

Thursday – February 23, 2023 - 11:00 a.m.

Agenda Briefing Worksession - For February 28, 2023 Council Meeting

Present: Vice-Mayor Sandra Kilgore, Presiding; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and Deputy City Clerk Sarah Gross

Absent: Mayor Esther E. Manheimer, Councilwoman S. Antanette Mosley and Councilwoman Sheneika Smith - All with unanticipated scheduling conflicts

City Council held an agenda briefing worksession to discuss the upcoming and future agenda items. In addition, City Council reviewed an upcoming City Council committee that will be taking place during the next two weeks.

Discussion occurred on the following other issues and updates:

- Opioid Settlement
- Regional Transit Master Plan Next Steps
- Independent Review Committee Update
- Upcoming Council Meetings
 - Update - City Council Meeting - February 28, 2023 - New start time - 4:00 p.m.
 - Legislative Breakfast - February 24, 2023
 - Council Retreat - March 2-3, 2023
- Chamber/TDA Meeting on Public Safety - March 1, 2023

At 12:13 p.m., Vice-Mayor Kilgore adjourned the agenda briefing worksession.

Tuesday – February 28, 2023 - 4:00 p.m.

Regular Meeting

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

Mayor Manheimer said that for tonight's budget public comment, we have simultaneous interpretation available for our Spanish speaking community members. If anyone would like to take advantage of this service, please stop by the table outside the Council Chamber door and they will provide you with the equipment needed.

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

FEBRUARY 14, 2023

B. RESOLUTION NO. 23-36 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH RIVERTOP CONTRACTING INC. FOR WILMA DYKEMAN GREENWAY LANDSCAPE MAINTENANCE

Action Requested: Adoption of a resolution to authorize the City Manager to execute an amendment to the contract with Rivertop Contracting, Inc. for the Wilma Dykeman Greenway landscape maintenance services to extend the contract for one year for an amount of \$68,372 and to grant an option to renew for up to one (1) additional year for a total contract value of not to exceed \$205,116.

Background:

- The Parks & Recreation Department is responsible for maintenance of the Wilma Dykeman Greenway along the French Broad River.
- Each year it has become increasingly difficult to recruit, hire and train qualified temporary seasonal workers.
- A Request for Proposals was advertised for interested companies to provide landscape maintenance services for (1) year with an option to renew for an additional (2) years.
- Rivertop Contracting, INC. was selected based on experience, qualifications, understanding of the scope of services, cost, and availability.
- The Parks Department entered into the contract for the first year but now requires City Council approval for the contract amount for the additional two years.
- The contractor will provide all labor, materials, and supplies for the operations and management for landscape maintenance services, ensuring the greenway will be maintained in a well kept, safe, and efficient manner.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which included direct vendor outreach, and posting on the State's Interactive Purchasing System to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers.
- There were four (4) proposals submitted including (2) woman owned business.
- The contractor selected is not a minority or woman owned business.

Council Goal(s):

- A Well planned and Livable Community
- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Will help continue to meet level of service standards for city-owned parks and greenways.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available in the Parks & Recreation Department operating budget.

Motion:

- Motion to authorize the City Manager to execute an amendment to the contract with Rivertop Contracting, Inc. for the Wilma Dykeman Greenway landscape maintenance services to extend the contract for one year for an amount of \$68,372 and to grant an option to renew for up to one (1) additional year for a total contract value of not to exceed \$205,116.

RESOLUTION BOOK NO. 43 - PAGE 441

C. RESOLUTION NO. 23-37 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH STERI-CLEAN NC FOR BIOHAZARDOUS WASTE CLEANUP AND WNC LANDSCAPING LLC FOR ROADSIDE LITTER & HOTSPOT COLLECTION

Action Requested: Adoption of a resolution authorizing the City Manager to enter into contracts with Steri-Clean NC for Biohazardous Waste Cleanup for up to \$200,000, and WNC Landscaping LLC for Roadside Litter & Hotspot Collection for up to \$300,000, for a total combined project amount not to exceed \$500,000; and further authorizing the execution of change orders to adjust the total amount of each individual contract, as well as change orders for individual contract renewals, within the total project not-to-exceed amount of \$500,000.

Background:

- In 2022, the Public Works Sanitation Division was awarded \$500,000 in American Rescue Plan Act (ARPA) funding to implement a litter and cleanliness program.
- The Public Works Sanitation Division proposed to fill a current service gap by providing services for roadside litter and hot spot litter collection, including cleanup of sites containing biohazardous materials.
- Two RFPs were issued for 1) Biohazardous Material Cleanup and 2) Roadside Litter & Hotspot Collection.
 - The Biohazardous Waste Cleanup contract was advertised on December 2, 2022 and bids were opened on January 20, 2023.
 - The following bids were received:
 - Steri-Clean North Carolina of Columbia, SC
\$165.00/hr
 - Haul Away Junk Removal & Demolition of Greensboro, NC
\$255.00/hr
 - Bio-One Asheville of Asheville, NC
\$300.00/hr
 - The Roadside Litter & Hotspot Collection contract was advertised on December 1, 2022 and bids were opened on January 19, 2023.
 - The following bids were received:
 - WNC Landscaping, LLC of Asheville, NC
\$126,000.00
 - Rivertop Contracting of Asheville, NC
\$129,000.00
 - MSLean LLC of Asheville, NC
\$132,000.00
 - Smith and Lloyd Landscaping and Design, LLC of Asheville, NC
\$239,000.00
 - Thorpe Landscaping of Asheville, NC
\$767,000.00
 - The total project cost is \$500,000.

- Public Works estimates that \$200,000 will be spent on Biohazardous Waste Cleanup, and \$300,000 on Roadside Litter & Hotspot Collection.
- The amounts of each individual contract are estimated due to the fact that ongoing service needs will vary as time progresses.
- The resolution will authorize the City Manager to execute change orders to move funds into and out of each contract if needed, while maintaining the total not-to-exceed project amount of \$500,000.
- This will allow flexibility to meet the greatest need.

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.
- In addition, the contract was posted on the North Carolina Department of Administration Historically Underutilized Business (HUB) website.
- Staff also used the City of Asheville List of Certified Business spreadsheet, NCDOT Directory of Firms and the North Carolina HUB website to search for MWBE companies to whom to directly advertise the contract.
- One MWBE firm (Black American) submitted a bid for the roadside litter contract.
- No MWBE firms submitted a bid for the biohazard contract.
- The lowest, responsive, responsible bidders are not MWBE firms and do not propose to subcontract any of the work.

Council Goal(s):

- A Clean & Healthy Environment
- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- Supports Council's goal for a Clean and Healthy Environment
- Supports Council's FY23 priority to Improve and Expand Core Services
- Supports Citywide cleanliness efforts

Con(s):

- Currently there is no funding to continue these expanded core services beyond the grant funding allotment.
- Additional project and contract management duties will be added to existing staff workload without additional staffing capacity.

Fiscal Impact:

- \$500,000 in ARPA funding which is already included in the adopted budget for FY23.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into contracts with Steri-Clean NC for Biohazardous Waste Cleanup for up to \$200,000, and WNC Landscaping LLC for Roadside Litter & Hotspot Collection for up to \$300,000, for a total combined project amount not to exceed \$500,000; and further authorizing the execution of change orders to adjust the total amount of each individual contract, as well as change orders for individual contract renewals, within the total project not-to-exceed amount of \$500,000.

Grace Barron felt that this is an encampment clearing contract and she was disappointed that the City is spending \$500,000 on this contract when it could be used to help our homeless.

Councilwoman Roney wondered what the City's plan is for ongoing funding for cleanup once the ARPA funds are no longer available.

Public Works Director Greg Shuler said that these contracts are focused on encampments, however, we do have a need to fill the current service gap by providing services for roadside litter and hot spot litter collection, including cleanup of sites containing biohazardous materials. He said that his staff and our contractors understand that these are people's personal belongings and they will be sensitive to that; however, public safety is what they will focus on.

Mayor Manheimr noted that one of our priorities is core services and there has been considerable discussion about the cleanliness of our City.

RESOLUTION BOOK NO. 43 - PAGE 442

D. RESOLUTION NO. 23-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH OPTICOS DESIGN INC. FOR A MISSING MIDDLE HOUSING STUDY AND DISPLACEMENT RISK ASSESSMENT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Opticos Design, Inc. in the amount of \$115,000 for a missing middle housing study and displacement risk assessment.

Background:

- As part of the Fiscal Year 2023 (FY23) budget, \$85,000 was allocated to complete a missing middle housing study that proposes to identify regulatory and policy barriers to building missing middle housing (e.g., townhomes, accessory dwelling units, multiplexes, etc) and to provide a strategy to prioritize options to remove those barriers.
- An additional \$30,000 has been identified to support expanding the scope of work to incorporate a Displacement Risk Assessment that will analyze displacement vulnerability, market pressure, and opportunities to put together anti-displacement strategies focused on minimizing or mitigating harm of proposed housing policies.
- The project will include an advisory working group of the Planning & Zoning Commission that will be made up of 14 individuals to provide broad-based review and feedback to staff during the project.
- Staff and the consultant team in partnership with the working group will develop an outreach strategy to ensure engagement with the diverse Asheville community.
- Tentative timeline: March project kickoff with estimated completion by the end of 2023.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation and posting on the North Carolina Office for Historically Underutilized Businesses (HUB)
- Six firms responded to the Request for Qualifications (RFQ) including one minority business enterprise (MBE)
- The selected firm, Opticos Design, Inc, is a certified B Corporation, focusing on equitable operations internally as well as externally. The sub-consultant is Cascadia Partners, a certified Emerging Small Business (ESB). Neither firm is minority owned.

Comprehensive Plan Consistency:

- [Goal #1: Encourage Responsible Growth](#)

- [Goal #13: Increase and Diversify the Housing Supply](#)

Council Goal:

- Equitable & Affordable Housing & Stability

Committee(s):

- On January 13, 2023 staff provided a presentation to the Urban Forestry Commission (UFC).
- On February 2, 2023, staff provided an update to the Affordable Housing Advisory Committee (AHAC).
- On February 20, 2023, staff provided an update to the Planning & Economic Development Committee (PED).

Pros:

- Project will provide guidance to help the City prioritize efforts for regulatory changes aimed at improving housing supply, choice, and diversity in a manner that is consistent with equity goals.

Cons:

- None

Fiscal Impact:

- Funding for this contract (\$115,000 in total) is available in the Planning & Urban Design (\$85,000) and Community and Economic Development Department (\$30,000) operating budgets.
- CED is funding the displacement analysis using a budget initially planned for an Affordable Housing Plan, and will seek grant funding to supplement the remaining budget for that plan.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Opticos Design, Inc. in the amount of \$115,000 for a missing middle housing study and displacement risk assessment.

Susan Bean spoke in support of the missing middle housing study.

RESOLUTION BOOK NO. 43 - PAGE 443

E. RESOLUTION NO. 23-39 - RESOLUTION CHANGING THE NAME OF THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT TO SUSTAINABILITY ADVISORY COMMITTEE; AND THAT ALL NINE SEATS ON THE COMMITTEE BE AT-LARGE APPOINTMENTS

Action Requested: Adoption of a resolution to provide for at-large appointment of all SACEE members, and change SACEE's name to Sustainability Advisory Committee (SAC)

Background:

- City Council established SACEE in 2006 as a nine-member committee to advise Council on issues of environmental and energy sustainability. [Resolution 06-171](#) specified that five members were to be at-large appointments while the other four had to represent "specific economic and community sectors":
 - one with expertise in energy management;

- one involved with the operation of a business in Asheville;
 - one employed in the construction industry in Asheville; and
 - one employed in real estate development in Asheville.
- At this time, no SACEE member is employed in real estate development.
 - SACEE recommends that Council amend these requirements to provide that all SACEE members be appointed at-large.
 - SACEE also recommends that Council consider simplifying SACEE's name to Sustainability Advisory Committee (SAC).

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- Sustainability Advisory Committee on Energy and the Environment, January 18, 2023 voted 7-0
- Boards and Commission Council Committee, February 14, 2023 voted 3-0, to recommend to the full City Council changing the committee's appointments from specific designations to at-large and to change the committee's name to the Sustainability Advisory Committee (SAC)

Pro(s):

- Eliminating the current restrictions on SACEE member appointments will give Council the needed flexibility to select members who are best qualified to advise Council on the range of sustainability issues faced by the City now and in the future.
- Although the descriptor "on Energy and the Environment " in SACEE's name has not limited the scope of SACEE's activities to date, dropping the descriptor would simplify the name and remove any perceived restrictions on the scope of issues within SACEE's purview.

Con(s):

- None

Fiscal Impact:

- This action requires no additional City resources and has no fiscal impact.

Motion:

- Motion to adopt a resolution to provide for at-large appointment of all SACEE members, and change SACEE's name to Sustainability Advisory Committee (SAC)

RESOLUTION BOOK NO. 43 - PAGE 444

F. ORDINANCE NO. 4999 - BUDGET AMENDMENT TO HARRAH'S CHEROKEE CENTER - ASHEVILLE OPERATING FUND TO REFLECT UPDATED FISCAL YEAR 2022-23 REVENUE AND EXPENDITURE PROJECTIONS

Action Requested: Approval of a budget amendment to HCCA Operating Fund in the amount of \$900,000 to reflect updated Fiscal Year 2022-23 (FY23) revenue and expenditure projections.

Background:

- The HCCA event load in FY23 has been significantly higher than initially forecasted during last year's budget process which took place as COVID hesitancy for events remained high.
- As a result, HCCA concessions, ticketing and other show related revenues are expected to exceed the adopted budget.
- Additional budget is needed for concessions purchases, show settlements, and other expenses that increase along with additional bookings.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides sufficient budget authorization for anticipated expenditures in the HCCA Fund without increasing the General Fund transfer.

Con(s):

- None

Fiscal Impact:

- This budget amendment is funded with HCCA operating revenues that are expected to exceed adopted budget estimates.
- There is no impact to the General Fund budget.

Motion:

- Motion to approve a budget amendment to the HCCA Operating Fund in the amount of \$900,000 to reflect updated Fiscal Year 2022-23 (FY23) revenue and expenditure projections.

ORDINANCE BOOK NO. 34 - PAGE 356

G. RESOLUTION NO. 23-40 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE ASHEVILLE BOARD OF ALCOHOLIC CORPORATION FOR REAL PROPERTY LOCATED AT 179 SOUTH CHARLOTTE STREET

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a Lease Agreement with the City of Asheville Board of Alcoholic Control for real property located at 179 S. Charlotte Street.

Background:

- The property at 179 S. Charlotte Street has been in operation as an ABC Store since 1984.
- The ABC Board considers this site strategic because it functions as a retail outlet and also as a mixed beverage (commercial sales) outlet for downtown businesses.
- The current lease is on a month-to-month basis and the ABC Board wishes to execute a new lease at this time.
- The Board of Alcoholic Control has offered to enter into a new lease that has the following terms and conditions:
 - Term of five years with five, one-year renewals at the sole discretion of the City Manager

- Annual rental fee of \$64,714 with a 3% escalation fee per year
- Lessee to pay all utilities and maintenance associated with premises
- Right of either party to terminate at any time with 180 days notice
- The City acknowledges that the ABC Board will need adequate time to make alternate arrangements should they have to vacate this convenient, downtown location.
- The lease specifies a notice to vacate of 180 days.
- A Broker's Price Opinion was secured to estimate fair market rent for this location.
- Since this property came to the City's ownership via Urban Renewal, all proceeds of this lease are required to benefit the Community Development Block Grant as Program Income and redistributed into the community through the annual CDBG Grant process.
- Long-term considerations for this site include the potential of combining it with adjacent City-owned properties for future redevelopment.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Strategic real property management, through the renewal of lease agreements, presents the City with revenue enhancements, which in this case benefits the Community Development Block Grant program.
- The Asheville ABC Board has consistently agreed to pay fair market lease rates.

Cons:

- None

Fiscal Impact:

- The City will be compensated \$64,714 annually for the use of this property, generating revenue for the CDBG program that is invested into the community through the CDBG grant process.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute the lease agreement with the City of Asheville Board of Alcoholic Control on behalf of the City of Asheville.

RESOLUTION BOOK NO. 43 - PAGE 445

H. RESOLUTION NO. 23-41 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICES AGREEMENT WITH TYLER TECHNOLOGIES FOR CONTINUED SUPPORT OF THE TYLER/MUNIS ENTERPRISE FINANCIAL SYSTEM

Action Requested: Adoption of a resolution authorizing the City Manager to amend a services agreement with Tyler Technologies for an increase in base contract amount for continued support of the Tyler/Munis Enterprise Financial System.

Background:

- In July 2018, the City adopted a maintenance agreement with Tyler Technologies to provide maintenance for the City's enterprise financial systems that included a 5% annual escalation.

- The Tyler/Munis Enterprise Financial System covers all of the City's core financial needs, including the general ledger, payroll management, accounts payable/receivable, contract management, procurement and purchasing, annual financial reporting, and utility billing.
- Additional modules have been added since that time, including Vendor Self-Service and the Bid Management module.
- Funding for the agreement is to be appropriated annually in the City budget process.
- The term of this amendment runs from April 2023 to April 2028.
- Previous Resolutions: 18-179; 19-62; 22-41

Vendor Outreach Efforts:

- This is to authorize the renewal of a 5-year agreement.
- No additional vendor outreach was conducted.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- The City has been using Tyler/Munis Enterprise System since January of 2010 and staff is familiar with its strengths, limitations, and support process.
- Allows for critical support issues for the City's financial system to be resolved in a timely manner.
- Allows for updates to the Tyler/Munis Enterprise System, which enables new features and improvement of underlying technologies; upgrading licensing is included with support and ongoing fixes.

Con(s):

- None

Fiscal Impact:

- Funding for this contract (\$235,258.50) is available in the General Fund, Water Resources Fund and Stormwater Fund operating budgets.
- This total contract amount will increase by 5% each year, for a five-year estimated cost of \$1,299,951.72. The total for the entire life of the contract (FY19 to FY28) is estimated to be \$2,307,103.60.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend a services agreement with Tyler Technologies for an increase in base contract amount for continued support of the Tyler/Munis Enterprise Financial System.

RESOLUTION BOOK NO. 43 - PAGE 446

- I. **RESOLUTION NO. 23-42 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT AMENDMENT WITH MHG ASHEVILLE MX, LP TO TEMPORARILY CLOSE THE BILTMORE AVENUE PARKING GARAGE IN ORDER TO POUR A NEW SLAB AT THE TOP OF PARKING STRUCTURE THAT WILL REPLACE THE EXISTING SLAB THAT IS BEING DEMOLISHED AND REMOVED**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a license agreement amendment between the City of Asheville and MHG Asheville MX,

LP to temporarily close the Biltmore Avenue Parking Garage in order to pour a new slab at the top of the parking structure that will replace the existing slab that is being demolished and removed.

Background:

- The Moxy Hotel, a 115 unit, 7-story building, is currently being constructed on the south side of the Biltmore Avenue Parking Garage by MHG Asheville MX, LP.
- To accommodate hotel construction, demolition and removal of an existing slab at the top of the Biltmore Parking Garage was required.
- A license agreement was executed at the staff level in January 2023 for the demolition and removal of the existing slab for a 45 day period beginning on January 16, 2023 and ending on March 3, 2023.
- The “demolition phase” was completed on February 8, 2023 and impacted parking levels were reopened (22 days ahead of schedule).
- The “pouring phase” to pour back the demolished slab is scheduled to begin on March 25, 2023 and end on April 8, 2023 for a total time period of 15 days.
- The entire parking garage must be closed during the “pouring phase” which impacts a total of 412 parking spaces (150 spaces for the Aloft Hotel, 110 spaces for the City’s monthly parking accounts, and 152 spaces for public hourly parking).
- As part of the license agreement, MHG Asheville MX, LP will pay the City a fee for lost revenue. The methodology for the license agreement fee is described below:
 - **Rate Per Parking Space:**
 - The Biltmore Parking Garage has a daily rate per parking space of \$7.73 based on the hourly revenues that are being generated (the daily rate per parking space is equivalent to a \$235 monthly rate per parking space).
 - The daily rate per parking space of \$7.73 will be applied to 262 parking spaces (412 spaces minus 150 spaces) and the anticipated fee for 15 days is \$30,378.90 (\$7.73 x 262 spaces x 15 days).
 - **Aloft Hotel Monthly Parking Fee:**
 - The Aloft Hotel will continue to pay its current monthly fee of \$11,055 for 115 parking spaces and \$5,390 for 35 parking spaces as stipulated by the existing Parking Facilities Agreement entered into between the City and the Aloft Hotel on February 17, 2011 as amended.
 - **Office Space:**
 - Since the Parking Services Division will not have access to their office space and storage space, the anticipated fee for that loss of access is \$608.70 (\$40.58 daily rate x 15 days).
 - Transportation Department staff calculated a daily rate of \$40.58 based on a \$1.10 monthly per square foot rate and a total of 1,122 square feet of office and storage space (the \$1.10 monthly per square foot rate is the agreed upon rate as stipulated by the existing Parking Facilities Agreement entered into between the City and the Aloft Hotel on February 17, 2011 as amended).

15 Day Fee Summary Table

Description	Unit	Cost
Aloft Hotel Parking Spaces	150 spaces	\$8,109.90
Public Parking Spaces	262 spaces	\$30,378.90
Loss of Office & Storage Space (1,122 square feet)	1,122 square feet	\$608.70

Description	Unit	Cost
Aloft Hotel Parking Spaces	150 spaces	\$8,109.90
Total Fee =		\$39,097.50

- If the term of the license agreement is extended beyond the 15-day time period, the City reserves the right to increase the rates by 10%.
- Access cards for the City’s monthly parking accounts in the Biltmore Avenue Parking Garage will be reprogrammed to allow access in the Harrah’s Cherokee Center, Rankin Avenue, and Wall Street parking garages during the 15-day closure time period.
- The City’s surface parking lot located at 50 Asheland Avenue (adjacent to the Transit Center) will also be available to the City’s monthly parking accounts in the Biltmore Avenue Parking Garage.
- Additionally, Biltmore Avenue Parking Garage monthly parking accounts will receive a 50% credit to their accounts on March 1, 2023, pending City Council approval.
- Once the subject action is approved by City Council, the City’s monthly parking accounts will be notified of these accommodations through the Biltmore Avenue Parking Garage email listserv and the new opt-in texting feature.
- A press release will be issued on March 1, 2023 regarding the temporary full closure of the Biltmore Avenue Parking Garage including information about other parking options and the Parking Services Division staff will follow up with the adjacent businesses via flyers to be sure they are aware of the closure.
- Security must be provided by MHG Asheville MX, LP in the Biltmore Avenue Parking Garage during the nighttime hours and anytime when construction activities have stopped for the day.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Enables the contractor to complete the “pouring phase” in a safe and timely manner.
- Minimizes long term structural damage to the Biltmore Avenue Parking Garage.

Con(s):

- Temporary loss of 262 public parking spaces.
- Temporary loss of 1,122 square feet of Parking Services’ office and storage space.

Fiscal Impact:

- Based on revenues generated by public spaces in the current fiscal year, this agreement would generate an additional \$2,357.77 in the Parking Services Fund as shown in the table below.

Fee Comparison Table

Description	Lease Agreement Revenue	Typical Projected Revenue
Aloft Hotel Parking Spaces	\$ 8,109.90	\$ 8,109.90
Public Parking Spaces	\$ 30,378.90	\$ 28,629.83
Loss of Office & Storage Space	\$ 608.70	\$ 0.00
Totals =	\$ 39,097.50	\$ 36,739.73

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into and execute a license agreement between amendment the City of Asheville and MHG Asheville MX, LP to temporarily close the Biltmore Avenue Parking Garage in order to pour a new slab at the top of the parking structure that will replace the existing slab that is being demolished and removed.

RESOLUTION BOOK NO. 43 - PAGE 447

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 Ullman and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO REZONE 234 HENDERSONVILLE ROAD FROM OFFICE DISTRICT AND HIGHWAY BUSINESS DISTRICT TO HIGHWAY BUSINESS DISTRICT

ORDINANCE NO. 5000 - ORDINANCE TO REZONE 234 HENDERSONVILLE ROAD FROM OFFICE DISTRICT AND HIGHWAY BUSINESS DISTRICT TO HIGHWAY BUSINESS DISTRICT

Principal Planner Will Palmquist said that this is the consideration of an ordinance to rezone 234 Hendersonville Road from Office District and Highway Business District to Highway Business District. This public hearing was advertised on February 17 and 24, 2023.

Action Requested: Adoption of an ordinance to rezone a single property from Office (OFF I) and Highway Business (HB) to Highway Business (HB).

Project Location and Contacts:

- The rezoning petition consists of a single property totalling 1.19 acres located at 234 Hendersonville Rd (PIN 9647-77-5785).
- Owner: Milan Biltmore Two Inc

Summary of Petition:

- The applicant requests a rezoning of a single property to the Highway Business (HB) District.
- The property is currently zoned Office (OFF I) and Highway Business (HB) and is in the Hotel Overlay District allowing large and small hotels.
- The land use of the property is currently a hotel operated by Clarion Inn.
- The subject property is designated “Urban Corridor” on the city’s Future Land Use (FLU) Map.
 - A change in the FLU designation will not be required.

Comprehensive Plan Consistency:

- The proposed rezoning supports a number of goals in the Living Asheville Comprehensive Plan including:
 - **Encourage Responsible Growth** - by prioritizing growth and development within designated 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.
- The proposed development is compatible with the Future Land Use designation of “Urban Corridor” which is proposed, in part, as “redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure”.
- Highway Business (HB) is cited as an appropriate zoning district within the Urban Corridor Future Land Use category.

Compatibility Analysis:

- The purpose of the Highway Business (HB) zoning district is, “to address the needs of commercial development along major thoroughfares.
- Automobile oriented development is prevalent within this district and a wide range of commercial uses is permitted.”
- The proposed rezoning petition is compatible with the surrounding land uses, including:
 - Highway Business (HB) zoned property to the north along Hendersonville Rd with similar uses such as lodging, restaurants, and fuel stations.
 - Office (OFF I) zoned property directly to the south and east along Hendersonville Rd.

Council Goal(s):

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

Committee(s):

- Planning & Zoning Commission (PZC) - February 1, 2023 - approved, 4:0.

Pro(s):

- Creates continuity in zoning along this section of Hendersonville Rd as the property will no longer be split-zoned.

Con(s):

- n/a.

Staff Recommendation:

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

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. He said the Planning & Zoning Commission voted to approve the project. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the rezoning.

Bob Oast, attorney representing the applicant, spoke in support of the rezoning. He noted that it is a pretty challenging site but asked for Council's support.

Mayor Manheimer opened the public hearing at 4:18 p.m., and when no one spoke, she closed the public hearing at 4:18 p.m.

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

Vice-Mayor Kilgore moved to approve the conditional zoning request for the property located at 234 Hendersonville Rd from Office (OFF I) and Highway Business (HB) to Highway Business (HB) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) prioritizes growth and development within designated growth areas; and, 2) establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas. This motion was seconded by Councilwoman Mosley and carried unanimously.

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B. PUBLIC HEARING TO REZONE 43 REDFERN STREET FROM INSTITUTIONAL DISTRICT/CONDITIONAL ZONE TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

ORDINANCE NO. 5001 - ORDINANCE TO REZONE 43 REDFERN STREET FROM INSTITUTIONAL DISTRICT/CONDITIONAL ZONE TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

Principal Planner Will Palmquist said that this is the consideration of an ordinance to rezone 43 Redfern Street from Institutional District/Conditional Zone to RM-8 Residential Multi-Family Medium Density District. This public hearing was advertised on February 17 and 24, 2023.

Project Location and Contacts:

- The rezoning petition consists of a single property totalling 0.29 acres located at 43 Redfern St (PIN 9628-95-4517).
- Owner: West Asheville Baptist Church Inc

Summary of Petition:

- The applicant requests a rezoning of a single property to the Residential Multi-Family Medium Density (RM-8) District.
- The property is currently zoned Institutional - Conditional Zoning (INST - CZ) per a Conditional Use Permit adopted April 2004 (Ord. Nos. 3104 & 3105).
- The land use of the property is currently a single-family detached house that is used for activities associated with the West Asheville Baptist Church.
- The subject property is designated "Traditional Neighborhood" on the city's Future Land Use (FLU) Map.
 - A change in the FLU designation will not be required.

Comprehensive Plan Consistency:

- The proposed rezoning supports a number of goals in the Living Asheville Comprehensive Plan including:
 - **Increase and Diversify the Housing Supply** - by promoting zoning policies to encourage more housing.
 - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** - by preserving neighborhood identity with the development and maintenance of housing that is affordable to a wide-range of income levels.
- The proposed rezoning is compatible with the Future Land Use designation of “Traditional Neighborhood” which is proposed, in part, as “diverse range of housing types and an intersecting street pattern with cross streets forming blocks”.
- Residential Multi-Family Medium Density (RM-8) is cited as an appropriate zoning district within the Urban Corridor Future Land Use category.

Compatibility Analysis:

- The purpose of the RM-8 zoning district is, “to permit a full range of medium density multi-family housing types along with single-family detached and attached residences.”
- The proposed rezoning petition is compatible with the surrounding land uses, including:
 - Single-family houses, zoned RM-8, surrounding the subject property to the east, west, and south.
 - The West Asheville Community Center and West Asheville Public Library to the north.
 - Surface parking, owned by the West Asheville Baptist Church, directly to the east.
 - The West Asheville Baptist Church, further to the east across Lynndale Avenue.

Council Goal(s):

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

Committee(s):

- Planning & Zoning Commission (PZC) - February 1, 2023 - approved, 4:0.

Pro(s):

- Provides the opportunity for the property to be used for any use permitted in the Residential Multi-Family Medium Density (RM-8) district.
- Creates continuity in zoning along this block of Redfern St and in the larger West Asheville neighborhood.

Con(s):

- n/a.

Staff Recommendation:

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

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. He said the Planning & Zoning Commission voted to approve the project. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the rezoning.

Mayor Manheimer opened the public hearing at 4:21 p.m., and when no one spoke, she closed the public hearing at 4:21 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 rezoning request for the property located at 43 Redfern St from Institutional - Conditional Zoning (INST - CZ) to Residential Multi-Family Medium Density (RM-8) 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) promotes zoning policies to encourage more housing; and, 2) preserves neighborhood identity with the development and maintenance of housing that is affordable to a wide-range of income levels. This motion was seconded by Councilwoman Turner and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 360

C. PUBLIC HEARING RELATIVE TO ADOPTION OF THE SOUTH SLOPE: A SOUTHSIDE NEIGHBORHOOD VISION PLAN

Councilwoman Mosley moved to continue this public hearing until March 28, 2023. This motion was seconded by Councilwoman Turner and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. PUBLIC COMMENT ON FISCAL YEAR 2024 BUDGET PRIORITIES

City Manager Campbell said that tonight is kind of a milestone for us in that we have never had an opportunity for public input this early in the budget process. She thanked the budget staff and others for making this happen and the community for encouraging and nudging us in this direction. She then commented on an article and numerous emails that City Council received concerning the budget public input process and in particular about the online survey. She reiterated that we have taken a very positive first step by inviting the community to comment on the budget and community needs earlier in the process. The online survey has been up since February 6, 2023. When our staff looked at 10:30 a.m. this morning regarding participation in our on-line survey, approximately 14% of those who shared their race identified as Black, Indigenous and Other People of Color. She then responded specifically to some of the requests that were made to do additional outreach: (1) the group email asked that the City extend the time of the survey - we will extend the time by one week; (2) will you consider printing paper versions of the survey so that those without internet access can participate - yes, we have done it and will continue to make printable copies of the survey available; (3) will you consider distributing surveys to community centers in historically Black neighborhoods - yes, and we have delivered printable surveys in English and Spanish that are available in our Recreation Centers; and (4) will Community & Public Engagement Office and the Department of Equity and Inclusion collaborate on a plan ensuring input is gathered from communities of color - yes, we have done so and will continue to do so. She also invited the audience or those watching to share the survey with your neighbors. If you need paper copies of the survey or have a meeting you would like to make us aware of, please contact Community Engagement Manager Kristina Israel at 828-712-4229.

Budget Manager Taylor Floyd reviewed the budget development process; prior budget engagement efforts; the guiding principles; current City Council priorities; the budget structure

and revenues; expenses; capital vs. operating funds; and budget engagement efforts. He then said the key takeaways from this issue are (1) community and Council priorities and expectations for service delivery are key to budget development process; (2) most services provided by the City are funded through property and sales tax; (3) employees are the City's most valuable asset; and (4) capital investments are on a longer time horizon and primarily impact future annual budgets.

When Councilwoman Roney asked about updates for our capital improvements of City Hall, City Manager Campbell said that staff will be bringing to Council the Comprehensive Facilities Study in the summer and from that Council will adopt a path forward in terms of investments for all our projects.

Several individuals spoke to Council about various Fiscal Year 2023 budget priorities they felt the City should pursue, those being: in the downtown area, Council should focus on homelessness on the streets and in parks, vandalism, lighting, trash, graffiti removal, etc.; support, including an increase in salaries, for the Asheville Police Department (APD) officers; more programs for the veterans; more transparency in the APD budget, especially in how the vacancy funds are being allocated, which funds could be used to engage and support our youth; commitment to living wages; fund a study in collaboration with Buncombe County to see what we can do in the future with transit; advocate more frequency in transit to south Asheville; and begin to use already approved funds for transit.

Councilwoman Roney thanked City staff for extending the budget survey to March 10 and for being willing to try new tools for public engagement. She also thanked staff for adding a multi-language ribbon at the top of the City's website notifying residents about the budget priorities survey.

Mayor Manheimer noted that City Council will be discussing their budget priorities at their annual retreat on March 2 and 3, 2023.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: need to have critical thinking in how we implement the roll out the infrastructure for broadband wi-fi; history of City Council; and the need to prioritize the water infrastructure above the baseline.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 5:18 p.m.

CITY CLERK

MAYOR