Million in Bond funds consist of (1) Reserve \$500,000 for planning and pre-development activities on City-owned land; and (2) Allocate \$6.0 million to the Housing Trust Fund (a) Staff will recommend Housing Trust Fund Policy refinements to City Council later this calendar year (a) Policy revisions under consideration include: Adding guidelines for land acquisition; Including provisions for the redevelopment of Urban Renewal properties; Aligning the funding cycle with Buncombe County; and Partnering on the implementation of a down payment assistance program. Current Housing Trust Fund eligible uses include (1) Construction of new housing for sale or rental, including land acquisition and hard costs; (2) Conversion or adaptive reuse of existing non-residential structures for housing; (3) Purchase and rehabilitation of existing substandard multifamily housing units; (4) Purchase and rehabilitation or conversion of market rate multifamily developments to affordable housing; (5) Manufactured housing and modular construction; (6) Construction of container homes, tiny homes, and other innovative housing structures; and (7) Down payment assistance loans, as long as funds are not forgiven. Current Housing Trust Fund restrictions include (1) Housing Trust Funds are not available for individuals seeking to build or renovate their own home; (2) A minimum of 20% of the total project units must be affordable for the proposed development; (3) Affordable units that have been pledged to the City in exchange for a density bonus, conditional zoning or other special consideration will be ineligible; and (4) Projects must be located within the Asheville City limits to be eligible for assistance. The process for the Affordable Housing Bond allocation review was AHAC Policy Review - October 6; HCD Formal Vote on Bond Allocation - October 18; City Council Formal Authorization of Bond Allocation - October 25;

and HTF Policy Considerations - November / December 2022. At the Housing & Community Development Committee review, (1) The HCD Committee reviewed the proposal on October 18, 2022 and voted 2-0 in support of the proposal; and (2) The Committee expressed interest in using a portion of the remaining Affordable Housing Bond Funds for a site readiness program, down payment assistance, and funding land acquisition in previously redlined areas - These concepts will be addressed as part of the Housing Trust Fund Policy discussions later this calendar year. The AHAC review of proposal was (1) Affordable Housing Advisory Committee (AHAC) recommended that the Housing and Community Development Committee approve allocating \$6 million of the remaining Affordable Housing Bond funds to the Housing Trust Fund, and \$500,000 to planning activities for city owned property; and (2) AHAC requested that staff prioritize the focus of reallocated bond funds to Housing Trust Fund on down payment assistance and encouraging the redevelopment of sites within the Urban Renewal and redlining maps. The requested action is adoption of a resolution to allocate \$6.0 million from the remaining 2016 Affordable Housing Bond funds to the Housing Trust Fund, and the accompanying budget amendment in the amount of \$6.0 million.

Ms. Vrtunski responded to various questions/comments from Council members, noting that the Down Payment Assistance Program is something that we will continue to work on.

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 ordinance and they would not be read.

Councilwoman Turner moved to approve a resolution to allocate \$6.0 million from the remaining 2016 Affordable Housing Bond funds to the Housing Trust Fund. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 311

Councilwoman Turner moved to adopt the budget amendment in the amount of \$6 Million. This motion was seconded by Councilwoman Mosley and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 274

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council on various issues, some being, but are not limited to: need for sidewalks near Asheville High School; suggestion to use Housing Trust Funds to help landlords make their property available for Section 8 housing and in turn they accept Section 8 vouchers; request for support legislation to stop growth hormones in U.S. beef; and request for dedicated pickleball courts in Asheville.

Closed Session

At 8:19 p.m., Councilwoman Roney moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Wisler carried unanimously.

At 8:38 p.m., Councilwoman Turner moved to come out of closed session. This motion was seconded by Councilwoman Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:38 p.m.

CITY CLERK

MAYOR