

Thursday – May 4, 2023 - 11:00 a.m.

Agenda Briefing Worksession - For May 9, 2023 Council Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley (left at 12:15 p.m.); 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

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

Discussion occurred on the following other issues and updates:

- Fiscal Year 2024 Annual Operating Budget
- Retreat Follow-Up Work Session Date (Possible Dates of June 13 or June 27)
- Advisory Board Updates to Council Committees
- Downtown Public Safety Initiative

At 12:48 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – May 9, 2023 - 5:00 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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON APRIL 20, 2023, AND THE FORMAL MEETING HELD ON APRIL 25, 2023**

- B. RESOLUTION NO. 23-94 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HAZEN AND SAWYER FOR ENGINEERING SERVICES ASSOCIATED WITH SOUTH BUNCOMBE PUMP STATION AND CONCORD WATER SERVICE AREA IMPROVEMENTS PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to sign a contract with Hazen and Sawyer for engineering services in the amount of \$1,510,550.00 for the South Buncombe Pump Station and Concord Water Service Area Improvements Project.

Background:

- The Water Resources Department has prioritized this water system improvement project for the current fiscal year and is seeking engineering design and project management assistance for this project.
- The project was identified as a needed improvement in the latest, 2019 Water System Master Plan
- The project includes construction of a new South Buncombe Pump Station at a different location than the existing pump station, removal of the existing South Buncombe Pump Station, piping changes to the South Buncombe Water Storage Tank and tank yard, addition of a control valve and potential replacement of up to 10'000 feet of 12-inch water main along Sweeten Creek Rd.
- The project will improve pumping capacities while simultaneously reducing pump energy requirements and operations cost; resolve access issues; provide a hydraulic buffer for pump surges in order to eliminate pressure spikes within the zone which will reduce line breaks, reduce pressures in areas where higher system pressure is not required, provide better control of inflows and outflows at South Buncombe Water Storage tank and allow Operations to more efficiently balance the water system distribution.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning in February of 2020 the City of Asheville selected four consulting firms to provide on-call professional services for Water Distribution and Storage Projects.
- Hazen and Sawyer was one of the selected firms due to their expertise in areas of water distribution projects, water system analysis and project development.
- The City of Asheville entered into a master agreement with Hazen and Sawyer on September 28, 2020 for on-call professional services for Water Distribution and Storage Projects valid for three years with the option to renew for two additional years.
- If approved, the proposed engineering services described here within will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for Water Distribution and Storage Projects was the best method to deliver this project and Hazen and Sawyer was specifically qualified to provide the required engineering services.
- No other vendor outreach was performed.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.
- Hazen and Sawyer have successfully provided engineering services for other water system improvement projects.
- Their experience with this water system and expertise in water distribution projects will lead to a successful project with lesser negative impacts to customers and the City's water system.

Con(s):

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the water system capital improvement project in a timely manner and delay the needed replacement of a portion of the existing water system

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services contract with Hazen and Sawyer to provide engineering design services for a water system improvement project known as South Buncombe Pump Station and Concord Water Service Area Improvements Project for an amount not to exceed \$1,510,550.00

RESOLUTION BOOK NO. 44 - PAGE 64

C. RESOLUTION NO. 23-95 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY FOR CITY OF ASHEVILLE FOOD SCRAPS DROP-OFF PROGRAM MANAGEMENT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County for Food Scraps Drop-Off program co-management.

Background:

- The City and County's joint Food Scraps Drop-Off program is a strategy for the City to make progress on municipal waste reduction highlighted in activity 17 in the [Municipal Climate Action Plan](#) and [Food Policy Action Plan](#).
- Food Scraps Drop-Off pilot program was launched in September 2021 at 1 site and has expanded, in collaboration with Buncombe County, to include 6 sites located within the City of Asheville and 2 sites in Buncombe County.
- To date, 160 tons of food scraps have been diverted from the landfill.
- 2,300 households have registered for program participation.
- The City and County have both received grants to launch and expand the pilot program for the past two years and are now seeking to operationalize the program management through more formal collaboration.
- Joint program management will reduce staff work required for program administration due to Buncombe County holding one contract with the vendor.
- The interlocal agreement with Buncombe County is the proposed instrument that enables the City and County to co-manage and equally co-fund hauling services to support Food Scraps Drop-Off program operations.
- The interlocal agreement will allow the City and County to evenly split the cost to collect and haul food scraps at drop-off sites within city limits.
- The duration of this agreement will be up to 5 years provided conditions of agreement remain the same.

Vendor Outreach Efforts:

- Vendor outreach will be conducted by Buncombe County as the lead contract administrator. City staff will provide a list of registered MWBE vendors to Buncombe County and to the current hauling vendor for subcontracting opportunities

Council Goal(s):

- A Clean and Healthy Environment

- Improve/Expand Core Services

Committee(s):

- Environment and Safety Council Committee, April 25, 2023, voted 3-0 to recommend to the full City Council adoption of a resolution authorizing the City Manager to enter into an Interlocal Agreement with Buncombe County for City of Asheville Food Scraps drop-Off program co-management.

Pro(s):

- Diverts organic matter away from landfill avoiding greenhouse gas (GHG) emissions
- Contributes to City's [waste reduction goal](#), [climate emergency declaration](#) and [food policy action plan](#)
- Supports implementation of the City's [Municipal Climate Action Plan](#)
- Expands access to composting for residents in multifamily housing and those who experience challenges with bear activity

Con(s):

- Driving food scraps to drop-off locations generates vehicle carbon emissions

Fiscal Impact:

- For the first year of the agreement, the City will contribute 50% of hauling fees for food scraps drop-off sites located within Asheville City limits not to exceed \$15,000 in FY24
- The Sustainability adopted operating budget for the current fiscal year includes \$15,000 to manage and implement the Food Scraps Drop-Off program.

Motion:

- Motion to approve a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County for Food scraps Drop-Off program co-management

Councilwoman Roney appreciated staff for working with Buncombe County to compost food waste.

RESOLUTION BOOK NO. 44 - PAGE 65

D. RESOLUTION NO. 23-96 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RECEIVE GRANT FUNDS FROM THE N.C. HOMELAND SECURITY GRANT PROGRAM TO REPLACE AN EXISTING ANTENNA ON A FIELD COMMUNICATION VEHICLE THAT COMMUNICATES THAT ENHANCES OUR ABILITY TO ESTABLISH AND MAINTAIN RESPONDER INTERNET CONNECTIVITY DURING DISASTER OR NETWORK OUTAGE

ORDINANCE NO. 5012 - BUDGET AMENDMENT FROM THE NORTH CAROLINA EMERGENCY MANAGEMENT HOMELAND SECURITY GRANT TO REPLACE AN EXISTING ANTENNA ON A FIELD COMMUNICATIONS VEHICLE

Action Requested: Adoption of a resolution to accept a grant from the North Carolina Emergency Management Homeland Security Grant Program for antenna replacement; and the associated budget amendment in the amount of \$20,000.

Background:

- Asheville Fire Department applied for and was awarded a Homeland Security Grant in the amount of \$20,000
- These funds will be used to replace an existing antenna on a communications vehicle.

- In order to restore and enhance the functionality of the Asheville Fire Department Field Communications trailer, the existing satellite antenna, and associated controller need to be replaced.
- The existing units, which were original to the trailer in 2012, have reached their end of life and are impeding the purpose of having satellite communications on the trailer.
- The replacement satellite antenna will restore our ability to establish and maintain internet connectivity no matter the environmental or man-made conditions.

Council Goal(s):

- Improve/Expand Core services
- Neighborhood Resilience

Committee(s):

- N/A

Pro(s):

- An increased ability to communicate with responders from other jurisdictions that can not operate on the City's Public Safety Radio System or who are outside the system coverage area.
- Increases responder safety and accountability of the City's resources when providing mutual aid to other jurisdictions.
- The redundant infrastructure will provide an additional margin of safety during emergency operations ensuring continued and reliable communications.

Con(s):

- None identified

Fiscal Impact:

- Matching funds are not required for this grant.

Motion:

- Motion to authorize the City Manager to receive grant money from the State of North Carolina Homeland Security Grant Program; and adopt a budget amendment in the amount of \$20,000 in the City's Special Revenue Fund budget for the grant.

**RESOLUTION BOOK NO. 44 - PAGE 66
ORDINANCE BOOK NO. 34 - PAGE 421**

E. RESOLUTION NO. 23-97 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A 5-YEAR CONTRACT WITH RECTRAC LLC (D/B/A VERMONT SYSTEMS) FOR PARKS AND RECREATION SOFTWARE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a five-year contract with RecTrac, LLC, d/b/a: Vermont Systems for Parks And Recreation Software.

Background:

- RecTrac software is used by the Parks and Recreation Department for Point-of-Sale (POS) transactions, event scheduling and ticketing, and venue reservations.
- The software provides the necessary tools for the Parks and Recreation Department to manage daily operations that include registration, rentals, memberships, donations, athletic leagues, ticketing, and electronic signature forms.

- The Parks and Recreation Department has been using this software since 2005, and the database and server have been maintained and updated by the I.T. Services Department on-premise.

Vendor Outreach Efforts:

- Vendor Outreach: RFP 298-APRMGTSOFTFY23 was posted on October 21, 2022.
- There were nine responses: SmartRec; CivicPlus; CommunityPass (aka Capturepoint); Kaizen Labs; Intelligenz; RecTrac; Rec Desk; Univerus; Xplor Recreation.
- One (1) ABI vendor submitted a proposal and was interviewed (Xplor Recreation).
- The vendor was not selected due to the software not being as robust or offering a level of customer experience we are able to offer with RecTrac.
- RecTrac, LLC, DBA: Vermont Systems was selected.
- The review committee awarded this vendor largely due to its robust ability to handle complex tasks, reporting, and continuous enhancements.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- N/A

Pro(s):

- The new 5-year contract with Vermont Systems' RecTrac software provides a fully hosted product (Software as a service).
- This allows for better security, data backup, and disaster recovery. Also, Vermont Systems' RecTrac software offers PCI-compliant credit card processing.
- RecTrac software provides the following functionality for the City:
 - Activity Registration – interface for staff setup and customer navigation/registration for programs.
 - Facility Reservation – to reserve a variety of facilities and shelters in person and online.
 - Membership Management – the ability to create a variety of memberships; sell memberships and/or key fobs for checking in.
 - Point-of-Sales – the ability to sell quick items and manage inventory.
 - Athletic League Management– the ability to set up registrations by team or individual.
 - Credit Card Processing (PCI-compliant) – provides PayTrac/WorldPay, a vendor-provided credit card processing gateway, for facilities, activities, and point-of-sale items.
 - Reporting/Financial Accounting – provides customizable reports that can be saved, emailed, or exported. The vendor developed GL interface report imports into the city's financial software Tyler Solutions - Munis.
 - Email/SMS – the ability to automatically send out emails and SMS messages to registered participants.

Con(s):

- Funding is only available for the first year.
- Future years will be planned for during the annual budget development process.

Fiscal Impact:

- Funding for the first year of this contract (\$33,683) is available in the Parks and Recreation Department operating budget.
- The total amount for the entire five year contract term is \$170,939.43.
- Future years will be planned for during the annual budget development process.

Motion:

- Motion to approve the adoption of the resolution authorizing the City Manager to enter into a five-year contract with RecTrac, LLC, DBA: Vermont Systems for Parks And Recreation Software.

RESOLUTION BOOK NO. 44 - PAGE 67

F. RESOLUTION NO. 23-98 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PATTON CONSTRUCTION GROUP OF ASHEVILLE FOR THE MEMORIAL STADIUM AND MOUNTAINSIDE PARK PHASE 2 IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with the lowest responsive and responsible bidder, Patton Construction Group of Asheville, in the amount of \$4,095,500, for the Memorial Stadium and Mountainside Park Phase 2 Improvements; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$475,000 (11.6%).

Background:

- Memorial Stadium and Mountainside Park improvements were listed on the November 2016 Parks Bond Referendum.
- The planned improvements were clearly defined by Asheville City Council on March 22, 2022. General scope items include:
 - New 6 lane, synthetic surface track (retaining wall required to accommodate maintenance road).
 - Remove and replace existing restroom building; remove existing concession building.
 - Improvements to the existing playground.
 - Install a new walking trail in Mountainside Park which transitions to a shared maintenance drive/walking trail connecting to the paved parking lot.
 - Remove western metal bleachers. Explore options for temporary seating in this location. (Which may include the construction of a concrete pad).
 - Excluded from the scope of Phase 2 are any physical improvements to the existing parking lot or work associated with relocating asset management from Hunt Hill.
- This construction phase is anticipated to begin summer 2023 with 12 months of construction.
- Bids were initially advertised on February 28, 2023.
- Zero bids were received at the bid opening deadline on March 30, 2023.
- The City could not open due to city policy and general statues.
- The project was readvertised on April 5, 2023, and the City received and opened bids on April 20, 2023.
- Three bids were submitted, their names and bid amounts are listed below:
 - Patton Construction Group, Asheville, NC, \$4,095,500.00
 - SIMCON Company LLC, Mount Airy, NC \$4,695,000
 - Hickory Construction Company, Hickory, NC \$4,699,000
- Patton Construction Group was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- ABI goal of 4.6% of the construction contract to go to Black, Asian or Native American contractors.
- 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.
- Women Owned Business subcontractors are being contracted for this work and are anticipated to complete 3.5% of the total work.
- The general contractor is encouraged to continue to use inclusive business practices if additional subcontractors are utilized.

Council Goal(s):

- A well planned and livable community

Committee(s):

- City Council reviewed and voted on 3/22/2022 to move forward with the Mountainside and Memorial Park improvements.

Pro(s):

- Benefits of these park improvements include opportunities for hosting new track events, community health and fitness and responding to community needs and prior commitments.

Con(s):

- Removing and relocating turf and stormwater that was recently installed.
- Potential adverse impacts of increased traffic and parking conflicts within the neighborhood during track events.

Fiscal Impact:

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

Motion:

- Motion authorizing the City Manager to enter into a construction contract with the low responsive and responsible bidder, Patton Construction Group of Asheville, in the amount of \$4,095,500, for the Memorial Stadium and Mountainside Park Phase 2 Improvements; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$475,000 (11.6%).

Sandra Aldridge supported Memorial Stadium as a place for children and adults; however, was concerned about the amount of money for this project since we have so many other needs, i.e., sidewalks.

Director of Capital Projects Jade Dundas said that the details of Memorial Stadium have been agreed upon by City Council since last March. There are no offsite sidewalks; however, there are pedestrian accessibility improvements within the stadium.

RESOLUTION BOOK NO. 44 - PAGE 68

G. RESOLUTION NO. 23-99 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN CONTRACT WITH ADC ENGINEERING INC. FOR THE NATURE CENTER GATEWAY PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a design contract with ADC Engineering, Inc. in the amount of \$127,418.00, for the Nature Center Gateway project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$13,000 (~10%).

Background:

- Phase I improvements for the Nature Center Gateway to the Southern Appalachians Project were completed in 2018 with the entry and visitor plaza center being relocated and included parking and drop off drive for a complete arrival experience.
- This phase of the project was kicked off in 2019 as the Nature Center Butterfly Garden Project.
- With additional funding from the Tourism Product Development Fund (TPDF), the Nature Center has been able to expand the scope of this project phase to include additional improvements such as a new 800 square foot gift shop.
- General scope items include the design of a new gift shop, barn updates and modifications, reconfiguration of the domestic farm animal exhibit, removal of the elephant care building, new open guest plaza/lawn, retaining wall work, and a butterfly exhibit including native plantings.
- A Request for Qualifications was published on January 19, 2023
- Responsive qualifications were received on February 15, 2023, from three teams:
 - ADC Engineering, Greenville, SC
 - Surface 678, PA Durham, NC
 - Szostak Design, Chapel Hill, NC
- Qualifications were reviewed and ranked by an internal team who determined that ADC Engineering, Inc. was the most qualified candidate.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted qualifications or letters of interest for this phase of the project. Further efforts will be made with the future construction phase.

Council Goal(s):

- Well planned and livable community. A thriving local economy.

Committee(s):

- None.

Pro(s):

- Increased attendance and increased revenues to help offset operating costs at the Nature Center.
- Increase programming for after hours events.
- Animal welfare will be improved with different ground surfaces and inclines.
- Continuing to fulfill the 2010 Nature Center master plan "Vision for the Future."
- Additional educational opportunities.

Con(s):

- Existing facility and guest/animal impacts during construction.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a design contract with ADC Engineering, Inc. in the amount of \$127,418.00, for the Nature Center Gateway project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$13,000.00 (~10%).

RESOLUTION BOOK NO. 44 - PAGE 69

H. RESOLUTION NO. 23-100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH KIMLEY HORN FOR THE SWANNANOA RIVER ROAD FLOOD MITIGATION AND DAMAGE REDUCTION FEASIBILITY STUDY TO SUPPORT ENGINEERING FINDINGS FOR THE SWANNANOA TRANSPORTATION CORRIDOR RESILIENCY PLAN

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a professional services contract with Kimley Horn, not to exceed \$150,000, for the Swannanoa River Road Flood Mitigation and Damage Reduction Feasibility Study to support preliminary engineering findings for the Swannanoa Transportation Corridor Resiliency Plan.

Background:

- City Council approved Resolution 22-254 on December 13, 2022, authorizing the City Manager to accept \$150,000 in grant funds from the Golden Leaf Foundation to conduct the Swannanoa River Road Flood Mitigation and Damage Reduction Feasibility Study.
- The scope of work includes the following items:
 - Identify flood patterns.
 - Identify flood impacts on public infrastructure and private properties.
 - Evaluate and make recommendations for conceptual plan options of a re-envisioned Swannanoa River Road corridor that provides for a resilient transportation corridor, a greenway, additional public open space, and potential flood mitigation and damage reductions.
 - Provide a planning-level cost estimate to implement the plan.
 - Inform ongoing City and North Carolina Department of Transportation (NCDOT) planning efforts related to the future reconstruction of Swannanoa River Road and the Swannanoa River Greenway.
- The project will be managed collaboratively between the Public Works Department and the Transportation Department and is anticipated to begin in June 2023, with an anticipated completion date in December 2024.
- The City and the Golden Leaf Foundation executed the agreement for the grant on March 21, 2023.

Vendor Outreach Efforts:

- The Request for Qualifications process followed all state and organizational requirements for an equitable selection process by an ad hoc selection committee group, including representatives from city staff and Land of Sky Council of Governments staff.

Council Goal(s):

- Improve / Expand Core Service and Neighborhood Resilience.

Committee(s):

- None (Council approved [Resolution 22-254](#) on December 13, 2022, authorizing the City

Manager to apply for and accept funds from the Golden Leaf Foundation to conduct this flood study for this project area).

Pro(s):

- Determine patterns and impacts of recurring flooding.
- Provide recommendations for potential flood reduction, mitigation, and increased climate resiliency.
- Help with ongoing planning efforts related to the future reconstruction of the Swannanoa River Road and the Swannanoa River Greenway.
- The Land of Sky Regional Council (LOSRC) will manage the project.

Con(s):

- Transportation Department and Public Works Department staff time.
- Recommendations could impact limited City resources.

Fiscal Impact:

- Funding for this contract was previously budgeted and is available in the Special Revenue Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into and execute a professional services contract with Kimley Horn, not to exceed \$150,000, for the Swannanoa River Road Flood Mitigation and Damage Reduction Feasibility Study to support preliminary engineering findings for the Swannanoa Transportation Corridor Resiliency Plan.

RESOLUTION BOOK NO. 44 - PAGE 70

I. RESOLUTION NO. 23-101 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH MCADAMS FOR THE REED CREEK GREENWAY EXTENSION FEASIBILITY STUDY

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a contract with McAdams, in the amount of \$50,000, for professional services to prepare the Reed Creek Greenway Extension Feasibility Study.

Background:

- In 2022, the City was awarded a planning grant from the French Broad River Metropolitan Planning Organization (FBRMPO) to prepare a feasibility study to evaluate potential alignments along the northern and southern sections of the existing Reed Creek Greenway and the transition area between the Reed Creek Greenway and the Glenn Creek Greenway.
- The feasibility study will provide information that will help with the future design of these sections, which will be accomplished under a future contract.
- The City and the FBRMPO entered into a grant agreement for the feasibility study on June 10, 2022.

Vendor Outreach Efforts:

- Staff performed a solicitation process which included advertising Requests for Statements of Qualifications for Professional Services on the State's Historically Underutilized Businesses (HUB) website.
- An ad-hoc Selection Committee was formed to select the most qualified firm and included members from internal City departments, the Montford Neighborhood Association,

FBRMPO, the North Carolina Department of Transportation (NCDOT), and UNC Asheville.

- McAdams firm is a pre-qualified vendor with NCDOT through the work code 132 - Landscape & Streetscape Design and is registered as a RS-2 Prime Consultant Firm, as required by the project funding.

Council Goal(s):

- Improve / Expand Core Services

Committee(s): N/A

Pro(s):

- Enable the City to determine the most appropriate alignments for the subject sections.
- Aid the City during the future design phase.
- Satisfies a recommendation from the adopted GAP Plan.

Con(s):

- \$10,000 in matching funds is required.

Fiscal Impact:

- Funding for the \$10,000 local grant match was previously budgeted and is available in the City's General Capital Projects Fund.

Motion:

- Authorize the City Manager to enter into and execute a contract with McAdams, in the amount of \$50,000, for professional services to prepare the Reed Creek Greenway Extension Feasibility Study.

RESOLUTION BOOK NO. 44 - PAGE 71

- J. RESOLUTION NO. 23-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CITY TO MAKE REVISIONS TO THE EXISTING TRAFFIC SIGNAL AT THE INTERSECTION OF NC 81 (SWANNANOVA RIVER ROAD) AND BLEACHERY BOULEVARD; AND TO SUBMIT PAYMENT UPON PARTIAL EXECUTION OF THE AGREEMENT BY THE CITY**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a traffic - review and inspection agreement with the North Carolina Department of Transportation (NCDOT) for the City to make revisions to the existing traffic signal at the intersection of NC 81 (Swannanoa River Road) and Bleachery Boulevard and to submit payment in the amount of \$5,000 upon partial execution of the agreement by the City.

Background:

- The Swannanoa River Greenway Section 1 project is a 2016 Bond funded project that begins at the intersection of Glendale Avenue and Thompson Street and ends at the intersection of NC 81 (Swannanoa River Road) and Bleachery Boulevard.
- The total budgeted cost for the design and construction phases of the project is \$6.1 million.
- The Tourism Development Authority awarded the City a Tourism Product Development Fund grant in the amount of \$2.3 million for this project.
- The scope of work to the existing traffic signal at the intersection of NC 81 (Swannanoa River Road) and Bleachery Boulevard includes revisions to the existing pedestrian

signalization and curb ramps to accommodate lane changes and the addition of a widened 12-foot multi-use transportation path on the Bleachery Boulevard bridge.

- No additional right-of-way is needed for the subject work.
- The City is responsible to fully fund the traffic signal revisions including design, materials, and installation.
- The NCDOT will review the design and inspect the work during the construction phase.
- Upon completion of the project, the NCDOT will continue to own and maintain the traffic signal.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- The subject project will enable the intersection to operate in a more efficient and safe manner for all modes of travel.
- The subject project will provide a better connection to the Swannanoa River Greenway.

Con(s):

- None

Fiscal Impact:

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

Suggested Motion:

- Motion to authorize the City Manager to enter into and execute a traffic - review and inspection agreement with the North Carolina Department of Transportation (NCDOT) for the City to make revisions to the existing traffic signal at the intersection of NC 81 (Swannanoa River Road) and Bleachery Boulevard and to submit payment in the amount of \$5,000 upon partial execution of the agreement by the City.

RESOLUTION BOOK NO. 44 - PAGE 72

K. CONFIRMATION OF SETTLEMENT AGREEMENT IN MATTHEW ROUS V. CITY OF ASHEVILLE ND BRETT L. FOUST

Settlement Report: In accordance with NCGS § 143-318.11(a)(3), the City Attorney's office hereby reports that a settlement has been completed in the matter of Matthew Rous v. City of Asheville and Brett L. Foust, Civil Action No.: 1:22-CV-00005. The Plaintiff has dismissed all claims raised in this matter in exchange for \$75,000.

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

III. PRESENTATIONS & REPORTS:

A. PRESENTATION OF THE FISCAL YEAR 2024 ANNUAL OPERATING BUDGET

City Manager Campbell said that we have reached an important milestone in the budget process. Tonight staff will be presenting the Manager's Proposed Fiscal Year 2023- 2024 budget. Before we dive into the details of the budget, she wanted to begin by thanking our incredibly hard working staff. As you know, the budget process takes a village with input provided by staff in all of our City Departments. But, she wanted to especially acknowledge and thank staff in our Finance and Management Department, Finance Director Tony McDowell, staff in the Budget Division, led by Taylor Floyd, and our budget analysts Heather Curry, Abigail Riley and Liz Greene for their patience throughout this process but especially for their professionalism and technical advice. She also wanted to thank Mayor Manheimer and City Council for their service to this great City and for their time, for the input and guidance you have provided thus far in this process, as well as community members who participated in the on-line survey of budget priorities. She said a lot of the information that will be presented tonight has already been shared with Council and the public over the past several worksessions so forgive us for being repetitive, but in case there are people in the community who are seeing or hearing this budget presentation for the first time, we wanted to provide the background, full context and rationale for the proposed recommendations.

She said the key takeaways are (1) While revenue growth continues (especially sales taxes), identified needs and departmental budget requests exceed available funding capacity; (2) This Fiscal Year 2023-24 Proposed Budget, totals \$239.7 Million with no tax increase or change recommended to the current property tax rate; (3) Without a property tax increase, balancing the Fiscal Year (FY) 2024 Proposed Budget requires unconventional use of our budget reserves or our fund balance; (4) Using this source of revenue, Strategic One-time investments are prioritized versus using these funds for recurring expenses in order to minimize impacts on future budgets; (5) Like most budget processes, a lot of time and energy usually goes into identifying new and expanded services and programs; (6) However, the majority of this recommended budget continues to fund existing and traditional services that are delivered by our 17 City departments as well as other programs and initiatives like the Housing Trust Fund, City/County Property Tax Mitigation Program, Street outreach for the unsheltered, Neighborhood Matching Grants, Litter and Cleanliness and Reparations; and (7) The new or needed investments being recommended in this budget principally respond to increasing operating costs, enhancing the tools or infrastructure essential to efficient and effective service delivery, staff retention and recruitment, Council Priorities and community safety needs.

She said that as we look ahead to starting a new fiscal year, she was very excited by the opportunity to work with City Council, staff, and the community to move ahead with the key initiatives recommended in this budget that we believe will improve internal operations but more importantly enhance the lives of people who live, work, play, visit, and do business in the City of Asheville.

Budget Manager Taylor Floyd reviewed of the FY 2023 Manager's proposed budget highlights: (1) While revenue growth continues (especially sales taxes), identified needs and departmental budget requests exceed available funding capacity; (2) Without a property tax increase, balancing the FY 2024 proposed budget requires unconventional use of fund balance; (3) Strategic one-time investments are prioritized; and (4) Other new investments principally respond to increasing operating costs, infrastructure essential to service delivery, staff retention and recruitment, Council priorities and community safety needs.

Mr. Floyd said the public input survey resulted in (1) increase investment in community safety and emergency response (a) emphasis on police recruitment, retention, and presence; and (b) emphasis on downtown; (2) increase investment in water production and distribution -

emphasis on maintenance and avoiding major failures; and (3) prioritize core infrastructure for the next five years of capital investment - emphasis on roads, sidewalks and housing.

Mr. Floyd then reviewed the General Fund summary, along with the General Fund overview.

He then reviewed examples of ongoing investments in the City Council priorities. He reviewed the compensation and benefits (1) recommending a variety of adjustments to recruit and retain employees, especially for Asheville Police Department and other hard to fill positions; and (2) recommendations will meet Just Economics "Pledged" Living Wage. He reviewed the total compensation and benefits; compensation recommendations; and benefit recommendations.

Mr. Floyd then reviewed the additional new investments proposed in the following categories: community safety and emergency response; community engagement and public information; trash and recycling collection; entertainment programming; administration and financial management; parks and facilities maintenance and construction; sidewalk and roadway maintenance; code enforcement and urban planning; water production and distribution system; stormwater drainage system; parking; transit; and other additional investments. The additional investments summary is (1) compensation and benefit changes impact all city services; (2) total of 20 new positions; (3) focus on basic City services - community safety and infrastructure; and (4) alignment with Council priorities.

Mr. Floyd reviewed the CIP highlights, showing the FY 2023 overview in the General Fund; adjustments to the 5-year CIP; and the Comprehensive Facility Study. Capital challenges and opportunities are (1) additional resources are needed to maintain existing facilities and infrastructure; (2) planning work is underway to prioritize investments; and (3) working towards developing a 2024 General Obligation bond referendum.

Councilwoman Roney appreciated the staff inclusion of an Urban Forestry Master Plan in this budget. We have a recommendation from the Urban Forestry Commission to join in partnership for Inflation Reduction Act funding, not just for an Urban Forestry Master Plan but also implementation that could jump start our work to repair and maintain our tree canopy. This could reduce the cost budgeting for full-funding the plan in our budget.

Councilwoman Roney asked staff to reiterate the impact the fuel cost is having on transit. This item has veered in and out of the conversation, which is an annual reminder for her to prioritize hybrid buses at a minimum for long-term cost savings in addition to carbon reduction. Assistant City Manager Rachel Wood said that between FY 2019 and FY 2022, fuel expenses have been between 3% and 6% of the total transit expenses. The percentage increase in the fuel expense for FY 2023 (the current fiscal year) is estimated to be approx. 23%, or \$159k, more than FY 2022. It is estimated that in FY 2024, fuel expenses will be approximately 6.75% (\$852k) of the total expected transit expenses (\$12.6M).

Councilwoman Roney spoke about the pledged rate. At our agenda briefing on Thursday, she expressed concern about the conversation she had with some County Commissioners about recruiting and retaining staff across pay scales. Her concern is that by not keeping up with the base rate of other municipal employers in our community, we will lose even more of our dedicated staff who are critical to quality public services. The living wage rate of \$20.10 is based on the cost of housing in Buncombe, Henderson, and Madison counties. She appreciated that we're looking to complete our strategic priority process from the retreat, and that we might look at this together at that time. Her ask is that we consider meeting businesses and organizations in our community that are pledging living wages with no less than \$18-hour plus a commitment to 3% increase plus inflation, and that we look at projections starting in the Policy, Finance, and Human Resources Committee for recommendations to onramp living wages rate compliance because if we don't,

she was deeply concerned we will continue to see more vacancies and instead of on-ramping living wages, will be off-ramping our essential services and quality of life commitments we've made in our budget process.

Mayor Manheimer supported paying our employees what they deserve and need to live in our community, but also balancing that with not raising taxes on people who are also trying to live in our community. She looked forward to continuing this conversation early on in the budget process.

Mayor Manheimer said that we are finally in a place where we are seeing a lot of activity in our community, and monies in our budget, to enhance public safety and cleanliness.

Councilwoman Sage requested information regarding the City/County Tax Mitigation Program, the \$1.5 Million change in the Parking Fund, and Placemaking projects, all of which City Manager Campbell said she would provide to Council.

Mayor Manheimer said that the public hearing on the budget will be held on May 23, 2023.

B. SPORTS COMMISSION CONSULTANT RECOMMENDATION

Director of Community & Regional Entertainment Facilities Department Chris Corl outlined the following key takeaways from this presentation: (1) Asheville-Buncombe Regional Sports Commission (ABRSC) is a 501c3 currently funded by the TDA, Buncombe County & City; (2) Founding Members (Including City) elected to evaluate current structure of ABRSC; (3) Consultant recommends absorbing the Sports Commission into the TDA; and (4) No action requested presentation is to update Council on the study but items that may need to be discussed in the future will include: (a) Evaluation of current City funding to ABRSC; (b) Items to include in new bylaws; and (c) Event ownership & risk.

He provided the following history (1) 2010 - Founded by City of Asheville, Buncombe County, Tourism Development Authority and University of North Carolina Asheville (Founding Members); (2) Initial Funding Structure (annual) - City: \$50,000; County: \$50,000; TDA: \$50,000; and UNCA: In-kind use of facilities for events; (3) Initial Staffing Structure - 1 FTE, 1 part time seasonal; (4) Built to bring the SoCon back to Asheville & Execute; (5) Current Funding Structure (annual) - City: \$45,000; County: \$45,000; TDA: \$230,000; and UNCA: In-kind use of facilities for events; (7) Staffing Structure - 3 FTE (1 vacancy); and (8) In ~11 years hosted 53 major sports events in Buncombe County - 83% on City property; and 62% at HCCA.

The ABRSC's mission is "Asheville Buncombe Regional Sports Commission will identify and attract sports events and related meetings to enhance the health, wellness and quality of life for area residents and sports enthusiasts and will generate a positive economic impact by promoting our region as a recognized sporting destination.: Their vision is to host memorable sporting events that will enrich the lives of the athletes and spectators.

Event diversity are as follows: Youth Sports Tournaments; High School Tournaments; Adult Amature Tournaments; NCAA Basketball, Westling; Professional Tennis; Runs - 5k, half/full marathons; Spartan Race; Bike Races - Road & Mountain; and Cornhole. Their impact in 2022 are as follows: 21 Events; \$19.2M in Direct Spend; \$31.5M Economic Impact to Buncombe County; \$944,000 in Local Taxes Generated; Free access to basketball/tennis events & camps to 4,509 elementary or middle school students; and \$5,000 in scholarships to local high school students. Return on investment in 2022 is as follows: (1) City of Asheville Annual Financial Support (a) \$45,000 - Operations; and (b) In-Kind value (SoCon traffic management); and (2) Direct COA Revenues -HCCA Only - 2022 - \$640,405.

The consultant review reasoning is (1) Financial stability concerns (a) COVID; and (b) Funding sources; (2) Executive Director vacancy; (3) Vision for the Future; and (4) How to Expand & Grow the Commission.

Regarding the consultant study - Huddle Up Group (HUG), (1) Consultant Selected after Request for Proposals process; (2) Directed to assess (a) Current structure & bylaws; (b) Analyze the current funding model; (c) Optimize board and staff; and (d) Identify Critical relationships for future success; and (3) Conducted stakeholder engagement - Interviews, surveys, meetings etc.

The following are HUG recommendations (1) Staff of ABRSC should become part of the auspices of Explore Asheville (TDA) - TDA is participating in the process, listening sessions and considering recommendations along with the other founding members; (2) ABRSC's non-profit status should remain with bylaws rewritten (a) HUG's contract includes funding to re-write ABRSC's bylaws within the current scope IF founding members request a re-write; and (b) Founding Members annual support would continue to be provided to the non-profit entity; (3) Suggestion to reorganize the board of governance, currently four seats (Founding Members), to be expanded to seven seats (a) Explore Asheville (permanent seat); (b) City of Asheville (permanent seat); (c) Buncombe County (permanent seat); (d) UNC Asheville Athletics (permanent seat); (e) Economic Development Leader (3 yr terms); (f) Corporate Community Leader (3 yr terms); and (g) Youth Sports Leader (Chair of ABRSC advisory board); (4) Continue with ABRSC's Non-Profit Board (a) Four Seats appointed one each by founding members; and (b) Up to (21) additional seats appointed by board members, maximum total number of seats - 25 (i) Currently (18) total seats filled; and (5) Short Term Goals (a) Drive \$20M in new economic impact to the destination annually through hosting events; (b) Renew (4) annual events for 2024 and beyond; (c) Create (1) new event per year to replicate past success; (d) Secure events that will attract at least 30,000 new room nights during off-peak season in years 2024, 2025 & 2026; (e) Execute an annual recognition event with a positive financial return; (f) Provide access to sports camps/clinics for 100 underserved youth in our community each year; and (g) Commission an economic impact study to show the value sports tourism drives to Asheville in a given year.

The pros are: (1) Financial stability & administrative support; (2) Clearer definition of role in sports tourism sales; (3) Re-written bylaws; (4) More transparent 'founding member' board structure; (5) Long term growth potential in economic impact & as an organization is greater; and (6) Strengthens partnership between TDA & ABRSC. Cons are (1) Securing sponsorship may be more challenging under perception of a TDA function; (2) Volunteerism concerns; (3) Less 'control' by the volunteer non-profit ABRSC board; (4) Potential shift in event logistics responsibility; and (5) Unlikely to 'regionalize'.

Items for consideration include (1) Short & long term staffing plan; (2) Initial and goal of future operating budget; (3) Continuation & growth of locally focused youth programming opportunities; (4) Continuation & growth of jobs in sports programming & training opportunities; (5) Evaluate current City funding to ABRSC; (6) New board - Total number of seats, area focus; and (7) Event ownership & risk - Who assumes risk responsibility for current ABRSC 'owned/co-owned' events (a) SoCon, Grapple, one-offs.

Mr. Corl noted that there is no scheduled vote at this time to act upon HUG's recommendation.

Councilwoman Roney said that while national and global conversations about sports business ecology are looking into the structures and hierarchy of systems—literally who benefits, who's making money and who's labor is being exploited—we also have an opportunity here in Asheville and WNC to: 1) do better resource mapping and 2) ensure community benefits including youth connections to our sports systems. Regarding resource mapping: We can work

with our partners to ensure we maintain facilities and address gaps—like swim or pickleball. Example of the Grant Center pool, which was at one point considered for olympic-level swimming, which could have meant facilities and programming as part of a larger swim system. A similar conversation could happen around track—what are our short, medium, and long-term goals so we don't duplicate or overextend our maintenance capacity in the region? What are the programming demands and the entire infrastructure needs to support in and around facilities in our neighborhoods, what other needs in our community can be met in these facilities for multi-layered benefits for our neighborhoods? Example of now being able to host family-friendly, affordable events at McCormick: movie night, gospel night, etc. Regarding connecting our locals, especially youth, through programming priorities and proximity as part of neighborhood resiliency and economic mobility strategies. Not going to dig into the weeds too far here, but when you look at the long-term salaries in comparison to major injuries, there are local examples of why it makes dollars and sense to invest in complete systems to level up local athletes while ensuring community benefits in agreements for facility use and through partnerships. She sees this new information as an opportunity to stay at the table with partners. The Sports Commission could immediately implement suggestions to grow the voting board and review the bylaws. Hear the suggestion to focus on new events, concern about competing uses, would hope that there would be a balance of focus on community benefits and access to facilities. In addition to youth programming, be explicit around goals for local, family-friendly uses and consider elders, remembering from pickleball events that are multi-generational events.

Mr. Corl responded to various questions/comments throughout his presentation, some being, but are not limited to: can any risks be negotiated through a Memorandum of Understanding; are there other models of independent Sports Commissions vs. being brought into a Tourism Development Authority; possible reasons why we would not be able to regionalize; what kind of support would the City need to fill in the gap of the work the Sports Commission; request for a goal metrics for community benefits, along with goals for multi-generational programming.

Mayor Manheimer acknowledged that the City is only a ¼ partner in the current Sports Commission, but that we are greatly impacted in the outcome. She asked if the City could see the draft Memorandum of Understanding, and/or the 5-year plan. She would hate to make a premature decision and lose a lot of the things we don't have control over.

Councilwoman Ullman understood that growing our community is good through economic development, but wanted to know explicitly what that industry can give back to the community.

Councilwoman Turner, liaison to the Sports Commission, appreciated the Commission taking a step back and allowing others to better understand what is happening and what is being proposed. She said that she would provide Council with an update after the listening sessions take place.

C. MANAGER'S REPORT

Tourism Development Authority Grant Update

Assistant to the City Manager Jaime Matthews said the the key takeaways from this presentation are (1) grants from the Tourism Development Authority (TDA) provide the City with opportunities to leverage funds for tourism related capital projects; (2) the City's goal is to align capital needs with the allowable uses for TDA grant funding; (3) legislative changes allocated additional funding for grants and created several grant pathways to fund City projects; (4) the City continues to work closely with the TDA and Buncombe County to plan projects; (5) Phase 1 Applications for the Tourism Product Development Fund (TPDF) are due May 17, 2023; and (6)

Additional projects will be considered for TDA funding as part of the new Legacy Investment From Tourism (LIFT) fund in October 2023.

Regarding Occupancy Tax changes, House Bill 1057/SL 2022-40 amended the Local Occupancy Tax Rules: (1) Marketing allocation reduced from 75% to 66%; (2) Created the Legacy Investment from Tourism (LIFT) fund for tourism related projects that attract tourists or benefit the community at large; and (3) Changes debt service period of performance from 10 to 15 years.

She explained that the Tourism Product Development Fund (TPDF) are focused on major tourism capital projects. Legacy Investment from Tourism (LIFT) is focused on projects that: (1) Increase patronage of lodging facilities, meeting facilities, and convention facilities by attracting tourists, business travelers; and (2) Benefit the community at large in Buncombe County.

She said the 2023 TPDF project applications are Harrah's Cherokee Center - Asheville - up to \$2 Million; and the Municipal Golf Course - \$1 Million. 2023 LIFT project application is Coxe Avenue Complete Street (to be determined on the funding request). The 2023 Major Works Application is McCormick Field - Reallocation of 2020 Coxe Avenue grant - \$1.59 Million - 15 year debt service - \$1.4 Million/year.

She explained the 2023 TPDF grant cycle requests (1) HCCA - General Upgrades - Audio/visual & networking improvements; Concert audio & lighting equipment; Freight elevator replacement; HVAC upgrades; and (5) Loading dock structural work; and (2) Asheville Municipal Golf Course Phase 2 - Rebuild all remaining tee box complexes not complete in Phase 1; Rebuilding/restoring all remaining bunkers not complete in Phase 1; and Additional stormwater & water retention work.

Ms. Matthews then reviewed the upcoming possible project applications of (1) Infrastructure - I-26 recommended priorities; (2) affordable housing; (3) Pack Square; (4) infrastructure improvements downtown; and (5) greenways. Regional applications - Thomas Wolfe Auditorium, Harrah's Cherokee Center - Asheville; Municipal Golf Course; and Nature Center.

She then reviewed the 2023 grants timeline.

In response to Councilwoman Roney, Mr. Corl explained in a little more detail the general upgrades at Harrah's if the TPDF grant was awarded.

Homeless Initiative Advisory Committee and Point in Time Count

Homeless Strategy Division Manager Emily Ball reviewed with Council the key takeaways of the Homeless Initiative Advisory Committee (HIAC) as the Homeless Initiative Advisory Committee has begun implementation of recommendations from the National Alliance to End Homelessness; (1) Active transition to a new way of working together as a community; and (2) Work groups taking action on recommendations on Shelter, Outreach and Encampment Response, Coordinated Entry, and Governance.

She said that the primary recommendation from the National Alliance to End Homelessness on decreasing unsheltered homelessness is to reorient our Continuum of Care, creating seats at the table for stakeholders to work together effectively. The Continuum of Care is currently led by the HIAC. The HIAC has begun implementing 4 high-priority recommendations through a series of work groups - Shelter; Outreach and Encampment Response; Coordinated Entry; and Governance. Work groups will propose policies/plans to HIAC for approval, and HIAC

will advance those to the City, County, etc. as relevant. The goal is for the CoC Board to hold issue ownership and be in the driver's seat on our community's homeless strategy.

Ms. Ball then reviewed the key takeaways from the 2023 Point in Time (PIT) Count. She said the 2023 Point-in-Time Count results have been submitted (1) Overall count is more in line with historic population size; (2) Shelter beds are coming back online as pandemic recovery continues; (3) Unsheltered homelessness continues to be higher than pre-pandemic rates; and (4) As HMIS utilization continues to improve, data will improve.

She reviewed the background being (1) PIT Count federally required during the last 10 days of January for all CoCs, providing a census of people who meet the federal definition of literal homelessness (emergency shelter, transitional housing, and unsheltered) - HIAC may consider additional counts based on seasonal trends; (2) PIT counts cover the full CoC, so all of Buncombe County; (3) Homeless Strategy Division staff work with providers and volunteers to collect survey data and aggregate deduplicated results; (4) Results were submitted to the US Department of Housing and Urban Development (HUD) on April 28, 2023; (5) Data inform federal resources and strategy; (6) Asheville-Buncombe CoC's count was conducted January 31, 2023; (7) Shelters and transitional housing programs provided data on people in their programs that night; (8) 75 volunteers conducted a street count to identify and survey people who were unsheltered - Largest volunteer effort our CoC has had; (9) AHOPE and Haywood Street also surveyed unsheltered people the following day; and (10) Participation is voluntary - Multiple people declined interviews, and 16 unsheltered surveys received were discarded due to lack of data.

She then provided the following overview of sheltered and unsheltered from 2020 through 2023, along with the demographic characteristics.

	2020*	2021	2022	2023
Sheltered	482	411	405	402
Unsheltered	65	116	232	171
Total	547	527	637	573

- Pre-pandemic baseline.

Population characteristics:

- 88% single adults, 12% families
- 21% Chronically homeless (12 months + disability)
- 34% veterans

She then provided Council with the responses to the supplemental unsheltered survey questions: (1) When you last had housing, where was it; (2) and what's the main reason you aren't staying at a shelter right now.

She said next steps are (1) HIAC will review and unpack results at their May 11 meeting; (2) Goal is to increase utilization of the Homeless Management Information System (HMIS) for more accurate year-round data - Data will increasingly inform HIAC's strategies as quantity/quality improve; and Anticipate new CoC governance structure will reflect focus on

performance and data; (3) Full dataset will be posted on the Homeless Strategy Division webpage; (4) Staff expect that the two new Permanent Supportive Housing projects coming online this year will impact the 2024 count; and (5) Staff will provide regular updates to HCD on HIAC's progress.

Councilmember Roney asked if this decrease in PIT would impact our funding streams. Visual and actual burden, people experiencing deep need from the outcomes of lack of access to housing and healthcare as human rights. Notices the loss of gleaning—less cash and tradable resources like aluminum cans for recycling. Acknowledging PIT is a tool, she appreciated the challenges named. She expressed concern about people who are pushed to the fringes and into the neighborhoods, farther away from resources and also harder to identify. Didn't count didn't include the people in her neighborhood, for example, or people who didn't want to be counted. She wants to hold on to hope, to appreciate the new tools and partnerships we're using, but we still have a long way to go.

Ms. Ball responded to various questions/comments from Council throughout her presentation, noting that many questions would be addressed when the HIAC reviews this information at their meeting later this week.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE SUBMITTAL OF THE 2023-2024 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANTS AND HOME INVESTMENT PARTNERSHIP PROGRAM TO THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT ALONG WITH THE ANNUAL ACTION PLAN AMENDMENTS FOR YEARS 2019-2020 AND 2022-23 THAT INCLUDES PRIOR YEAR RESOURCES TO BE ROLLED FORWARD INTO 2023-2024 PROJECTS AND AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS TO THIS EFFECT

RESOLUTION NO. 23-103 - RESOLUTION AUTHORIZING THE SUBMITTAL OF THE 2023-2024 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANTS AND HOME INVESTMENT PARTNERSHIP PROGRAM TO THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT ALONG WITH THE ANNUAL ACTION PLAN AMENDMENTS FOR YEARS 2019-2020 AND 2022-23 THAT INCLUDES PRIOR YEAR RESOURCES TO BE ROLLED FORWARD INTO 2023-2024 PROJECTS AND AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS TO THIS EFFECT

Community & Economic Development Director Nikki Reid said that this is the consideration of a resolution authorizing the submittal of the 2023-2024 Annual Action Plan for the Community Development Block Grants and HOME Investment Partnerships Program to the U.S. Dept. of Housing and Urban Development along with the Annual Action Plan Amendments for years 2019-2020 and 2022-2023 that includes prior year resources to be rolled forward into 2023-2024 projects and authorizing the City Manager to sign all necessary documents to this effect. This public hearing was advertised on April 28, 2023.

Background:

- The City of Asheville is an entitlement community and participating jurisdiction with the US Department of Housing and Urban Development and receives formula funding through the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME).

- The City receives these allocations annually through a federal formula allocation process.
- CDBG funds support housing and community development activities within the City of Asheville.
- HOME funds support affordable housing activities within the four-county Consortium region including Buncombe, Madison, Transylvania, and Henderson Counties.
- In 2020, the City also received a one-time formula allocation of CDBG-Covid Relief (CDBG-CV) funds, issued with the purpose of preparing for, preventing, and responding to coronavirus.
- Currently, there is a total of \$193,157.10 available in CDBG-CV funding that remains unspent and needs to be allocated.
- All funded activities must be in alignment with the goals and priorities outlined in the City's Five Year Consolidated Plan.
- On February 28, 2023, HUD released the 2023-2024 formula allocations for the CDBG and HOME programs.
 - The City was awarded \$1,034,817 in CDBG funding and estimates \$72,000 in Program Income.
 - The total amount of CDBG funding available is \$1,106,817.
 - The City was awarded \$1,318,357 in HOME funding and has received \$428,019 in Program Income.
 - In addition, prior year HOME funding resources have been rolled forward into the funding available for the 2023-2024 Annual Action Plan funding recommendations for a total of \$2,696,376.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Housing and Community Development Committee - February 8 2023 - recommended to Council with a unanimous vote in favor of CDBG-CV funding allocations.
- Asheville Regional Housing Consortium Board - March 17, 2023 - HOME presentations heard from applicant agencies.
- Housing and Community Development - March 21, 2023 - CDBG presentations heard from applicant agencies.
- Asheville Regional Housing Consortium Board - March 22, 2023 - Initial HOME funding recommendations discussed.
- Housing and Community Development Committee - March 29 2023 - recommended to Council with a unanimous vote in favor of CDBG and additional CDBG-CV funding recommendations.
- Asheville Regional Housing Consortium Board – March 29, 2023 - recommended to Council with a vote of twelve (12) in favor of HOME funding recommendations with one (1) opposed.

Pro(s)

- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing and jobs and to make positive impacts in our low and moderate income communities.

Con(s)

- It is not always possible to fund all of the applications received and many agencies funded will receive less than the amounts requested.

Fiscal Impact:

- The Annual Action Plan is fully funded from federal CDBG and HOME entitlement grants, unspent funds from prior-year allocations, and estimated program income.
- Staff costs to administer the program are paid from federal sources.
- The FY 2023-24 budgets for both the CDBG and HOME programs will be included in the annual budget ordinance adopted by City Council.

Ms. Reid said the key takeaways from this presentation are (1) HOME Partnership funds to support affordable housing, public services, economic development and community improvements. In 2020, a one-time federal allocation of CDBG-CV funds was issued in response to coronavirus; (2) The Housing and Community Development Committee (HCD) recommends the following awards: (a) Community Development Block Grant Program (CDBG) Funding = \$1,106,817 - Total of twelve grants plus staff administration; and (b) CDBG-CV remaining funding = \$193,157.10 - Two grants; (3) The Asheville Regional Housing Consortium (ARHC) recommends the following awards: HOME Investment Partnership Program (HOME) Funding = \$2,696,376 - Total of nine grants plus staff administration; and (4) The public hearing is the final step in submitting the 2023-2024 Annual Action to HUD to define the community investments with these federal funding sources. She reviewed the application background process, along with the consolidated plan priorities. She then reviewed the recommendations for the CDBG public services, the CDBG non-public services, the CDBG-CV; and the HOME funds.

Mayor Manheimer opened the public hearing at 7:18 p.m., and when no one spoke, she closed the public hearing at 7:18 p.m.

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

Councilwoman Mosley moved to adopt a resolution authorizing the submission of the City's FY 2023-2024 Annual Action Plan to the U.S. Department of Housing and Urban Development along with the Annual Action Plan Amendments for years 2019-2020 and 2022-2023 that include prior year resources to be rolled forward into the 2023-2024 CDBG and HOME projects and authorizing the City Manager to sign all necessary documents to this effect. This motion was seconded by Councilwoman Ullman and carried unanimously.

RESOLUTION BOOK NO. 44 – PAGE 73

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO SECTION 7-11-4 OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE STANDARDS

ORDINANCE NO. 5013 - ORDINANCE TO AMEND SECTION 7-11-4 OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE STANDARDS

Principal Planner Will Satvika that this is the consideration of an ordinance to amend Section 7-11-4 of the Unified Development Ordinance to update open space standards. This public hearing was advertised on April 28 and May 5, 2021.

Background:

- The UDO section regulating open space was amended and adopted on July 26, 2022 with the purpose of reducing open space requirements for projects on sites less than 1 acre in size, as well as incentivizing higher quality open space.

- The amendment also incentivized development projects on 1 or more acres to either: 1) provide a minimum amount of affordable housing, or 2) upgrade sites to meet current stormwater standards.
- The current code provides exemptions in cases where open space standards are not required to be met, including for new construction or additions of less than 1,500 square feet. This has become apparent as too restrictive for large sites (over one acre) seeking to add an addition of greater than 1,500 square feet.
- These sites are not able to meet the 50% open space requirement, nor are they able to reduce the required open space to 20% as they are not able to meet the affordable housing incentive due to the nature of the land use, nor the stormwater compliance incentive without redeveloping the entire site to add stormwater infrastructure.
- This change would support the intent of the ordinance to support adaptive reuse of properties by changing the exemption for new expansions or additions to 50% of the building's pre-expansion gross floor footage, which aligns with Sec 7-11-1 of the code regarding site compliance thresholds.
- This amendment would also clarify the intent of UDO Sec. 7-11-4(d)(1)(b), in that "natural open space" is allowed to meet up to 50% of the total open space requirement, regardless of the type of natural feature identified.
- This amendment would also remove "historic resources" from subsection (d) regarding "Open space typologies" as "properties with historic landmark designations" are exempted from open space requirements in subsection (c).

Comprehensive Plan Consistency:

- This proposal supports a number of goals in the *Living Asheville Comprehensive Plan*, including:
 - **Increase and Diversify the Housing Supply** - by reducing administrative barriers to housing development and diversification.
 - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** - by supporting contextually appropriate infill development and a variety of housing types.
 - **Promote Great Architecture and Urban Design to Enhance Placemaking** - by promoting adaptive reuse as a means of conserving materials, history, and embodied energy in buildings.

Council Goal(s):

- A Well-Planned and Livable Community.

Committees:

- Planning & Zoning Commission (PZC) - April 5, 2023 - Approved, 5:0.

Pros:

- Allows for the additions and expansions of existing buildings up to 50% of the pre-expansion floor area, which matches the threshold for full site compliance as cited in UDO Sec. 7-11-1.
- Provides clarity regarding how much "natural open space" can count towards a site's total open space requirement, regardless of the type of natural feature.
- Removes duplicative code regarding historic resources as properties with historic landmark designation are already exempted from open space requirements.

Cons:

- Some sites now would not be required to meet the new open space standards nor be incentivized to redevelop to meet affordable housing or stormwater standards.

Staff Recommendation:

- Staff recommends approval of this zoning text amendment request based on the reasons stated above.

Mr. Palmquist gave the following background of the amendment: (1) The UDO section regulating open space was amended and adopted on July 26, 2022 with the purpose of reducing open space requirements for projects on sites less than 1 acre in size, as well as incentivizing higher quality open space; and (2) The amendment also incentivized development projects on 1 or more acres to either: 1) provide a minimum amount of affordable housing, or 2) upgrade sites to meet current stormwater standards. Issues identified are (1) The current code provides exemptions in cases where open space standards are not required to be met, including for new construction or additions of less than 1,500 square feet. This has become apparent as too restrictive for large sites (over one acre) seeking to add an addition of greater than 1,500 square feet; and (2) These sites are not able to meet the 50% open space requirement, nor are they able to reduce the required open space to 20% as they are not able to meet the affordable housing incentive due to the nature of the land use, nor the stormwater compliance incentive without redeveloping the entire site to add stormwater infrastructure. The following are the proposed changes: (1) This change would support the intent of the ordinance to support adaptive reuse of properties by changing the exemption for new expansions or additions to 50% of the building's pre-expansion gross floor footage, which aligns with Sec 7-11-1 of the code regarding site compliance thresholds; (2) This amendment would also clarify the intent of UDO Sec. 7-11-4(d)(1)(b), in that "natural open space" is allowed to meet up to 50% of the total open space requirement, regardless of the type of natural feature identified; and (3) This amendment would also remove "historic resources" from subsection (d) regarding "Open space typologies" as "properties with historic landmark designations" are exempted from open space requirements in subsection (c). He then outlined the pros and cons, along with the compliance with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed zoning text amendment.

At the request of Councilwoman Roney, Mr. Palmquist confirmed that there are other parts of Section 7-11 that have been recommended by the Urban Forestry Commission that might be considered at a later date.

Councilwoman Roney said that she hoped to be able to support this amendment with some of the recommended changes by the Urban Forestry Commission later this year; however, she would not be able to support this amendment, as she didn't support the change last year. She still has the same questions around impact on our tree canopy and the level of affordability when incentivizing housing development.

Mayor Manheimer opened the public hearing at 7:29 p.m., and when no one spoke, she closed the public hearing at 7:29 p.m.

Mayor Manheimer 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 proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances 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) reduce administrative barriers to housing development and diversification; 2) support contextually appropriate infill development and a variety of housing types; and, 3) promote adaptive reuse as a means of conserving materials, history, and embodied energy in buildings. This motion was seconded by Vice-Mayor Kilgore and carried on a 6-1 vote, with Councilwoman Roney voting "no."

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: concern about the safety and economic impacts of the Merrimon Avenue road diet and request for assessment and evaluation of the impact of the traffic lane reductions and the addition of bike lanes (presented change.org petition with 2,965 names and 30 petitions signed by business owners along Merrimon Avenue); clarification on grants for buses; need community engagement in the grants available from the Legacy Investment from Tourism; urge Council to keep the Sports Commission as is; need for traffic calming (had 33 signatures on traffic calming petition) on Deaverview from North Bear Creek Road to Pisgah View Road; need to have several questions answered before considering HUG's recommendations regarding the Sports Commission; support for increased public safety; need for a plan for new people coming across the border; need for pay increases for officers in order for them to live in the community they serve; support for making Asheville Police Department officers the highest paid officers in the state; need to invest in growing an economic sector that pays a living wage or more; concern over Asheville Police Department budget increase which does not address the underlying issue of mistrust; need a citizen committee to hold the police accountability; and need for City to step up with funds for rental assistance and not only rely on the federal government.

In response to comments about members of our community who may be part of the migrant community, Councilwoman Roney said that we are on the ancestral land of the Cherokee and the Anigiduwagi people. She then read the City's Vision as follows: "Asheville is a great place to live because we care about people, we invest in our city, and we celebrate our natural and cultural heritage. Our city is for everyone. Our urban environment and locally-based economy support workers, entrepreneurs and business owners, families and tourists, and people of all ages. Cultural diversity and social and economic equity are evident in all that we do. Our neighborhoods are strong, participation in civic life is widespread, and collaborative partnerships are the foundation of our success and what makes us special." She said we have a lot of work to do and hoped it may be so.

Closed Session

At 8:22 p.m., Councilwoman Ullman 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 statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The law that makes the information privileged and confidential is N.C. Gen. Stat. § 143-318.10(e), § 132-1.7(a) and (b); 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 Turner and carried unanimously.

At 9:44 p.m., Mayor Manheimer moved to come out of closed session. This motion was seconded by Councilwoman Roney and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:44 p.m.

CITY CLERK

MAYOR