

Tuesday – February 27, 2024 - 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:

A. PROCLAMATION PROCLAIMING MARCH 2024 AS “PROCUREMENT MONTH”

Mayor Manheimer read the proclamation proclaiming March, 2024, as "Procurement Month" in the City of Asheville. She presented the proclamation to Becki Ogles, Assistant Finance Director; Amy Patterson, Purchasing Manager; Elizabeth O’Shea, Assistant Purchasing Manager, Beatrice Abernathy, Purchasing Specialist; Sarah Armstrong, Contract Administrator; Tawnya Vess, Purchasing Coordinator; Andrew Carlson, Purchasing Coordinator; and Brenda Griffith, Administrative Assistant 1, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

Consent Agenda Item “B” was removed from the Consent Agenda until a later date.

A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON FEBRUARY 8, 2024, AND THE FORMAL MEETING HELD ON FEBRUARY 13, 2024

B. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ILLUMINATED LEADERSHIP SOLUTIONS FOR A COMMUNITY FACILITATOR TO SUPPORT PLANNING AND IMPLEMENTATION OF THE BOOSTING THE BLOCK PROJECT FUNDED BY THE MELLON FOUNDATION

BUDGET AMENDMENT FOR THE BOOSTING THE BLOCK PROJECT

These items were removed from the Consent Agenda for consideration at a later date.

Councilwoman Roney was surprised that we are not going with one of several, local Minority- and Women-Owned Business Enterprises (MWBE). How might local MWBE contractors build capacity if not through partnering on projects exactly like this one? She appreciated staff making time to revisit this application to review our process, remove urgency, and lean into relationships to better understand outcomes.

C. RESOLUTION NO. 24-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SWIM CLUB MANAGEMENT GROUP INC. FOR THE MANAGEMENT OF CITY AQUATIC FACILITIES FOR ONE YEAR, WITH TWO OPTIONAL RENEWALS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Swim Club Management Group, Inc., of Asheville, North Carolina, for management of City aquatic facilities for year 1 at \$158,329 with option to renew for up to two (2) additional years at Year 2: \$158,329 & Year 3: \$162,929; for a total contract amount not to exceed \$479,587.

Background:

- The Parks & Recreation Department operates pools at Dr. Wesley Grant Sr. Southside Center & Recreation Park during the summer seasons from June - August.
- The pool at Malvern Hills Park was initially included in the contract however once it was decided the pool will not open this Summer it was removed. If a decision is made to invest in Malvern after this Summer we can make the necessary adjustments prior to the second year renewal.
- Each year it has become increasingly difficult to recruit, hire and train qualified temporary seasonal workers in order to operate the pools safely and efficiently for the public.
- A Request for Proposals was advertised in November 2023 for interested companies to operate and maintain City of Asheville pools including all seasonal opening & closing procedures including cleaning, permitting, and maintenance, daily staffing, chemicals/supplies, and facility management of City pools throughout the pool season.
- The term of the contract was advertised as a (1) year with an option to renew for an additional (2) years.
- Swim Club Management Group, Inc. (SCM) was selected based on the qualifications, understanding of the scope of services, cost, and availability.
- The annual base contract fee has been reduced due to the recommended closure of the Malvern Hills Pool.
- Additionally, Swim Club Management Group, Inc. has agreed to provide additional staffing for a \$35 Hourly Rate per lifeguard for any event the City would request outside of normal operating hours. The City will determine the schedule with SCM, Inc and will not exceed \$5,000 annually.

Vendor Outreach Efforts:

- Outreach and engagement followed the City's business inclusion processes. These processes at a minimum require staff to outreach businesses that have a documented contracting disparity directly and/or through prime contractors. Department efforts included posting to the North Carolina Interactive Purchasing website and direct outreach to the one identified woman-owned business; however, no bids were received from contractors identified as MWBE.
- The following three responses were received:
 - Swim Club Management office is in Huntersville, NC: \$219,629
 - PMI LLC corporate office is in Fort Lauderdale, FL: \$267,915
 - USA Management Corporate office is in Cummings Georgia: \$294,669

Council Goal(s):

- A Thriving Local Economy
- A Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Contracting with a professional aquatic facilities management company for operations and maintenance ensures community pools will be operated in a safe, efficient manner and eliminate the obstacles associated with retaining an adequate number of certified staff.
- Reduces the seasonal hiring impacts on the Human Resources Department to recruit, hire and on-board temporary employees.
- Community pool operations will be operated with the adequate number of certified staff for the pool season.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Swim Club Management Group, Inc., of Asheville, North Carolina, for management of City aquatic facilities for year 1 at \$158,329 with option to renew for up to two (2) additional years at Year 2: \$158,329 & Year 3: \$162,929; for a total contract amount not to exceed \$479,587.

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D. RESOLUTION NO. 24-44 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PC CONSTRUCTION COMPANY FOR THE REHABILITATION FOR NORTH FORK FILTER 3 REHABILITATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction contract with PC Construction Company in the amount not to exceed \$828,300 (753,000.00 with 10% contingency) for North Fork Filter 3 rehabilitation.

Background:

- Filter 3 has been in service since 1978. While the media has been changed since that time the grouted block underdrain system is original.
- Due to age the grouting is no longer able to hold a seal between the clay tile underdrain system and the filter has been removed from service since it can not provide potable water in this condition.
- Taking a filter out of service reduces the capacity of the North Fork Facility to produce water.
- The City of Asheville's rated water production capacity is 43.5 million gallons per day normally. Current rated capacity without filter 3 at North Fork is 38.3 million gallons per day, which is adequate at this time to supply water for seasonal high demands of 25 million gallons per day.
- Structural restoration of the filter is required to return the North Fork Facility to designed treatment capacity.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through the solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The project was competitively bid as a formal bid.

- A pre-bid meeting was held on site at the North Fork Plant on December 6, 2023.
- Two bids were submitted on December 21, 2023. Since only 2 bids were received no bids were opened and the project was rebid.
- On January 11th two bids were again received and this time opened. Harper General Contractors \$912,000 and PC Construction Company \$753,000
- Following a review of the bids by City staff and the project engineers, PC Construction Company was selected as the lowest responsible, responsive bidder.

Council Goal(s):

- Resilient City

Committee(s):

- None

Pro(s):

- Ensures continued structural and operational integrity of City Water System infrastructure.
- Ensures continuous operation of North Fork Water Facility.
- Ensures Water Resources can continue to meet water system demand requirements

Con(s):

- None

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 contract with PC Construction Company in the amount not to exceed \$828,300 (753,000.00 with 10% contingency) for North Fork Filter 3 repairs.

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E. RESOLUTION NO. 24-45 - RESOLUTION AUTHORIZING THE CITY MANAGER, WATER RESOURCES DIRECTOR, OR ANY DESIGNEE OF EITHER, TO APPLY FOR LEAD SERVICE LINE REPLACEMENT FUNDING WITH THE N.C. DEPT. OF ENVIRONMENTAL QUALITY - DIVISION OF WATER INFRASTRUCTURE

Action Requested: Adoption of resolution authorizing the City Manager, Water Resources Department Director, or any designee of either, to apply for Lead Service Line Replacement funding with the N.C. Dept. of Environmental Quality - Division of Water Infrastructure.

Background:

- Water Resources is required to build an inventory of lead service lines and turn into NC Department of Environment Quality (NCDEQ) by October 16, 2024.
- Funds awarded through the NCDEQ Division of Infrastructure (DWI) will be used to help identify both the private and public sides of water service lines.
- Any lead service lines, lead connections or galvanized service lines will be replaced on both the public and private side if found during the inspection process.
- Funds can be used for both sides of the service line.

- One hundred percent (100%) of the project will be performed in areas deemed underserved by the NCDEQ Community Mapping, Climate Justice Map and the Census Block Map.
- Funds will be used to increase inventory service line confidence.
- This project will allow more lead connectors and galvanized lines preceded by lead to be identified/removed from the distribution system in project areas.
- This grant/loan would be for \$2Million. The entire loan would be 0% interest and there is a potential for 50% principal forgiveness
- Water Resources was awarded \$2M in November 2023 through this same application process and will use the 2023 money for service line replacement in the Shiloh Community.

Vendor Outreach Efforts: NA

Council Goal(s):

- Improve/Expand Core Services

Committee(s): NA

Pro(s):

- Any lead service lines, galvanized lines or lead connectors in the project area will be replaced. Customers will not have to pay for replacement.
- Will help improve the confidence score of service line inventory as required by state and federal regulations.

Con(s):

- There are no cons with applying for the funding.

Fiscal Impact:

- If awarded, this funding will provide a \$2 million interest free loan with potential principal forgiveness for water system improvements that are not currently funded or planned.
- Matching funds are not required for this funding.

Motion:

- Motion authorizing the City Manager, Water Resources Department Director, or any designee of either, to apply for a Lead Service Line Replacement funding through the N.C. Dept. of Environmental Quality - Division of Water Infrastructure.

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F. RESOLUTION NO. 24-46 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH EAST COAST TRUCK SHOP FOR BODY WORK AND PAINT REPAIRS TO SUPPLEMENT FLEET MANAGEMENT CAPACITY

Action Requested: Adoption of resolution authorizing the City Manager to execute a contract with East Coast Truck Shop for \$300,000 for Body Work and Paint Repairs to supplement Fleet Maintenance.

Background:

- The Fleet Management Division of the Public Works Department maintains over 1,000 City owned vehicles and pieces of equipment.

- Subcontracted work is used to supplement existing staff resources at times of high demand or to provide services where the Fleet Division does not have suitable facilities or resources (e.g., paint shop, etc.).
- RFP 298-RFP-FleetLDBodyWork-24 was advertised in December 2023 for Fleet Light Duty Body Work and Paint Repair.
- East Coast Truck Shop was the only proposal and was approved according to City Policies and Procedures.
- City Fleet Staff performed a site visit to meet with the vendor to further discuss our needs.
- The City's Procurement, Purchasing and Contracting Policy requires Council approval for General Service Contracts valued at \$90,000 or greater.
- This Contract will be for an initial term of (1) one year with the option for (2) two one year renewals
- The Contract amount for the initial (1) one year term will be \$100,000 with a total not-to-exceed contract amount of \$300,000 for the (3) three year term.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The ABI Office list of City Vendors for Outreach was consulted for any known relevant vendors before the RFP was advertised. No MWBE Vendors were identified during this process.
- East Coast Truck Shop in Candler, North Carolina, responded to the RFP and is a new Vendor to the City of Asheville and is an MWBE.
- East Coast Truck Shop was the only acceptable proposal to the RFP.

Council Goal(s):

- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Allows third party service work as a supplement to in house staff
- Allows for quicker and more efficient process in the repair of accident damaged vehicles
- Returns City vehicles to service in a timely manner
- Provides flexibility in service delivery without significant capital investment in equipment or facilities (e.g., paint shop, etc.) that aren't used on a daily basis
- Avoids the cost of transporting inoperable vehicles between vendors to obtain multiple quotes.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available in the Public Works Department operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with East Coast Truck Shop for \$300,000 for Body Work and Paint Repairs to supplement Fleet Maintenance.

G. RESOLUTION NO. 24-47 - RESOLUTION AUTHORIZING THE EXCEPTION TO COMPETITIVE BIDDING ON PROCUREMENT OF GOODS AND SERVICES FROM ATLANTIC EMERGENCY SOLUTIONS FOR THE PURPOSE OF STANDARDIZATION OF PIERCE FIRE APPARATUS

RESOLUTION NO. 24-48 - RESOLUTION AUTHORIZING THE EXCEPTION TO BIDDING TO ENTER INTO A CONTRACT WITH ATLANTIC EMERGENCY SOLUTIONS FOR ONE YEAR, WITH THE OPTION FOR TWO 1-YEAR RENEWALS FOR SERVICE AND REPAIRS TO PIERCE FIRE APPARATUSES BASED ON STANDARDIZATION DUE TO SOLE SOURCE

Action Requested: Adoption of (1) a resolution to authorize the exception to competitive bidding for procurement of goods from Atlantic Emergency Solutions for the purpose of standardization of Pierce Fire Apparatus; and (2) a resolution to authorize the exception to competitive bidding to enter into a contract with Atlantic Emergency Solutions for one year, with the option for two 1-year renewals for service and repairs to Pierce Fire Apparatuses based on standardization due to Sole Source.

Background:

- The City owns and operates 15 Pierce Fire Trucks.
- Pierce Components and Services can only be provided by authorized dealers.
- Atlantic Emergency is the only distributor authorized to sell new equipment and parts, and provide warranty and repair services for Pierce Fire Apparatus in our region.
- Use of OEM (original equipment manufacturer) parts is recommended to maintain the equipment to the manufacturer's standards.
- Due to Atlantic Emergency Solutions being the only authorized distributor in our area the City will need an exception to competitive bidding to enter into a contract for repairs and services.
- The City's Procurement, Purchasing and Contracting Policy requires Council approval for General Service Contracts valued at \$90,000 or greater.
- This Contract will be for an initial term of (1) one year with the option for (2) two one year renewals
- The Contract amount for the initial (1) one year term will be \$400,000 with a total not-to-exceed contract amount of \$1,200,000 for the (3) three year term.

Vendor Outreach Efforts:

- Pierce Components and Services can only be provided by authorized dealers..
- Atlantic Emergency is the only distributor authorized to sell new equipment and parts, and provide warranty and repair services for Pierce Fire Apparatus in our region.

Council Goal(s):

- A Well-Planned and Livable Community
- A Clean, Safe and Healthy Environment

Committee(s):

- Not Applicable

Pro(s):

- This resolution will allow the Fleet Division to efficiently procure the parts and services required to repair and maintain the City's Fleet of Pierce Fire Trucks.
- The sole source exception will lessen repair downtime and expense and will return Fire Apparatus to service in a timely manner that makes for a safer community.

Con(s):

- None

Fiscal Impact:

- Funding for these goods and services is available in the Fire Department operating budget.

Motion:

- Motion to adopt (1) a resolution to authorize the exception to competitive bidding on procurement of goods from Atlantic Emergency Solutions for the purpose of standardization of Pierce Fire Apparatus; and (2) a resolution to authorize the exception to competitive bidding to enter into a contract Atlantic Emergency Solutions for one year, with the option for two 1-year renewals for service and repairs to Pierce Fire Apparatuses based on standardization due to Sole Source.

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RESOLUTION NO. 24-48 - RESOLUTION BOOK NO. 44 - PAGE 386

- H. **RESOLUTION NO. 24-49- RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER FIVE EVENTS ON APRIL 19, MAY 17, JUNE 21, JULY 19, AUGUST 16 AND SEPTEMBER 20, 2024**

RESOLUTION NO. 24-50 - RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE SPRINGFEST ON JUNE 2, 2024

RESOLUTION NO. 24-51 - RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLAXTON CENTENNIAL CELEBRATION ON APRIL 13, 2024

RESOLUTION NO. 24-52 - RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CAROLINA CIDERFEST ON JUNE 22, 2024

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Claxton Centennial Celebration, Downtown After 5, Asheville SpringFest, and Carolina Ciderfest

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and property owned, occupied, or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:

- Claxton Elementary PTO for the Claxton Centennial Celebration to be held on April 13, 2024, on Hillside Street
 - Asheville Downtown Association for Downtown After 5 to be held on April 19, May 17, June 21, July 19, August 16 & September 20, 2024, on Lexington Avenue
 - Triangle Vegfest for Asheville SpringFest to be held on June 2, 2024, at Pack Square Park
 - NC Cider Association for Carolina Ciderfest to be held on June 22, 2024, on Buxton Avenue
- Alcohol boundaries are defined as per the accompanying event site maps.

Council Goal(s):

- This action has no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organization.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Claxton Centennial Celebration, Downtown After 5, Asheville SpringFest, and Carolina Ciderfest

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RESOLUTION NO. 24-50 - RESOLUTION BOOK NO. 44 - PAGE 390

RESOLUTION NO. 24-51 - RESOLUTION BOOK NO. 44 - PAGE 393

RESOLUTION NO. 24-52 - RESOLUTION BOOK NO. 44 - PAGE 396

- I. **RESOLUTION NO. 24-53 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EVENT PRODUCTION AGREEMENT WITH THE ASHEVILLE DOWNTOWN ASSOCIATION FOR PRODUCTION OF ASHEVILLE'S INDEPENDENCE DAY CELEBRATIONS AND HOLIDAY PARADES YEARLY, FOR A THREE YEAR PERIOD, 2024 THROUGH 2026**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an Event Production Agreement with the Asheville Downtown Association for production of Asheville's Independence Day Celebrations and Holiday Parades yearly, for a three-year period, 2024 through 2026.

Background:

- The City of Asheville has historically provided a free community festival with fireworks display in celebration of Independence Day and a downtown parade to welcome the winter holidays. Both events serve to sustain a thriving local economy, and foster shared experiences that form the basis for a connected and engaged community.

- The Asheville Downtown Association has successfully executed the City's Independence Day Celebration since 2014 and the Asheville Holiday Parade since 2008. In 2014 the City executed its first event production agreement with the Asheville Downtown Association to produce the Independence Day Celebration through 2016. Most recently in 2021, the City executed a three year production agreement with the Asheville Downtown Association to produce the Independence Day Celebration and the Asheville Holiday Parade through 2023.
- The City continues to require the services of an outside organization to implement, oversee and manage such events for Downtown Asheville. Required services include full event development and operational services, management and staffing, marketing, sponsorship, fundraising, procurement of event vendors, contractors, entertainment, coordination of onsite logistics, and reporting.

Council Goal(s):

- Support for a diverse community, a well-planned and livable community, a thriving local economy, and a connected and engaged community. As a smart city, the City of Asheville invests in partnerships that enrich the quality of life for its citizens.

Committee(s):

- None

Pro(s):

- Allows the City to leverage resources for programming and events that serve a wider and more diverse audience
- Creates a performance-driven public-private partnership that employs events as a tool to stimulate the local economy while providing quality cultural experiences and opportunities for community engagement
- Three-year terms allow time for outcomes to be evaluated and provides a multi-year consistency to effectively scale special event initiatives
- Supports local non-profit organizations

Con(s):

- Overtime for Police, Fire and Public Works staff
- Fee waivers related to permits, parking fees, and property use fees

Fiscal Impact:

- This agreement provides funding for the management of two free community events annually, the fireworks display for the Independence Day Celebration, and parade volunteers.
- These large-scale events require a significant amount of support from City staff including Police, Fire, Public Works, and Office of Special Events Administration.
- The total cost of the agreement is \$187,500. Future years will be planned during the annual budget development process.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a three (3) year Event Production Agreement with the Asheville Downtown Association for production of Asheville's Independence Day Celebrations and Holiday Parade.

J. RESOLUTION NO. 24-54 - RESOLUTION AUTHORIZING THE CITY MANAGER, THE TRANSPORTATION DEPARTMENT DIRECTOR, THE INTERIM TRANSPORTATION DIRECTOR, OR ANY DESIGNEE TO ANY OF THESE INDIVIDUALS, TO APPLY TO THE N.C. DEPT. OF TRANSPORTATION - INTEGRATED MOBILITY DIVISION FOR SECTION 5303 METROPOLITAN PLANNING PROGRAM ANNUAL FUNDING TO FUND A PORTION OF THE EXISTING TRANSIT PLANNING DIVISION PERSONNEL BUDGET

Action Requested: Adoption of a resolution authorizing the City Manager to apply to the North Carolina Department of Transportation - Integrated Mobility Division for Section 5303 Metropolitan Planning Program annual funding to fund a portion of the existing Transit Planning Division personnel budget.

Background:

- The City is required to apply annually to the North Carolina Department of Transportation - Integrated Mobility Division to receive Section 5303 funds (Metropolitan Planning Program).
- The City uses the Section 5303 funding to support existing transit planning activities such as grant management, administration, and reporting; short and long-range transit planning; analyses of transit operations; and required semi-annual DBE program preparation and reporting.
- The funds supplement the Transit Planning Division personnel budget, which includes the Transit Planning Manager and additional transit planning staff positions.
- The Federal Transit Administration grant will provide 80% of the anticipated funding (\$168,871), with the North Carolina Department of Transportation and the City of Asheville each providing 10% of the remaining amount at \$16,887, respectively.

Vendor Outreach Efforts:

- N/A. This is a grant that supplements the Transit Planning Division personnel budget.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- None

Pro(s):

- Supplements funding for multiple transit planning positions.
- Enables the City of Asheville to leverage \$168,871 in Federal Funding and \$16,887 in State funds to support the City's transit planning activities.

Con(s):

- The City is responsible for 10% local match, which is \$16,887

Fiscal Impact:

- If awarded the grant funding (\$168,871), 10% local matching funds (\$16,887) and associated expenses will be included in the FY 2024-25 Proposed Budget for the Transit Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply to the North Carolina Department of Transportation - Integrated Mobility Division for Section 5303 Metropolitan Planning Program annual funding to fund a portion of the existing Transit Planning Division personnel budget.

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K. RESOLUTION NO. 24-55 - RESOLUTION AUTHORIZING THE PURCHASING DIVISION TO PURCHASE A TOTAL OF THREE NEW BUSES FOR THE ASHEVILLE RIDES TRANSIT SYSTEM INCLUDING TRANSIT ACCESSORIES AND FEATURES UTILIZING THE WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES COOPERATIVE PURCHASING AGREEMENT APPROVED BY THE WASHINGTON STATE DEPARTMENT OF ENTERPRISE ON OCTOBER 20, 2021; AND UTILIZING SOLE SOURCE PROCUREMENT ON THE BASIS OF STANDARDIZATION TO MAKE PURCHASES FOR TECHNOLOGY EQUIPMENT TO BE INSTALLED ON EACH BUS FROM CLEVER DEVICES, SEON, UTA AND MOBILEYE

Action Requested: Adoption of a resolution authorizing the Purchasing Division to execute purchase orders in the amount of \$1,896,606, for three 30-foot Clean Diesel Gillig buses, utilizing the Washington State Department of Enterprise Services Cooperative Purchasing Agreement, for the Asheville Rides Transit System that includes transit accessories and features; and adoption of a second resolution authorizing the City Manager to utilize sole source procurement for technology equipment from Clever Devices, Seon, UTA and Mobileye for the new buses not to exceed \$200,000.

Background:

- The Asheville Rides Transit (ART) system has a fleet of 35 buses. Over half of those buses have more than 500,000 miles on them and are past their useful life.
- To achieve and maintain a more reliable fleet, it is necessary to replace approximately four buses annually (at current service level).
- Moreover, the older vehicles in the fleet are significantly more costly to operate due to the need for major repairs and maintenance.
- The Washington State Department of Enterprise has approved the City of Asheville to participate in the State's Cooperative Purchasing Agreement for Transit Buses Master Contract No. 06719 to purchase buses from Gillig, utilizing the Washington State Department of Enterprise Services Cooperative Purchasing Agreement approved by the Washington State Department of Enterprise on October 20, 2021.
- The recommended purchase order is for three clean diesel buses. Clean diesel is recommended due to the lack of suitable lower emission alternatives.
- The City is no longer able to purchase 30' hybrid buses.
- Gillig discontinued manufacturing this size of hybrid buses at the end of 2022.
- Additionally, this action will approve a sole source procurement from several vendors for technology equipment to be installed on each bus, including the following:
 - "Clever Devices" - provides audible passenger announcements and that syncs with the interior LED signage to keep riders informed about upcoming stops.
 - "Seon" - provides the internal and external video and audio system to be installed.
 - "UTA" - provides the automatic passenger counter system that collects ridership data.
 - "Mobileye" - which provides a pedestrian and bicyclist detection and warning system.
- These Clever Devices, Seon, UTA, and Mobileye technologies are used on the other buses in the Asheville Rides Transit System. Staff would like to ensure that every bus has consistent technology installed.
- Staff is therefore requesting a sole source authorization, pursuant to 143-129(e)(6), to purchase and install these items on the requested new diesel buses without engaging in

competitive bidding because standardization is the overriding consideration in wanting to use these specific products.

- \$974,066 in previously received 2018 federal grant funding will be used to help purchase the new buses.
- \$922,540 representing the federally-required local match and the remaining funding needed to purchase the buses is programmed in the City's Fiscal Year 2024 Capital Improvement Program (CIP).
- Upon approval of the purchase order, it is anticipated to take 12-15 months for the buses to be manufactured, delivered and fully operational as part of the ART fleet.

Vendor Outreach Efforts:

- N/A. Funding for this project is provided in part from Federal Grants.
- The City is using a Cooperative Purchasing Agreement for Transit Buses under an existing Master Contract with the Washington State Department of Enterprise.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- None

Pro(s):

- This action will enable staff to purchase replacement buses needed to continue to provide current transit services

Con(s):

- Clean diesel is the only viable option that meets the standard specification for the ART fleet, which is 30 feet.
- This specification is driven by the topography and narrow turns required on several ART routes.

Fiscal Impact:

- Revenues identified to support the requested action will come from a combination of a Federal Transit Administration (FTA) grant and City funds as outlined below:

Funding sources	Amount
FTA (2018 MPO Section 5307 Grant) - budgeted in prior fiscal year	\$ 974,066
City Funding - budgeted current fiscal year	\$ 922,540
Total	\$1,896,606

Motion:

- Motion to adopt (1) a resolution authorizing the Purchasing Division to execute purchase orders in the amount of \$1,896,606, for three 30-foot Clean Diesel Gillig buses, utilizing the Washington State Department of Enterprise Services Cooperative Purchasing Agreement, for the Asheville Rides Transit System that includes transit accessories and features; and (2) a resolution authorizing the City Manager to utilize sole source procurement for technology equipment from Clever Devices, Seon, UTA and Mobileye for the buses not to exceed \$200,000.

L. RESOLUTION NO. 24-56 - RESOLUTION AUTHORIZING THE CITY MANAGER, THE TRANSPORTATION DIRECTOR, THE INTERIM TRANSPORTATION DEPARTMENT DIRECTOR, OR ANY DESIGNEE TO ANY OF THESE INDIVIDUALS, TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR THE ANNUAL FISCAL YEAR 2022-23 SECTION 5307 (JARC) AND FISCAL YEAR 2022-23 SECTION 5310 GRANT FUNDING TO FUND EXISTING TRANSIT OPERATIONS FOR ROUTE 170 AND S3 (FIXED ROUTE), AND THE CITY OF ASHEVILLE'S PARATRANSIT SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for the annual FY 2022-23 Section 5307 (JARC) and FY 2022-23 Section 5310 grant funding to fund existing transit operations for Route 170 and S3 (fixed-route), and the City of Asheville's paratransit services.

Background:

- Each year, the City must apply to the FBRMPO to receive Federal Transit Administration (FTA) Section 5307 Job Access Reverse Commute (JARC) and FTA Section 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities) funds for transit operations, grant management and administration, and reporting.
- Section 5307 (JARC) Overview:
 - Funding received from this grant source is used to fund existing service for Route 170 (the fixed-route service operated between downtown Asheville and the Town of Black Mountain) and Route S3 (the fixed-route service operated between downtown Asheville, Arden, and the Airport).
 - The last two years, the City has applied for the entire amount available, which this year is \$408,379, with a 50% match (\$408,379), for a total project cost of \$816,758.
 - For the last two years, the Town of Black Mountain has provided \$25,000 toward the required matching funds, specifically for Route 170. City staff will be requesting the same amount for FY 2024-25.
 - Buncombe County has also provided funding toward the required match the previous two years for Route 170. The City requests funds from the County based on the service cost per hour and the number of hours the route operates within the County.
 - For FY 2024-25, City staff anticipates requesting approximately \$100,000 from the County for this route.
 - The City will provide the remainder of matching funds and this is already budgeted within the Transit Operations Budget.
- Section 5310
 - The City utilizes Section 5310 funds to support the operation of the City's paratransit service.
 - The total FY 2022-23 Section 5310 funding available is \$504,739.
 - Of this funding, 10%, or \$50,474, is automatically allocated to the City of Asheville for administering the grant.
 - The remaining \$454,265 will be awarded for regular 5310 projects and programs.
 - The City plans to apply for \$248,000, with a 20% match (\$62,000), for a total project cost of \$310,000.
- If awarded, City staff return to City Council to accept the grant, authorize the City Manager to sign all of the appropriate agreements, and approve a budget amendment to include the funds in the budget (if needed).

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- None

Pro(s):

- Enables the City to use federal funds to help offset the annual operating cost of paratransit and Route 170 and S3 fixed-route services.
- Grant recipients and subrecipients are responsible for their local match.
- The City will receive \$50,474 for oversight and administrative cost which does not require a local match.
- These funds will be used for the administrative cost for the Section 5310 program.

Con(s):

- The City is responsible for the 20% and 50% local match for the Section 5310 and JARC Funding programs, respectively.
- There is no administrative fee paid to the City for administering the 5307/JARC grant program.

Fiscal Impact:

- If awarded the Section 5307 (JARC) funding (\$816,758 total), including the 50% local matching funds (\$408,379), and associated expenses will be included in the FY 2024-25 Proposed Budget for the Transit Fund.
- If awarded the Section 5310 funding (\$310,000 total), including the 20% local matching funds (\$62,000), and associated expenses will be included in the FY 2024-25 Proposed Budget for the Transit Fund.
- The Section 5310 administration grant (\$50,474 total) requires no local match. The grant and associated expenses will be included in the FY 2024-25 Proposed Budget for the Transit Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for the annual FY 2022-23 Section 5307 (JARC) and FY 2022-23 Section 5310 grant funding to fund existing transit operations for Route 170 and S3 (fixed-route), and the City of Asheville's paratransit services.

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M. RESOLUTION NO. 24-57 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CINDERELLA PARTNERS INC. FOR ADDITIONAL STRUCTURAL REPAIRS IN THE RANKIN AVENUE AND WALL STREET GARAGES FOR THE PARKING GARAGE IMMEDIATE PRIORITY CAPITAL REPAIRS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order with Cinderella Partners, Inc. in the amount of \$105,502 for additional structural repairs in the Rankin Avenue Garage and Wall Street Garage for the Parking Garage Immediate Priority Repairs Project.

Background:

- The City engaged an engineering firm to perform an assessment of the City-operated parking garages.
- During the field investigation, the firm identified critical repairs that require immediate attention at the Wall Street, Rankin Avenue, and Harrah's Cherokee Center parking garages.
- A request for bids was issued and the lowest, responsive bidder, Cinderella Partners, Inc. was awarded a contract in the amount of \$279,939.19 at the October 14, 2023 Council meeting.
- A change order in the amount of \$68,877 was approved at the November 14, 2023 Council meeting for structural repairs along some of the concrete shear connections at the Wall Street Garage.
- This second change order is for the same type of structural reinforcement of several structural connections in the Rankin Avenue Garage.
- Due to the deterioration of those connections and unacceptable levels of movement in the deck structure, staff closed the third level of the Rankin Avenue garage to vehicular traffic in late November, as per the Engineer's recommendation.
- This second change order also includes the repair of a section of deteriorated concrete on the Level 3 exit ramp at the Rankin Avenue garage; and two additional shear connector supports for the Wall Street Garage.
- The ninety-five parking spaces on the third level of the Rankin Garage and sixty spaces in the Wall Street Garage will remain closed until repairs are complete.
- Work is anticipated to be complete in March 2024.
- The requested change order was reviewed by staff and Walker, the firm who conducted the engineering assessment, for reasonableness of cost.

Vendor Outreach Efforts:

- When the project was advertised for bidding, staff performed outreach to minority and women owned businesses through solicitation processes using the State's Interactive Purchasing System and requiring prime contractors to outreach to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Cinderella Partners, Inc. is a Woman-Owned Business Enterprise based out of Indian Trail, NC.
- No MWBE subcontractors submitted bids with this prime contractor.

Council Goal(s):

- A Clean, Safe and Healthy Environment
- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- These repairs increase the safety and longevity of the Wall Street and Rankin Avenue parking garages.
- The repairs will allow parking spaces that have been taken out of service as a safety precaution, to be opened back up for use.

Con(s):

- The work creates a temporary inconvenience for parking patrons and a temporary loss of revenue.

Fiscal Impact:

- Funding for this change order has been identified within the Parking Services Capital Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a change order with Cinderella Partners, Inc. in the amount of \$105,502 for additional structural repairs in the Rankin Avenue Garage and Wall Street Garage for the Parking Garage Immediate Priority Repairs Project.

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N. RESOLUTION NO. 24-58 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED GRANT AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION (NCDOT) FOR THE NORTH RADTIP (WILMA DYKEMAN) GREENWAY PRELIMINARY ENGINEERING ALLOWING NCDOT TO MANAGE THE PRELIMINARY ENGINEERING PHASE OF THE PROJECT; AND THAT CITY COUNCIL ACCEPT THE GRANT FUNDS

Action Requested: Adoption of a resolution authorizing the City Manager to sign an amended grant agreement with the North Carolina Department of Transportation for the North RADTIP (Wilma Dykeman) Greenway preliminary engineering allowing the North Carolina Department of Transportation to manage the preliminary engineering phase of the project.

Background:

- The North RADTIP (Wilma Dykeman) Greenway Project will extend through the River Arts District, north to Woodfin and will provide a safe pedestrian and bicycle corridor for area residents in neighborhoods which include, but are not limited to, Montford and Hillcrest.
- In August 2018, City Council approved a budget ordinance authorizing a budget amendment for \$300,000, which included acceptance of \$240,000 in grant funds from NCDOT and \$40,000 in matching funds from Connect Buncombe and Buncombe County, as well as approval of a \$20,000 City of Asheville match contribution.
- The grant funds were scoped for preliminary engineering for a multi-use path along/near Riverside Drive/NC 251 from Hill Street to Pearson Bridge Road named North RADTIP (Wilma Dykeman) Greenway.
- Because the footprint of the North RADTIP (Wilma Dykeman) Greenway overlaps significantly with the NCDOT I-26 Project, City staff approached NCDOT about managing the preliminary engineering scope in conjunction with the I-26 Design/Build Project.
- The intent of NCDOT managing this phase would be to get the North RADTIP (Wilma Dykeman) Greenway project designed to a point where it could be included with the eventual construction of the Design/Build I-26 Project.
- Assuming the greenway is added as part of NCDOT's I-26 Project, construction will not occur for several years.
- This amended grant agreement will authorize NCDOT to manage the preliminary engineering phase as opposed to the original grant agreement that had the City of Asheville managing the preliminary engineering.
- The City of Asheville is responsible for 20% of the actual cost of the Preliminary Engineering design plans. The estimated cost to the Municipality is \$120,000. Grant funds will pay for the estimated \$480,000 balance. Both Parties understand that this is an estimated cost and is subject to change.

Vendor Outreach Efforts:

- Vendor outreach is not applicable when applying for grant funds.

- The appropriate vendor outreach will be conducted to ensure that all requirements and expectations are met in the procurement of the services required to complete the projects which these grant funds support.

Council Goal(s):

- A well planned and livable community, Equitable and diverse community, Transportation and accessibility, Thriving local economy

Committee(s):

- None

Pro(s):

- The projects are all currently budgeted or planned and can be designed with the funding that is available through these grants and the existing capital budgets.

Con(s):

- None

Fiscal Impact:

- The required matching funds for these grants were previously budgeted in the General Capital Projects Fund or are planned for in the CIP.

Motion:

- Motion authorizing the City Manager to sign an amended grant agreement with the North Carolina Department of Transportation for the North RADTIP (Wilma Dykeman) Greenway preliminary engineering allowing NCDOT to manage the preliminary engineering phase of the project.

RESOLUTION BOOK NO. 44 - PAGE 405

- O. RESOLUTION NO. 24-42 - RESOLUTION AMENDING THE 2024 CITY COUNCIL MEETING SCHEDULE TO (1) CANCEL THE MARCH 12, 2024, 3:00 P.M. BUDGET WORKSESSION; AND (2) REVISE THE STARTING TIME OF THE MARCH 25, 2024, AND APRIL 9, 2024, BUDGET WORKSESSIONS TO BEGIN AT 2:30 P.M., BOTH IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF CITY HALL**

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Roney moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Item "B". This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

SHELTER STRATEGY UPDATE

Homeless Strategy Division Manager Emily Ball provided the following overview of the key takeaways from her presentation: (1) Unsheltered homelessness increased significantly during the pandemic. Based on a comprehensive needs assessment, the National Alliance to End Homelessness recommended adding 95 shelter beds to meet the need; (2) Our community's current leadership board, the Homeless Initiative Advisory Committee (HIAC), identified 3 shelter providers who collectively added a total of 43 new beds funded by City and County ARPA resources. HIAC also asked the City and County to participate with them in planning a new emergency shelter; (3) Shelter planning has begun with City, County, and HIAC participants and project management from Buncombe County staff; (4) Planning team has made progress on scale, services to be included, and space needs; and (5) Planning efforts continue and will integrate with the new Continuum of Care over time.

The background is (1) Unsheltered homelessness increased significantly during the pandemic. Dogwood Health Trust funded the National Alliance to End Homelessness (NAEH) for a comprehensive needs assessment with corresponding recommendations to improve our community's response - Results were delivered at a joint City/County meeting in January 2023. As the current leadership board, HIAC voted to adopt the recommended goals and began identifying priorities for implementation; (2) NAEH found insufficient emergency shelter inventory and recommended adding 95 emergency shelter beds that adhere to best practices: (a) Embrace a Housing First approach; (b) Implement safe and appropriate diversion; (c) Offer immediate and low-barrier access to anyone in housing crisis; (d) Measure performance to improve results; and (e) Practice cultural humility and inclusion and follow HUD's Equal Access rule; (3) As the current Continuum of Care board, the Homeless Initiative Advisory Committee (HIAC) has led implementation of NAEH recommendations. Its Shelter Work Group led a process resulting in adding 43 year-round shelter beds jointly supported by City and County ARPA funding that are currently operational; (4) The Shelter Work Group also recommended that HIAC partner with the City and County on planning a new emergency shelter; and (5) Planning process began late fall 2023 with project management from County staff. Members include: (a) City: Mayor Manheimer, Debra Campbell, Rachel Wood, Nikki Reid, Emily Ball; (b) County: Commissioner Beach-Ferrara, Avril Pinder, Sybil Tate, Matt Cable, Lacy Hoyle; and (c) HIAC: David Nash, Rick Freeman, Jaime Benschoff.

The Planning Team's activities for research include (1) Mapped existing homelessness resources and identified that: (a) Most services are near city center; and (b) Any shelter location will need to be walkable or easily accessed by public transit; (2) Reviewed historic Point-in-Time data to project needed capacity; (3) Reviewed best practices from NAEH (immediate and low-barrier access, Housing First approach) and HUD (avoid charging fees, allow people who are intoxicated, no additional references or unnecessary requirements); (4) Reviewed 8 service models from other communities based on NAEH recommendations and models of interest to team members: South: Healing Transitions, Oak City Cares, Grace Marketplace, Judeo-Christian Outreach, Haven for Hope; North and Midwest: Crossroads, Motels 4 Now; and West: Flagstaff Shelter Services.

The Planning Team's activities for services include (1) Built consensus that services should include: 100 non-congregate beds; Flexible space that can accommodate 50 congregate beds when needed; Case management, housing placement support, employment support; Behavioral health and medical care, substance use treatment; and Day shelter space; (2) Built consensus on operating policies to include: Open 24/7; Allows pets; Serves both families and individuals; and Includes best practices identified by NAEH and HUD; and (3) County staff have heard support from service providers during preliminary conversations about their interest in and capacity for participating in service delivery.

Regarding the Planning Team's activities regarding space, estimated space needs based on the details from models reviewed as follows:

Use	Square Footage
Emergency Shelter Beds (100 Non-Congregate Beds Space)	15,000
Emergency Shelter Beds (50 Congregate Beds Space)	4,240
Day Shelter Space (Includes Common Area, Medical Care, Behavioral Health, Case Management, Housing Placement Support, Employment Support, & Meals)	10,000
Administrative Space (Emergency Shelter and Day Shelter Operation Management)	3,640
Building Support	3,005
Building Subtotal	35,885
Circulation (Estimated at 30%)	10,766
Building Total	46,651
Outdoor Space	2,560
Parking (44 spaces with landscaping and circulation (320 sq ft per space))	14,000

Site selection criteria to be used in evaluating possible locations: 50,000 square feet; Single building with multiple entrance options to accommodate multiple populations; Mixed array of interior spaces, ideally including 100 or more smaller rooms; ADA accessible; Vacant lots should be considered, but existing buildings may provide more immediate response to need; Single site is ideal, two or more proximate sites would be considered; Within City limits; On an existing transit route with high frequency; In an area with sidewalk/pedestrian infrastructure; Appropriately zoned; and Proximate to other services.

Next steps are (1) February: report process to date to HIAC, City Council, County Commissioners; (2) County and City staff will (a) Work to identify potential sites for planning team consideration; and (b) Investigate potential operating cost; and (3) Integrate effort with new Continuum of Care to ensure planning, decision making, and implementation are governed by new body and aligned with overall CoC planning.

Regarding the Continuum of Care (CoC), she explained a Continuum of Care is a self-governing, local planning body of stakeholders led by a board they elect and staffed by a Lead Agency they designate to provide strategic and administrative support. The CoC should be the leadership body on homelessness in the community. It consolidates planning and decision making to be most strategic and effective. A CoC is a community-level collective impact model. Its designated Lead Agency does not hold issue ownership but serves as primary staff to the leadership body, including facilitating applications for federal funding. Regardless of who the Lead Agency is, its responsibilities are the same.

The City of Asheville holds a dual role with the CoC: (1) As local government and a key stakeholder, the City can and should: (a) Fill its dedicated CoC Board seat with executive leadership to help direct CoC strategy; (b) Assign a non-voting Council liaison to the CoC Board; and (c) Direct City efforts, decisions, and resources related to homelessness through the CoC to ensure its actions align with the CoC's strategy and plans; and (2) As the designated Lead Agency, the City: (a) Provides staff resources for strategic and administrative support to the CoC, including (i) Facilitating access to federal funding, ensuring regulatory compliance (e.g. PIT); and (ii) Coordinating all administrative logistics and recordkeeping (e.g. meeting materials, communications, staffing the Board, committees, and work groups); and (b) This is the primary work of the Homeless Strategy Division.

The primary recommendation from the National Alliance to End Homelessness was to

restructure our CoC, which is happening now: (1) New membership body of stakeholders has formed - As of 2/23, includes 227 members (183 individuals, 44 organizations); and Membership will be open on an ongoing basis; (2) Membership meets for the first time February 29, 2024 to vote on adopting a new governing charter and to initiate the board election process; (3) Membership will meet April 25, 2024 to elect the new board; and (4) New board will participate in training and strategic planning and will appoint members to committees related to CoC and service system development, including funding.

Regarding the CoC Board, (1) 19 board members with program and fiscal authority in their respective organizations and who represent their sector of community stakeholders; (2) Four appointed seats - City of Asheville, Buncombe County, Housing Authority, VA Medical Center; (3) Fifteen representative seats - Subject matter experts with lived experience of homelessness - two; Healthcare and behavioral healthcare systems - two; Community member, faith community, business organizations - four; Service providers - five; Local non-governmental funder - one; Public safety - one ; and two non-voting liaisons; (3) City Council, Buncombe County Commissioners.

The next steps will be (1) City has joined as a member organization; (2) City will submit an application to fill its dedicated board seat; (3) City Council can identify its non-voting liaison; and (4) Once the new board is elected, it will replace the Homeless Initiative Advisory Committee (HIAC) as the CoC Board - Staff will request Council action to dissolve HIAC.

Throughout the presentation there was discussion from Council as various questions/ comments were raised and responded to.

Councilwoman Roney said that the new CoC belongs to all of us in our community, an opportunity for shared accountability and shared success. Our organization, the City of Asheville, has joined as a member. And, as an educator working with our youth, she has joined as an individual member. Your organization—faith community, workplace, book club—can join. To those in the audience and watching at home, this is a personal invitation to join this work. Search “Homeless Strategies” on AshevilleNC.gov for individual and organizational membership applications.

CAPITAL IMPROVEMENT PROGRAM UPDATE

Capital Projects Director Jade Dundas provided the following key takeaways for his quarterly project update: (1) Progress is being made on key downtown projects - Second Quarter Presentation will update all downtown projects; (2) A significant amount of downtown construction activity will occur in the upcoming calendar year; (3) Scheduling and coordination for these projects is essential to ensuring that they are delivered with a minimum of disruption to business and normal facility operations; and (4) A new Communication Specialist position has been created which will focus on outreach and engagement as it relates to project development Citywide.

Interim Transportation Director Jessica Morriss updated said the project scope of the College Patton Complete Streets Project is to install protected bike lanes on College and Patton. The project budget is \$100,000 and is included in the Fiscal Year 2022 Capital Improvement Program (CIP). The Project Schedule is (1) Project approved by City Council in October 2023; (2) Invitation to bid to be issued in early March; (3) Proposals due end of March; (4) Installation contract to go to Council for approval in April; (5) Installation expected to begin mid-May; and (6) Contractor will have 75-90 days to complete.

Director of Public Works Greg Shuler then updated Council on the project scope of the Patton Avenue Sidewalk. The project scope is sidewalk replacement and ADA improvements -

replace existing street trees. The project is being completed using \$300,000 in Community Development Block Grant funding. The project schedule is (1) Project approved by City Council in October 2023; (2) Notice to proceed to be issued to Public Works staff in the near future; (3) Communication to stakeholders provided on Monday, 3/24/2024. Updates will continue as the project gets underway; (4) Work expected to begin *tentatively* on March 12, 2024; (5) Anticipate starting work on the south section of sidewalk between Coxe Ave. & Ashland Ave; (6) Estimated completion in mid-May 2024, weather permitting; and (7) Work to be completed by Public Works employees - No additional City Council action needed.

Director of Community & Regional Entertainment Facilities Chris Corl said the project scope for McCormick Field renovation is (1) Meet Major League Baseball standards; (2) Complete deferred maintenance; (3) Improve fan experience; (4) Create a multi-purpose/multi-season venue; and (5) Improve the energy efficiency and sustainability of the the facility. The project budget is \$37,500,000 He provided renderings of the schematic design. The project schedule is (1) Design Completion - early June 2024; (2) Bidding (a) First opening date - mid July 2024; and (b) Second opening date - late July 2024; (3) City Council approval of the Guaranteed Maximum Price - late July 2024; and (4) Construction - September 2024 through April 2026 (a) Construction will occur continuously throughout the duration of the project; and (b) Impact to baseball operations: (i) 2024-25 off season - no direct impact, (ii) 2025 baseball season - strong coordination between the Tourists, contractor and owner; and (iii) 2025-26 off season - no direct impact (high level of attention to the contract delivery deadline). Project notes are (1) On average we are currently devoting up to 15 hours per week of staff time to this project; (2) Diligently working to ensure that the project can be delivered on time and on budget; (3) Due to the challenges with off season work and baseball operations, there is no room for schedule slip; and (4) Early work by the contractor to increase inclusive outreach. Project milestones are (1) Streamline prequalification process; (2) Review and Develop Vendor Outreach Lists; (3) Project Interest Meeting (a) Invite MWBE Outreach Specialist; (b) Project Plan Review; and (c) Explanation of Subcontracting Process; (4) HUB Outreach and Certification Sessions; and (5) Office Hours for Assistance with Bidding.

Regarding a communication specialist, Mr. Dundas said (1) We recognize need to improve outreach and engagement throughout all stages of capital project development; (2) Position created from an existing FTE in Capital Projects; (3) Position will be embedded in CAPE and will focus on project specific communications and information sharing; (4) Will assist with project communication throughout the City; (5) Will have an initial strong focus on downtown; and (6) Position posting closes on March 1, 2024.

Throughout the presentation there was discussion from Council as various questions/ comments were raised and responded to on the various projects. City staff said they would provide Council with information that was not readily available, i.e., gender inclusive facilities and family restrooms at McCormick Field.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 21 LONDON ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO RESIDENTIAL EXPANSION - CONDITIONAL ZONE AND TO AMEND THE FUTURE LAND USE MAP FROM INDUSTRIAL/MANUFACTURING TO URBAN CORRIDOR

At the request of the applicant, Councilwoman Ullman moved to continue this public hearing until March 26, 2024. This motion was seconded by Councilwoman Roney and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. MOTION DIRECTING THE CITY MANAGER TO COORDINATE WITH ASHEVILLE PEAK ACADEMY TO COLLECT ALL FEDERALLY REQUIRED INFORMATION TO FINALIZE A FORMAL AGREEMENT WITH ASHEVILLE PEAK ACADEMY USING THE REMAINING UNOBLIGATED BALANCE OF AMERICAN RESCUE PLAN ACT FUNDS

Assistant City Manager Rachel Wood said this is the consideration of a motion directing the City Manager to coordinate with Asheville PEAK Academy to collect all federally required information to finalize a formal grant agreement with Asheville PEAK Academy in the amount of \$501,384 using the remaining unobligated balance of ARPA funds.

Background:

- As part of the American Rescue Plan Act (ARPA) that was signed into law in March 2021, the City of Asheville was allocated \$26.3 million designated as Coronavirus State and Local Fiscal Recovery Funds.
- To-date, the City has allocated \$25.8 million in ARPA funds.
- The full list of ARPA allocations and funding recipients can be found [here](#).
- The City of Asheville currently has \$501,384 remaining in unobligated ARPA funds.
- ARPA funds need to be obligated by December 2024 and fully expended by December 31, 2026.
- During the February 13, 2024 City Council meeting, the City Council reviewed and approved two separate ARPA-funded contracts for the Downtown Restrooms Project to construct site enhancements and install a prefabricated restroom unit at the corner of College and Rankin downtown.
- As part of the February 13th discussion, the City Council considered the possibility of allocating the remaining \$501,384 in unobligated ARPA funding in response to an unsolicited funding request from Asheville PEAK Academy.
- The City Council discussed having Asheville PEAK Academy submit the federally required application information in order to be considered for the City's remaining ARPA funding.

Asheville PEAK Academy Funding Request:

- Asheville PEAK Academy submitted an unsolicited \$590,000 funding request to the City with [this letter](#) on September 7, 2023.
- After receiving this request, staff confirmed the ARPA eligibility for PEAK's funding request with both the Treasury Department and School of Government.
- Staff have confirmed that the aforementioned letter meets ARPA application requirements.
- In support of this request, \$50,000 in Strategic Partnership Grant funding was approved by the City Council at their November 11, 2023 meeting.

Next Steps for Asheville PEAK Academy ARPA Funding Consideration:

- **February 27** - City Council consideration of a motion directing the City Manager to coordinate with Asheville PEAK Academy's ARPA to collect necessary information for a grant agreement for the unobligated balance (\$501,384) of ARPA funds.
- **February 28 - March 11:** If City Council approves moving forward with the funding request, staff will then collect all federally required information to finalize a formal grant agreement with Asheville PEAK Academy.
- **March 12:** City Council consideration of the formal grant agreement and budget amendment.

- **After March 12:** Pending City Council approval of the grant agreement, staff will then ensure the grant agreement is fully executed and work with Asheville PEAK Academy to submit necessary reporting documentation and begin to draw down ARPA funding. PEAK Academy will follow all performance and impact measurements required by the Treasury and the City of Asheville

Council Goal(s):

- A financially resilient city
- A thriving local economy

Committee(s):

- N/A

Pro(s):

- The ARPA local government funding is a unique opportunity to make significant investments in addressing disparate impacts of the COVID-19 pandemic and to build future resilience of our communities in an equitable way.
- Asheville PEAK Academy has proven outcomes that help address the opportunity gap for low to moderate income school aged youth, which has been a focus of City Council as other funding opportunities have been rescoped to help close the opportunity gap.
- Allows the City to focus on partnerships in the community, along with capacity building, support and networking to build towards a collaborative future.

Con(s):

- If approved, this funding would be granted to Asheville PEAK Academy without a competitive selection process.

Fiscal Impact:

- As noted above, the City currently has \$501,384 remaining in unobligated ARPA funding.

Ms. Wood outlined the following key takeaways from her presentation as follows: (1) The City of Asheville received \$26.3 million in federal grant funding through the American Rescue Plan Act (ARPA) State and Local Government Fiscal Recovery Funds; (2) To-date, the City Council has ARPA authorized funding for 27 external projects and several City of Asheville projects totaling \$25.8 million; (3) \$501,384 in City ARPA funding remains unobligated; (4) On February 13, 2024, the City Council discussed potentially providing the City's remaining ARPA funds to Asheville PEAK Academy; (5) Staff confirmed with the U.S. Department of the Treasury and University of North Carolina School of Government that Asheville PEAK Academy's request is eligible for ARPA funding; and (6) City Council is being asked to consider directing the City Manager to coordinate with Asheville PEAK Academy to collect all federally required information to finalize a formal grant agreement in the amount of \$501,384.

Asheville PEAK Academy submitted an unsolicited \$590,000 funding request to the City on September 7, 2023 to sustain operations for the 2023-2024 school year. The funding request was tied to rising transportation, food, facility, and uniform costs. PEAK now serves kindergarten through fifth grade and has increased enrollment from 82 to 175 scholars and families. After receiving this request, City staff confirmed the ARPA eligibility for PEAK's funding request with both the U.S. Department of the Treasury and UNC School of Government. In support of this request, \$50,000 in Strategic Partnership Grant funding was approved by the City Council at their November 11, 2023 meeting.

Potential next steps for Asheville PEAK Academy funding consideration are (1) February 27: City Council consideration of a motion directing the City Manager to coordinate with Asheville PEAK Academy's ARPA to collect necessary information for a grant agreement for the

unobligated balance (\$501,384) of ARPA funds; (2) February 28 - March 11: If City Council approves moving forward with the funding request, staff will then collect all federally required information to finalize a formal grant agreement with Asheville PEAK Academy; (3) March 12: City Council consideration of the formal grant agreement and budget amendment; and (4) After March 12: Pending City Council approval of the grant agreement, staff will then ensure the grant agreement is fully executed and work with Asheville PEAK Academy to submit necessary reporting documentation and begin to draw down ARPA funding. Asheville PEAK Academy will be subject to all federal and local ARPA reporting requirements.

Mayor Manheimer supported this action, noting her deep concerns about education and the state of education in North Carolina. She feels that PEAK Academy has achieved incredible outcomes and explained how this is a form of reparations. She acknowledged that we face challenges in each of our cities and counties to make sure our children are educated and successful.

Vice-Mayor Kilgore hoped that the Reparations Commission takes the education of our children seriously and hopefully will be able to assist in this matter.

Councilwoman Roney was grateful for the staff and teachers at PEAK doing this work. We said that we were committed to an equitable recovery with these funds, and this represents that. Second, we have now had two unanimous recommendations at the Equity & Engagement Committee to increase Strategic Partnership Funds to address the opportunity gap in our schools. We always have about a million in requests but only 200-400,000 to allocate, so we always leave our community-driven solutions with not enough funding. She hoped that recommendation will come to Council for additional funding consideration.

City Manager Campbell said that the Strategic Partnership Funds discussion will take place during the budget worksessions.

Jonathan Wainscott and Kimberly Collins both spoke in support of the motion and that Council finalize a formal grant agreement with Asheville PEAK Academy in the amount of \$501,384 of the remaining unobligated balance of ARPA funds.

Councilwoman Mosley moved to direct the City Manager to coordinate with Asheville PEAK Academy to collect all federally required information to finalize a formal grant agreement with Asheville PEAK Academy in the amount of \$501,384 using the remaining unobligated balance of ARPA funds. This motion was seconded by Vice-Mayor Kilgore carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: complaints from African American riders about African American bus drivers; request for Asheville to not take a stand on a ceasefire resolution; request to condemn antisemitism and crime in Asheville; history of at-large elections; and request for Council to adopt a resolution calling for a ceasefire in Gaza.

Closed Session

At 6:51 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 law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e);

and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling of the following matter: City of Asheville vs. Christopher James Peterson and Maripatricia Kelly Peterson a/k/a Mari Peterson and Q2 Group, LC; Court File No. 16-CVX-1938. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Smith and carried unanimously.

At 7:10 p.m., Councilwoman Smith moved to come out of closed session. This motion was seconded by Councilwoman Ullman and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:10 p.m.

CITY CLERK

MAYOR