

Thursday – March 21, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For March 26, 2024, Council Meeting

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

Absent: Councilwoman Sheneika Smith

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:

- Mountain Housing Opportunities
- Business Improvement District (BID) proposed timeline

At 12:42 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – March 26, 2023 - 2:30 p.m.

Budget Worksession

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

Budget Manager Taylor Floyd said that today's key takeaways will be (1) Recommended budget will align with Council, community and organizational priorities; (2) Increasing costs are outpacing revenue growth in the General Fund. Therefore, will likely need to use revenue from Fund Balance; (3) Recruiting and retaining a talented workforce is essential to service delivery; (4) General Obligation (GO) bond will help address significant capital needs; and (5) Fee changes are key to addressing needs, especially in enterprise funds.

He then provided the following outline of his presentation as (1) Budget survey results; (2) FY25 General Fund baseline; (3) Compensation & other investments; (4) General Obligation (GO) bond planning; and (5) Fees and charges overview.

He reviewed the budget public survey results (1) Previously adopted plans (ex. - GAP Plan); (2) January budget public comment; (3) National Community Survey; and (4) Recreate Asheville & Affordable Housing Plan. Future Opportunities are (1) Budget public hearing; and (2) GO Bond information. The budget survey overview is (1) Total of 10 questions, not including optional demographic questions (a) Prioritizing services and capital investments; and (b) Follow up questions on prior year priorities; and (2) Survey was open January 23 - February 23, 2024. Outreach effort examples are Media: WRES, Mountain Xpress, WLOS; City Channels: multiple e-newsletters & contact lists, social media (English & Spanish), Board & Commission Chairs, press release; Digital display boards at recreation centers (both in English & Spanish); Neighborhood Associations; Community Groups; Business contacts; and Full outreach list provided in a memo. Filtered responses to include only those from a zip code within City limits.

926 total valid responses. He showed charts of response demographics of age and race. The public input summary is (1) Service priorities include additional investment in: Affordable Housing & Homelessness; Community Safety & Emergency Response; and Facilities Maintenance; (2) Strong support for Community Responder Program; (3) Housing decisive capital priority (Greenways, sidewalks, and road resurfacing also highly ranked); and (4) Support for more comprehensive capital investments at fewer locations (e.g. streetscaping vs resurfacing only), and maintaining current resources.

He then reviewed the Fiscal Year 2025 General Fund baseline. Overall a positive outlook, but revenue growth has allowed and is more typical of pre-pandemic. He showed charts of General Fund Revenues, and Sales Tax revenue history.

Regarding the N.C. League of Municipalities, (1) "Appears that the post-pandemic boom in sales tax revenues has come to an end."; (2) Current fiscal year growth ~2.5% six months in.; and (3) Statewide projections: (a) 2.9% growth from FY24 to FY23 (for entire year); (b) 2.2% growth from FY25 to FY24; and (c) "Local governments should consider factors such as your local economy, industries, and anticipated growth when utilizing these projections.". He then showed a chart of Fiscal Year 2025 General Fund Revenues, along with the General Fund Expenditures and Fiscal Year 2025 General Fund Operating Changes.

Regarding transit, (1) estimate additional \$2.7M in General Fund support is needed to maintain existing service (a) Increasing cost to provide service; and (b) \$2 million in one-time ARPA funding used in FY24; (2) Comprehensive Operational Assessment (a) Recommend service improvements and efficiencies, including analyzing routes, ridership, staffing, fleet, and evaluate opportunities for other vehicles; and (b) Analyze Transit Master Plan recommendations to identify needed financial and other resources for implementation; and (3) Continue discussion with County.

Regarding available Fund Balance, (1) Effective financial management and strong sales tax growth have put the City in a positive financial position; (2) Appropriated \$8.1M in current year (FY24) budget, will utilize \$7.2M based on current estimates; and (3) Current estimate of up to \$2.5M in fund balance available above policy target for use in next year's General Fund budget. He showed a chart of the General Fund Unassigned Fund Balance. The General Fund base summary is (1) Revenue growth more typical of pre-pandemic; (2) Continuing to deliver existing level of service is more costly than current year; (3) Growth in expenses is outpacing revenues; (4) Will need to appropriate fund balance in FY25; and (5) Limited opportunities to fund new or expanded services.

Regarding potential new General Fund Fiscal Year 2025 investments. The following are items identified for review at the staff retreat: Community engagement; Human resources; Entertainment programming; Homelessness support; Transit; Urban planning; Trash & recycling collection; Sidewalk maintenance and construction; Facilities maintenance and construction; Park maintenance and construction; and Roadway maintenance and construction.

About the community responder, (1) Existing organizational work plan item; (2) Aligns with Reimagining Public Safety; (3) Collaboration between departments and community partners; and (4) **Initial** funding available via opioid settlement.

Regarding Sanitation, (1) If approved, \$400,000 of additional revenue from fee change; (2) Offset additional cost of providing current service (e.g., \$80k increase in recycling contract); and (3) Potential investments in yard waste collection and recycling outreach.

Regarding compensation, continuing to invest in employees is essential to service delivery. Compensation and benefits are the largest component of the City's budget. The City has invested significant resources in compensation and benefits over the last three fiscal years. Staff is working towards implementing a total compensation philosophy that will include a

merit-based/pay for performance component. He provided a chart of compensation and benefits budget history, and a chart of Fiscal Year 2023-24 compensation changes. The compensation philosophy is Balance/trade-offs of investments in wages and benefits. Goals are rewarding performance; pathways for growth; incentivizing retention, and living wage/cost of living increases. He explained the potential considerations of (1) targeting Just Economics pledged rates; (2) employer health contribution increase; and (3) exploring retiree health insurance (a) cost analysis; and (b) exploring program options. He then showed a chart of the City of Asheville current base pay data. A summary of new investments are (1) limited funding for new investments is available; (b) focusing on employee compensation; and (3) enhanced services where we have funding available to do so.

Regarding the General Capital Outlook and General Obligation (GO) Bond, for capital planning additional investment in City facilities and infrastructure is needed to maintain current level of services. He showed a chart of identified General Capital projects - Facilities; Fleet & Equipment; Greenways; Parks, Recreation and Entertainment; Placemaking; and Streets & Sidewalks. The planning update is (1) Internal draft finalized next week - Planning work includes all funding ("regular" capital and GO bonds); and (2) April 9 worksession (a) amounts by referenda category; and (b) example projects.

Regarding the "Steady State" voting cycle, the opportunities are (1) Allows for better long-term GO capital program planning; (2) Shaves "peaks and valleys" of debt service and resources needed; (3) Establishes importance of funding future capital needs; (4) Improves resource allocation; (5) Gives policy makers breadth of decision making and roadmap; (6) Bond votes become a normal part of raising capital; and (7) Increases affordability and consistency in bond purposes and sizing. He then showed a potential property tax impact chart, which was based on current values before 2025 reevaluation. Potential November 2024 Referenda are (1) **Housing** (land banking, Housing Trust Fund support); (2) **Transportation** (street resurfacing, sidewalks, greenways); (3) **Parks, Recreation and Entertainment** (court/field renovations, recreation center improvements); and (4) **Public Safety and Facilities** (police/fire stations, building renovations). The Asheville 2016 GO Bond Referenda was \$74 Million - 17 Million for Parks; \$32 Million for Transportation; and \$25 Million for Housing. He then outlined the GO Bond Actions. The GO Bond summary and next steps are (1) Steady state recommendation - \$75 Million 2024; and \$75 Million 2028; and (2) Bond referenda categories - Housing, Transportation, Parks, Rec and Entertainment; and Public Safety and Facilities. More information will be provided on April 9, 2024.

Regarding recommended changes to fees and charges, (1) Staff reviews fees and charges as part of the budget process each year and bring forward recommendations for adjustments early in the process; (2) Fees and charges represent a small portion of General Fund revenues but are the major revenue source for Enterprise Funds; and (3) Staff recommendations, *approved unanimously by Finance Policy & Human Resources Committee*, for FY 2024-25 include: (a) A continuation of modest increases to water, stormwater, and solid waste fees paid by most households; (b) Adjustments to parking fees to fund \$11.3M in garage repairs; (c) Increase to curb installation fee based on material change; and (d) Adjustments to water development review, fire hydrants, new tap/meter, and testing/sampling fees based on costs.

He then showed a chart of a typical residential household impact. Regarding the Water Resources Fund, continuing to invest in this service will help to address maintenance and operational needs. He recommended the 3-Year Phase In of (1) Equity Among Rate Classes (a) Eliminates rate payer inequity faster than the 5-year phase in; and (b) 3-year phase-in already prolongs the cost of service study implementation; and (2) Financial Sufficiency (a) Establishes reserves faster to help maintain debt ratings; (b) Commitment to funding capital more favorable for rating agencies; and (c) 5-year plan requires higher rates by year 5 to achieve same reserve targets. He then showed charts for base rate comparison and typical customer bill impacts.

Regarding the Parking Services Fund, continuing to invest in this service will help to address maintenance and operational needs. He showed charts for on-street parking changes, and parking garage changes. Impact of recommended changes are (1) Funds identified parking garage repairs; (2) Additional positions add capacity to address neighborhood parking issues; (3) Captures value of evening parking demand; (4) Ensures availability of spaces in the evening; and (5) Drives longer term parking to garages.

Regarding the Stormwater Fund, continuing to invest in this service will help to address maintenance and operational needs. He showed a chart of recommended changes. Service improvements are (1) Additional equipment and capital to enhance ongoing maintenance; (2) Additional position to support continuity of operations (sweepers, system cleaning vehicle operators, CCTV camera operators, and utility locations); and (3) Additional positions to support timely development review.

He then showed a Sanitation overview fee from Fiscal Year 2016 to Fiscal Year 2024. Service improvements are (1) Offset additional cost of providing ongoing level of service (including compensation changes & recycling contract); (2) Additional position to align full-time staffing with yard waste/bulky load routes; (3) Waste reduction position to expand recycling education and outreach (previously contracted); and (4) Additional vehicle to support special collections and receptacle maintenance.

Throughout the presentation, City Manager Campbell, along with Mr. Floyd, responded to various questions/comments from Council, some being, but are not limited to: do we know the amount we are starting with the base budget for this year; confirmation that the reparations fund and supplemental income for firefighters are included in the base budget; how many manufacturing customers do we have; need to have parking meters in the South Slope, west Asheville, and Biltmore Village; what is the cost to install parking meters in the areas of the City that do not have them; and consensus to raise on-street hourly parking meter rates to \$2.50 and keep the service from 8:00 a.m. - 6:00 p.m.

There was considerable discussion regarding compensation, with various questions/comments being responded to by City Manager Campbell and Mr. Floyd. Some of those are, but are not limited to: additional information related to living wages for all employees, flat rate (not percentage) raises, lump sum payment for all employees; budget impact between a fixed rate vs. an across the board raise; variables for the compression analysis; need for big picture long-range creative ideas to address compensation; information on how other communities address compensation and living wages; request to make sure our website is clear with regard to advertising for public safety positions; request for history of vacancies; suggestion to add to next budget public engagement survey a question related to programs/projects the community doesn't want or care about; suggestion to survey City employees if they are willing to see less of a raise to give to those who do not meet a living wage; and cost comparison/staffing costs of the City doing their own community responder program vs. working with the County's program so as to avoid duplication of services.

Mayor Manheimer said there is strong interest on City Council in raising City employee wages and will look to City Manager Campbell for guidance on levels and options, being as aggressive as possible.

There was considerable discussion regarding a potential General Obligation Bond, with various questions/comments being responded to by City Manager Campbell and Mr. Floyd. Some of those are, but are not limited to: requests for assessment and financial analysis for each of the possible bond referenda cycles; whether the proposed bond for Parks, Recreation and Entertainment include the Malvern Hills Pool; what voting cycle for the bond referenda and what the impact would be on different dollar scenarios; confirmation that the potential 2024 bond referenda be (1) Housing (2) Transportation (3) Parks, Recreation and Entertainment and (4)

Public Safety and Facilities; concern about possibly imposing a BID property tax for commercial/residents downtown, along with the County's reevaluation and now the bond referenda; need to have the City's bond dashboard keep current; at what point in time does Council ask for projects to be funded with the bonds; need to make sure if the bonds are approved that we can deliver the services within the appropriate timeframe; what are leveraging opportunities after the bonds are issued; City Manager needs to coordinate with the County on the off years that the County issues their bonds; how much does the Central Business District produce in property tax; and concern about how the County tax assessors are having an inequitable impact on different communities.

All questions/responses not readily available, would be provided to City Council at the April 9 budget worksession.

At 4:32 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – March 26, 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:

II. CONSENT AGENDA:

- A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON MARCH 7, 2024, AND THE FORMAL MEETING HELD ON MARCH 12, 2024**
- B. RESOLUTION NO. 24-68 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TARHEEL PAVING AND ASPHALT INC. FOR THE FISCAL YEAR 2023-24 ASPHALT RESURFACING CONTRACT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Tarheel Paving and Asphalt, Inc. in the amount of \$2,527,521.27, plus a 15% contingency of \$379,128.19 (\$2,906,649.46 total) for the FY 2023-24 Asphalt Resurfacing contract.

Background:

- The main scope of the project is the resurfacing of 13 streets for a total of 5.01 miles.
- An inventory of the streets was provided...
- The contract was advertised on February 1, 2024 and bids were opened on February 22, 2024.
- The following bids were received:

Tarheel Paving and Asphalt, Inc. of Hendersonville, NC	\$2,527,521.27
Emery Sealco, Inc of Arden, NC	\$2,710,858.00

Harrison Construction Division of APAC-Atlantic, Inc. of Asheville, NC	\$2,772,228.55
Site Development Corporation of Cliffside, NC	\$2,995,610.00
Bryant's Land and Developments Industries, Inc. of Burnsville, NC	\$3,288,656.00
French Broad Paving, Inc. of Marshall. NC	\$3,561,990.10
Rogers Group, Inc. of Greer, SC	\$3,585,384.05

Vendor Outreach Efforts:

- Funding for this project is provided through City general fund and/or operating budgets. As a result the outreach and engagement followed the City's business inclusion processes. This process at a minimum requires staff to outreach businesses that have a documented contracting disparity directly and/or through prime 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.
- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors along with the City of Asheville ABI database.
- Only one company from an identified disparity group (Black American) was found in the ten-county area and staff directly contacted that company.
- The company did not submit a bid.
- Two women-owned businesses were also directly contacted and one submitted a bid.
- Two woman-owned companies will be operating as subcontractors on the project.
- The two WBE companies are Appalachian Paving and Concrete of Swannanoa, NC, and New Dimensions of Fletcher, NC.
- Tarheel Paving and Asphalt anticipates expending 13.5 percent of the total dollar amount of the contract with these companies.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- The award of this contract will result in the resurfacing of 5.01 miles of City streets.

Con(s):

- Construction will cause temporary disruptions in the impacted neighborhoods.

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 execute a contract with Tarheel Paving and Asphalt, Inc. in the amount of \$2,527,521.27, plus a 15% contingency of \$379,128.19 (\$2,906,649.46 total) for the FY 2023-24 Asphalt Resurfacing contract.

RESOLUTION BOOK NO. 44 - PAGE 419

C. RESOLUTION NO. 24-69 - RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN ONE WATERLINE EASEMENT AT 11 MILKWEED WAY

Action Requested: Adoption of a resolution authorizing the City Attorney's Office to condemn a waterline easement over real property located at 11 Milkweed Way.

Background:

- The City's Water Resources department has a waterline improvement project planned along Old Lytle Cove Road.
- The purpose of the subject project is to increase water capacity and reliability by replacing an existing 6 inch cast-iron waterline with an 8 inch ductile iron waterline.
- The City has obtained all required easements needed to complete this project, save for one along the edge of real property located at 11 Milkweed Way.
- The owner of the property at 11 Milkweed Way has made it clear that he is not willing to have any conversation about voluntarily selling the City the needed easement.
- The easement needed at 117 Onteora Boulevard is immediately adjacent to a roadway, and only minimally impacts the lot at 11 Milkweed Way. As such, the City's condemnation of the needed easement has been appraised at less than ten-thousand dollars.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of a needed waterline replacement project, and safeguard the project schedule.

Con(s):

- Will result in the commencement of an eminent domain action against a citizen.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Attorney's Office to condemn a waterline easement over real property located at 11 Milkweed Way.

RESOLUTION BOOK NO. 44 - PAGE 420

D. ORDINANCE NO. 5061 - BUDGET AMENDMENT TO ADD FUNDS TO THE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CONSTRUCTION OF THE SIDEWALK ON AMBOY ROAD BRIDGE

Action Requested: Adoption of a budget amendment to add an additional \$29,501.12 to the agreement between the City of Asheville and the North Carolina Department of Transportation, for a total cost of \$107,251.12, for the purpose of funding the construction of the sidewalk on Amboy Road bridge.

Background:

- Resolution 21-198 was approved by City Council on September 14, 2021 and authorized the City Manager to execute an agreement between the City and the North Carolina Department of Transportation (NCDOT) for both parties to partner in the funding and construction of sidewalk improvements on Amboy Road Bridge.

- The improvements included the widening of the sidewalk on the north side of the bridge and the construction of sidewalk connections on either side of the bridge, connecting to the RADTIP project on the east and the French Broad River Park on the west.
- The construction of the project was managed and completed by NCDOT in 2023.
- The original agreement that was executed in 2021 included a cost estimate for the City's portion of the project, which was estimated to be \$77,749.92 out of a total project estimate of approximately \$500,000. The City's portion of the estimated cost was paid to the NCDOT prior to construction.
- The agreement required the City to provide additional funding if the actual cost was above the original estimate.
- The actual cost associated with the City's portion of the project was \$107,251.04, therefore an additional \$29,501.12 is required to be added to the agreement and paid to the NCDOT.
- The additional funding will be provided through the City's Sidewalk Fee In-Lieu Capital Fund which currently has sufficient funds to cover the additional expense.

Vendor Outreach Efforts:

- This is an existing agreement between the City and NCDOT. NCDOT has completed project construction.

Council Goal(s):

- Transportation and accessibility

Committee(s):

- None

Pro(s):

- This action fulfills the existing agreement between the City and the NCDOT that was executed in 2021 for sidewalk improvements on the Amboy Road Bridge.

Con(s):

- An additional \$29,501.12 in sidewalk in-lieu funds must be used to fund the additional cost of the recently constructed improvements.

Fiscal Impact:

- The original agreement in 2021 included a cost estimate for the City's portion of the project, which was estimated to be \$77,749.92. This amount has already been provided to the NCDOT.
- The agreement requires the City to provide additional funding if the actual cost was above the original estimate.
- The actual cost was \$107,251.04, therefore an additional \$29,501.12 is required to be added to the agreement and paid to the NCDOT.
- The additional funding will be provided through the City's Sidewalk Fee In-Lieu Capital Fund which currently has sufficient funds to cover the added expense.

Motion:

- Motion to approve a budget amendment to add an additional \$29,501.12 to the agreement between the City of Asheville and the North Carolina Department of Transportation, for a total cost of \$107,251.12, for the purpose of funding the construction of the sidewalk on Amboy Road bridge.

E. ORDINANCE NO. 5062 - ORDINANCE ENACTING (1) A 10 MPH SPEED LIMIT ON BATTERY PARK ALLEY FROM BATTERY PARK AVENUE TO PAGE AVENUE; (2) A 20 MPH SPEED LIMIT ON WOODFIN STREET FROM NORTH MARKET STREET TO OAK STREET; AND (3) A 25 MPH SPEED LIMIT ON HARVARD PLACE FROM MIDDLEMONT AVENUE TO ORMOND AVENUE AND ORMOND AVENUE FROM HARVARD PLACE TO HAYWOOD ROAD

Action Requested: Adoption of ordinances enacting (1) a 10 mph speed limit on Battery Park Alley from Battery Park Avenue to Page Avenue, (2) a 20 mph speed limit on Woodfin Street from North Market Street to Oak Street, (3) a 25 mph speed limit on Harvard Place from Middlemont Avenue to Ormond Avenue and Ormond Avenue from Harvard Place to Haywood Road.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- City staff received requests from residents to consider changes to the speed limits for the speed limits listed with this Council action.
- City staff performed appropriate traffic-engineering studies along four streets: Battery Park Alley, Woodfin Street, Harvard Place, and Ormond Avenue.
- The speed limit on the following street will be set at 10 miles per hour:
 - Battery Park Alley from Battery Park Avenue to Page Avenue
- The speed limit on the following street will be set at 20 miles per hour:
 - Woodfin Street from North Market Street to Oak Street
- The speed limit on the following street will be set at 25 miles per hour:
 - Harvard Place from Middlemont Avenue to Ormond Avenue
 - Ormond Avenue from Harvard Place to Haywood Road
- The Asheville Police Department has reviewed the subject actions and they concur with them.
- Once the subject action is approved and prior to the installation of appropriate signs on the City-maintained streets, Transportation Department staff will coordinate outreach and public education with the Communication & Public Engagement Department (CAPE) and the Asheville Police Department.
- Subpart A, Article II, Section 18 of the City of Asheville's Charter requires revising or amending ordinance sections by repealing the original ordinance sections completely and replacing them with revised or amended ordinance sections.
- Staff is requesting a repeal and replacement of the relevant ordinance sections to accomplish these speed limit changes.
- A short version of the ordinance changes is included with this staff report.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- Multimodal Transportation Commission - February 28, 2024 - presented for information.

Pro(s):

- City staff have been able to respond favorably to citizens' requests.
- Provides a more appropriate posted speed limit in commercial and residential areas.
- Provides more appropriate posted speed limits for pedestrians, transit, and bicycle riders.

Con(s):

- None

Fiscal Impact:

- The cost of installing and maintaining speed limit signs is included in the Transportation Department operating budget.

Motion:

- Motion to repeal ordinance sections and replace them with revised ordinance sections to enact (1) a 10 mph speed limit on Battery Park Alley from Battery Park Avenue to Page Avenue, (2) a 20 mph speed limit on Woodfin Street from North Market Street to Oak Street, and (3) a 25 mph speed limit on Harvard Place from Middlemont Avenue to Ormond Avenue and Ormond Avenue from Harvard Place to Haywood Road.

Paul Howell spoke in support of these speed limit reductions and also asked that the speed limit from Oak Street to North Market Street be reduced to 20 mph.

David Moritz spoke in support of these speed limit reductions and also asked City Council to begin looking at designating pedestrian-only streets, i.e., Wall Street.

ORDINANCE BOOK NO. 35 - PAGE 217

F. RESOLUTION NO. 24-70 - RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN AN EASEMENT NEEDED FOR THE HOMINY CREEK GREENWAY

Action Requested: Adoption of a resolution authorizing the City Attorney's Office to condemn an easement needed for the Hominy Creek Greenway located at a property identified as PIN 9628-900-9210.

Background:

- N.C. Gen. Stat. § 40A-3 allows the City to condemn easements for public parks and other recreational facilities.
- The City currently has full legal access to the land where the Hominy Creek Greenway is located, except for one privately owned parcel, which is in the middle of the greenway corridor.
- To ensure ongoing public access to this greenway, the City must gain an easement upon this remaining parcel, which will encompass the existing location of the greenway and needed maintenance area.
- City staff have attempted to negotiate the purchase of this easement from the subject property owner for many months but have been unable to reach an agreement.
- The property owner was provided with offers of financial compensation for the needed easement, based on assessed value or appraisals obtained from a North Carolina licensed appraiser.
- Despite best efforts, the City has exhausted all opportunities to acquire the needed property rights through voluntary acquisition, therefore condemnation is necessary in order to ensure continued legal public access to the greenway.
- If the City Council authorizes the condemnation, \$22,000 will be made available to the property owner based on the third-party appraisal for the easement.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Improve and maintain infrastructure and core services

Committee(s):

- N/A

Pro(s):

- The City will have control of the easement area to ensure public access and cohesive maintenance of the Hominy Creek Greenway corridor in its entirety.

Con(s):

- None

Fiscal Impact:

- The cost of the easement is \$22,000 based on a third-party appraisal. This amount will be available to the property owner immediately following the condemnation.
- Funding is available in the Transportation Department operating budget.

Motion:

- Move to adopt a resolution authorizing the City Attorney's Office to condemn an easement needed for the Hominy Creek Greenway at a property identified as PIN 9628-900-9210.

Councilwoman Roney said there has been over a decade of work to realize the Hominy Creek Greenway, and she is very familiar as she used to live around the corner on Sandhill Road. There are neighbors here with serious questions still unanswered, and the condemnation of property we see here on our agenda is not the ideal situation for obtaining easements. She has and will continue to work towards healthy relationships between neighbors, encouraging constructive dialog and behavior through times of conflict so we can work together towards the public interest: taking better care of each other and our mountain home. She is supporting staff's efforts to move forward including work to answer the questions that remain and pursue solutions.

Trustee of the Friends of Hominy Creek Greenway spoke in support of the Hominy Creek Greenway and hoped we can make it a special place.

Two property owners of the parcel subject to the proposed easement condemnation both supported the Hominy Creek Greenway; however, they requested a larger easement, and to include language in the easement that they not be liable of "Acts of God" which might cause serious injury to those that use the greenway in this portion of the greenway. They were not satisfied with this process.

RESOLUTION BOOK NO. 44 - PAGE 421

G. RESOLUTION NO. 24-71 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH TDA CONSULTING TO SUPPORT THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS ADMINISTRATION

Action Requested: Adoption of a resolution authorizing an amendment to the contract with Training Development Associates (dba TDA Consulting, Inc.) Consulting for the total amount of \$103,000 for the purposes of supporting program administration for the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) and HOME programs.

Background:

- In 2021, the City entered into a contract with TDA Consulting, a HOME & CDBG consulting firm to provide consulting services to support CDBG and HOME programs,

with a specific focus on the HUD compliance finding related to the administration of the HOME down payment assistance program.

- Additionally, TDA Consulting was instrumental in reviewing HOME funding applications and assisting with funding recommendations during a period of staff turnover in the Community Development Division.
- With contract amendments, staff has now fully expended the funds for the existing contract totaling \$86,500.
- There is remaining closeout work to be completed with respect to the HUD finding and TDA Consulting is the firm that has completed all of the prior research, communications, and review of the downpayment assistance program.
- Staff is seeking authorization to complete the remaining HUD closeout work and assist with the year's HOME funding cycle.
- The Community and Economic Development Department has identified \$17,000 of available budget that can be allocated to this contract, which will bring the total amount of the contract to \$103,000.
- This change order will complete the scope of work for this contract. Any future needs for these services will be procured through a new process.

Vendor Outreach Efforts:

- This vendor subcontracts with a training consultant, Community Development Experts, who has conducted IDIS (a federal grant management system) training for City staff. Community Development Experts is a minority-owned firm with expertise in local and state community development programs.
- This vendor was initially procured through an informal bid process. Staff performed outreach to a qualified woman-owned firm, however, that firm did not wish to provide a quote for services requested.

Council Goal(s):

- Quality affordable housing
- Financially resilient city

Pro(s):

- TDA Consulting has been a key vendor assisting the City with resolving the HUD finding and additional contract dollars will allow this work to be completed.

Con(s):

- None noted.

Fiscal Impact:

- Funding for this contract is available in the Community and Economic Development Department operating budget.

Motion:

- Motion authorizing the City Manager to add additional funds to the contract with TDA Consulting, bringing the total to \$103,000.

RESOLUTION BOOK NO. 44 - PAGE 422

H. ORDINANCE NO. 5062 - ORDINANCE AMENDING SECTIONS 2-111 THROUGH 2-130 OF THE ASHEVILLE CITY CODE OF ORDINANCES TO DISSOLVE THE ASHEVILLE POLICE OFFICERS AND ASHEVILLE FIREFIGHTERS DISABILITY REVIEW BOARD

Action Requested: Adoption of an ordinance amending Sections 2-111 through 2-130 of the Asheville City Code of Ordinances to dissolve the Asheville Police Officers and Asheville Firefighters Disability Review Board.

Background:

- City Council adopted Ordinance No. 1650, amended by Ordinance Nos. 1674, 1738 and 1844, to provide for the establishment of the City of Asheville Police Officers and Firefighters Disability Review Board (“Disability Review Board”) for former members of the Asheville Policemen’s Pension and Disability Fund and the Asheville Firemen’s Pension and Disability Fund.
- The Disability Review Board determines when supplemental payments shall be made to former members of the Asheville Policemen’s or Firemen’s Pension and Disability Fund, or their survivors, when the disability or retirement payment from the North Carolina Local Governmental Employees Retirement System is less than the amount of the monthly benefit which the retiree or survivor would have been entitled to under the Asheville Policemen’s or Firemen’s Pension and Disability Fund.
- The Disability Review Board was established as of January 1, 1987, for former members of the Asheville Policemen’s Pension and Disability Fund for those members or survivors who became eligible for benefits on or after January 1, 1987, and for former members of the Asheville Firemen’s Pension and Disability Fund, or their survivors, who became eligible for benefits on or after January 1, 1988.
- The last meeting of the Disability Review Board was in 2001, and at that time there were only a very few number of employees, if any at all, who would have been eligible to appear before the Disability Review Board.
- On February 6, 2024, the City’s Finance Department confirmed that there is no money in any City fund associated with this Disability Review Board.
- On February 6, 2024, the City’s Human Resources Department reviewed the demographics of the Asheville Police and Asheville Fire Departments and confirmed that there are no longer any employees, or related beneficiaries, eligible to receive supplemental payments from the City policemen’s or firemen’s pension and disability fund.
- Therefore, there is no further need for the Asheville Police Officers’ and Asheville Firemen’s Disability Review Board, and staff support its dissolution.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- Boards & Commissions Committee - March 12, 2024 - adopted unanimously (2-0)

Fiscal Impact:

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

Motion:

- Motion to adopt an ordinance amending Sections 2-111 through 2-130 of the Asheville City Code of Ordinances to dissolve the Asheville Police Officers and Asheville Firefighters Disability Review Board.

ORDINANCE BOOK NO. 35 - PAGE 233

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

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

III. PRESENTATIONS & REPORTS:

A. FINDINGS OF CEASE THE HARM AUDIT

Dr. Adrian Carter, Project Lead with Carter Development Group, provided the following key takeaways from his presentation as follows: (1) The Community Reparations Commission acted in December 2022, recommending that the City of Asheville and Buncombe County audit internal and external policies, programs, and operations to prevent further harm to the African American community; (2) Following a competitive selection process, the Carter Development Group entered into a \$174,375 contract with the City of Asheville and Buncombe County to conduct the audit; (3) The audit collected data from July 1, 2020, to June 30, 2023, and its recommendations were based on the five Reparations Impact Focus Areas: Economic Development, Education, Housing, Health & Wellness, and Criminal Justice. The audit also focused on two key areas of focus for City and County operations: Internal Workforce and Equity Offices; (4) The Community Reparations Commission has now had three opportunities to discuss the audit and key findings with the Carter Development Group at their January, February, and March commission meetings; and (5) Following completion of the final report, City and County staff will work with the Community Reparations Commission, City Council, and other partners to prioritize and begin the implementation of key findings from the report.

He said the purpose of the study is (1) a comprehensive examination of the County and City government's services, policies, procedures, outcomes, and compliance with local, state, and federal regulations to ensure the cessation of harm to African-American people in Asheville and Buncombe County; (2) the first known audit of this nature by a municipal and county government; (3) this audit creates a baseline assessment that works toward the cessation of harm; and (4) both governments have caused harm and indicated their willingness to address it using the findings from this report. He then went through the approach and methodology of the report.

Thematic key harm observations are (1) Key Harm 1 - insufficient data-driven practices to determine the level of African-American participation in County and City opportunities; (2) Key Harm 2 - insufficient evaluation practices of grant recipients; (3) Key Harm 3 - limited affordable housing supply for purchase or rental across the County and City, compounded by a lack of cohesive strategy among County and City officials and key stakeholders; and (4) Key Harm 4 - County and City governments' staff lack wide-scale racial equity training to create baseline knowledge of equitable practices.

Dr. Carter said high impact inclusive community building recommendations are (1) designate legacy communities as historic or cultural districts (a) legal protections and regulations to safeguard the community and gentrification; (b) attract visitors and stimulate tourism and economic development; (c) qualify for grants, tax incentives, and funding programs for historic preservation and revitalization; and (d) contributes to social equity and justice by acknowledging past injustices, promoting racial reconciliation, and empowering marginalized communities; (2) develop procurement industry and utilization dashboard (a) project procurement opportunities and track government spending in specific industries or sectors; (b) implement a user-friendly search and filter system, allowing business owners to identify relevant procurement opportunities quickly; and (c) this encourages readiness and competition and promotes vendor engagement in the procurement process; (3) develop a Black Chamber of Commerce (community-led) (a) Black Chamber of Commerce are 501 (c) (6) nonprofit organizations modeled after traditional chambers of commerce but with a specific mission to support Black-owned enterprises; and (b) provide tailored support services to assist Black-owned businesses at various stages of development,

including start-ups, sustainability, and growth; (4) implement measurable scenario-based recorded training (a) scenario-based measurable training when addressing the use of implicit bias during the act of policing; and (b) utilize volunteer citizens to participate in scenario-based training to encourage peer and citizen review and ensure transparent evaluation of simulation versus classroom-based implicit bias training; (5) develop a collective Affordable Housing Plan in partnership of County, City, and other stakeholders (a) identify funding sources and allocate a budget to sustain and expand Black homeownership rates over the next three years; (b) develop timeline and goals for collaboration with local, state and federal entities, as well as community partners, to create affordable housing for Black populations and eliminate barriers to fair housing; and (c) limit the number of developers granted permits to build in legacy neighborhoods unless they are building housing for low-income or extremely low-income tenants/owners; (6) hire or contract education subject matter experts (a) subject matter experts will help disaggregate data coming from grantees and review the methodology and determine the capacity of grantees to implement program features; (b) subject matter experts can determine which grant applicants are best suited to meet community and student needs by giving insight(s) on pedagogy, current research, best practices, and educational trends as per the grant; and (c) subject matter experts can audit and progress monitor throughout the grant implementation cycle to ensure program goals are being met; (7) revise Interview Panel Policy & Procedure (a) move from an interview panel process to a search and screen committee approach; (b) a search and screen committee provides a noticeable veil between the hiring manager and the candidates; (c) in this approach, the hiring manager assembles the committee and identifies a committee chair; (d) committee members usually range from three to five, depending on the position; and (e) we recommend this starts at positions with a supervisory role; (8) conduct workforce equity audit and organization-wide racial equity training (a) employee engagement survey with an assessment of staff's sense of belonging and level of psychological study within the organization; (b) develop a plan for internal workforce-wide training; and (c) develop a concrete racial equity certification program for the internal workforce comprised of internal and external development opportunities.

Throughout the presentation, City Manager Campbell, along with Dr. Carter, responded to various questions/comments from Council, some being, but are not limited to: confirmation that if a group of people allege something is not right, they are in fact being harmed because there is no data; confirmation that all areas have a significant lack of data; confirmation that the draft 2024 Cease the Harm Report is the final draft report and nothing is redacted, but the links will not be live until next week; suggestion to have a City-County Affordable Housing Committee to address housing; how do we leverage deeply affordable housing; what would deeply affordable housing look like if we were to do districts; and any recommendations regarding racial equity training.

B. BUSINESS IMPROVEMENT DISTRICT PRESENTATION

Mr. Austin Walker, Immediate Past Chair of the Asheville Area Chamber of Commerce, explained what a Business Improvement District (BID) is. It is a funding mechanism used to provide revenue for a variety of local improvements and services that enhance (but do not replace) existing municipal services. A BID, by state statute, is authorized by the City, but self-governed and traditionally requested by private sector property owners and businesses. A BID provides a managed, maintained and marketed approach to enhancing a designated area within the City. Mr. Walker then gave a brief history of BIDs, and also explained why property owners invest in BIDs. He then provided basic BID do's and don'ts. He said common bid services (1) enhanced safety/hospitality; (2) enhanced cleaning; (3) beautification and maintenance; (4) marketing; (5) placemaking enhancements; (6) programing and events; (7) retail/restaurant support; (8) capital improvements; and (9) parking and mobility. Mr. Walker explained the work done so far with regard to the BID, starting with a feasibility study in January-June, 2023. Regarding engagement, they had meetings with Downtown Asheville Residential Neighbors (DARN) leadership, Asheville Independent Restaurants (AIR), The Block Collaborative, Businesses of South Slope (BOSS), social service providers, and the Downtown

Commission. Additional engagement included mailing to all addresses in the next two weeks; their website; media coverage (Asheville Watchdog, Mtn Xpress, WLOS); Asheville Downtown Association (ADA) State of Downtown; Chamber Policy on Tap; outreach by Asheville Downtown Association to individual members and other stakeholders; petition drive; and electronic communications from ADA, AIR, Chamber, and other stakeholder groups. Online survey (October-November 2023) results showed 337 responses - strong response rate from downtown business owners, employees and residents.

Mr. Bill Durr, member of the BID Steering Committee showed some survey results. He said that the findings are supported by the Asheville Downtown Association (ADA) survey. Downtown stakeholder survey in February were 410 responses: 75.3% of respondents would consider paying for Enhanced Safety and Hospitality Services; 74.3% of respondents would consider paying for Enhanced Cleaning; Less than 11% of respondents did not believe downtown Asheville would benefit; and 91.6% of respondents believe the ADA should be advocating for the implementation of the BID.

Eva Michelle Spicer, member of the BID Steering Committee and Member of the Downtown Commission showed the proposed boundaries of the BID. Regarding Safety & Hospitality BID services would include (1) hospitality and continual public engagement; (2) observing and reporting issues; (3) business engagement; and (4) engaging with members of the street and unhoused population. Regarding Enhanced Cleaning, BID services would include (1) litter removal; (2) debris sweeping; (3) graffiti abatement; (4) pressure washing; (5) street furniture cleaning; and (6) weed removal.

Larry Crosby, General Manager of 51 South Market Street, said the services and budget, for safety & hospital services (\$700,000), enhanced cleaning services (\$300,000), contingency (\$100,000), and BID management and administration (\$150,000) would be a total of \$1,250,000. Regarding the annual assessment rate, a reminder is that BID is a property tax district; BID tax rate must be uniform throughout the BID; and is calculated using Buncombe County taxable values - 0.0919 per \$100 of taxable value. The final assessment will be recalculated in June 2024 with updated property assessments, using a total budget of \$1,250,000. Regarding administration and management, the City would conduct a Request for Proposals (RFP). There would be a joint Chamber of Commerce and ADA response. He said that regarding governance, (1) BID governed by BID Board; members with mixed interests, sizes and representation; (2) suggested structure for voluntary contributions from tax exempt properties; (3) proposed 14 member (and 4 ex officio); staggered three-year terms; and (4) City Attorney recommended nominations process/election be held once the RFP for management organization is conducted. He then went through the makeup of the BID board.

Mr. Tim Rosebrock, with the Biltmore Company, reviewed the accountability of the BID, along with objectives/metrics to be tracked. He then outlined the timeline and next steps, being a City Council public hearing on April 23, 2024; first vote on the ordinance on May 28, 2024; and second and final reading on the ordinance on June 11, 2024.

Throughout the presentation, the various presenters, along with attorney Beth Lane, responded to various questions/comments from Council, some being, but are not limited to: need for more outreach to commercial and residential tenants; confirmation that Hildebrand is excluded from the BID boundaries; explanation why the South Charlotte Street was excluded; suggestion to take marketing out as a source of these funds; confirmation that Safety & Hospitality and Enhanced Cleaning will be the main services for the BID; will he BID Steering Committee present a budget with a proposed assessment which City Council will have to vote on; concerns and suggestions on make-up of the BID Board and the reasoning behind the make-up; confirmation that the BID Board is an advisory board, but the delivery of services is a Request for Proposals to select the entity that will contract to provide the services; confirmation that after revenues start to

come in, Council will have time to run the process of the make-up of the BID Board and the RFP; confirmation that the Chamber of Commerce's mailing will be different than the City's required notice to all property owners in the BID boundary area - their mailing will be to all doors (if an apartment building has 80 apartments, each apartment will receive their notice); suggestion to have within the first 12 months a 5-year strategic plan from the BID Board; copy of the petition of support from the businesses; and how many residents live downtown.

Councilwoman Roney said "Downtown is our heart, it's the engine that pumps resources to the whole body of the city. A body can only be healthy when the heart is, and the heart can only be as healthy as its body. In addition to working and commuting Downtown, I've been touring through Downtown early morning and late night to better understand the serious issues our Downtown neighbors and community at large are dealing with. I'm staying curious about partnership, and appreciate the potential to learn more about the concerns and proposed solutions. I have attended stakeholder meetings and am hearing from constituents, especially commercial and residential renters who are concerned about their voices not being reflected, so I'm going to lift up some of what I'm hearing (1) another unelected board overseeing public tax dollars,(2) impact of a trifecta tax increase especially on local businesses and commercial/residential renters, and (3) concern about lack of base-level services we provide since the focus is on safety, hospitality, and cleanliness. For example: We have serious overlapping crises of behavioral health, substance use poisoning and overdose, and homelessness - these are the outcomes of lack of access to housing and healthcare. We are not yet partnering with the County to expand Community Paramedicine with behavioral health specialists uniquely qualified to meet crises, so there's a gap. BIDS are meant to serve above and beyond bsa services, so ambassadors are not the person with the right tool and training, and our gap in base level services means they won't have a holistic safety response team to rely on, so we'll fail the ambassadors in addition to continuing to fail our staff, businesses, visitors, and vulnerable neighbors. In a recap, if we drop three potential tax increases on Downtown at the same time (zoom out to the BID, Bonds, and a tax revaluation) it will disproportionately impact commercial and residential renters who are under-represented compared to owners on the board, and that means when we need to resource base-level services because our Downtown residents and businesses will be over-extended while our City's not able to meet the base expectations of core services. I invite the Chamber and community supportive of the BID would consider providing this level of input to ensure the City and County work together to build out a holistic crisis response starting Downtown and growing city-wide the way the County has started with Community Paramedics and co-responders and the way Durham has and Raleigh is considering with a HEART program including crime prevention. Then we would have a solid , hostlic public safety response to grow from for a whole city and a healthy heart."

Mayor Manheimer said that the next step will be the public hearing on April 23, 2024, in the Banquet Hall at Harrah's Cherokee Center - Asheville, located at 87 Haywood Street. She said the formal Council meeting will begin at 4:00 p.m.; however, the BID public hearing will be one of the final items on that evening's agenda, and therefore it is highly unlikely that the public hearing on the BID will start before 7:00 p.m.

C. AFFORDABLE HOUSING PLAN PRESENTATION BY ENTERPRISE COMMUNITY PARTNERS

Mr. Jerah Smith, representative of Enterprise Community Partners, said his key takeaways from this presentation are (1) Affordable housing plan work is underway and in alignment with the community's and Council's vision; (2) Based on the research and engagement to-date, Enterprise has generated four cross-cutting priorities to guide the plan and five goal areas; (3) Within that framework, the team is in the process of sharing preliminary recommendations with stakeholders and community members, with the intent to prioritize and

right-size final recommendations for the affordable housing plan - includes recommendations for optimizing existing City tools; (4) Looking ahead, as key strategies come into focus, the intent is to align with bond planning and create an implementation roadmap; and (5) This presentation is intended to be an update and we will return in May for City Council input and feedback.

He said that the goals for the Affordable Housing Planning Process involves (1) develop a roadmap to improve existing housing programs, implement new policies, and allocate future resources for affordable housing; (2) center the communities most affected by the housing crisis while addressing broader community; (3) paint a clear picture of current conditions based on diverse resident perspectives and credible secondary data sources; and (4) ensure that City resources are producing equitable outcomes and identify additional opportunities to leverage City resources for advancing racial equity. He then explained the research to today of hearing resident perspectives, gathering stakeholder inputs, analyzing quantitative data, and cross-cutting priorities.

Mr. Smith said above anything else, this housing plan will center the people who live in Asheville, as well as those who have been displaced from Asheville. As a major portion of Asheville's housing was built before 1970, it is important to assess if it meets the needs of residents today - and into the future. Housing does not exist in a vacuum. Our team heard several themes related to factors that impact current residents and the City's future.

Mr. Smith then reviewed the preliminary recommendations (goals and strategies the City can lead and/or support in the next 10 years) (1) promote policies and resources that help residents stay and thrive in Asheville; (2) preserve existing affordable housing and improve housing quality; (3) increase the supply of housing that meets the diverse needs of current and future residents; (4) align place-based policies and programs with related City initiatives; and (5) broaden and strengthen the affordable housing ecosystem and tools. He then showed example strategies for each of the five recommendations.

Looking ahead, (1) community engagement around recommendations; (2) revise and prioritize strategies; (3) align with the bond framework; (4) create an implementation roadmap; and (5) finalize and release the affordable housing plan.

Throughout his presentation, Mr. Smith responded to various questions/comments from Council, some being, but are not limited to: is there a plan to knit some plans together so the public does not get engagement fatigue; need to increase awareness of City and County resources that are available to residents and homeowners; thoughts on how the bond cycles will benefit the community over time; any tools available for NIMBYism; should the City be doing more "by right" development and if so, any special recommendations around that; should the City continue to look at a voluntary benefits table similar to the hotel overlay district; any input on the downtown payment assistance program; and any tools the State may have to create housing for public safety workers.

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 applicant's request, Councilwoman Mosley moved to continue this public hearing until May 28, 2024. This motion was seconded by Councilwoman Roney and carried unanimously.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING ORDINANCE (ORDINANCE NO. 4723) FOR 1568 BREVARD ROAD TO MAKE CHANGES TO THE OVERALL SITE PLAN AND DEVELOPMENT PROPOSAL

ORDINANCE NO. 5064 - ORDINANCE TO AMEND THE CONDITIONAL ZONING ORDINANCE (ORDINANCE NO. 4723) FOR 1568 BREVARD ROAD TO MAKE CHANGES TO THE OVERALL SITE PLAN AND DEVELOPMENT PROPOSAL

Principal Planner Will Palmquist said that this is the consideration of an amendment to the conditional zoning ordinance (Ordinance No. 4723) for 1568 Brevard Road to make changes to the overall site plan and development proposal. This public hearing was advertised on March 15 and 22, 2024.

Project Location and Contacts:

- The project site totals 137 acres at 1568 Brevard Rd (PIN 9636-10-3860)
- Owner: Buncombe County

Summary of Petition:

Review Process

- The project will be reviewed as a conceptual master plan and follow the typical conditional zoning process for conditional zonings, as prescribed in UDO Sec. 7-5-9.
- Specific design details, building heights, number of residential units, and square footage of other uses are not required for this phase of review, but are defined as an appropriate range of uses to allow for appropriate review by approving bodies.
- Following the adoption of the conditional zoning, which will define the general parameters of the development and its programming, the project will be reviewed in multiple phases, as necessary, through Final TRC Review.
- Each project phase would not need to return to City Council for a conditional zoning amendment as long as the plans meet the zoning parameters established in the prior conceptual master plan entitlement process.

Project Site

- The project site consists of one property totalling 137 acres, and is located between Ferry Rd, Brevard Rd, Interstate 26, and the French Broad River.
- The project site is currently vacant.
- The project is seeking an amendment to the existing conditional zoning on the property (Ord. No. 4723) which is zoned Commercial Expansion (COM EXP) and Residential Expansion (RES EXP). The proposed amendment would alter which areas of the site are zoned COM EXP and RES EXP.
- The site is designated as a combination of "Traditional Neighborhood", "Neighborhood Center", and "Parks and Open Space" on the city's Future Land Use (FLU) Map. A change in Future Land Use is not required.

Overall Project Proposal

- The project is being proposed by Buncombe County in consultation with the UNC School of Government Development Finance Initiative following extensive visioning and goal setting with the Buncombe County Board of Commissioners.
- The project proposes five (5) districts with distinct characters and land uses. Each district

has a range of proposed land uses and residential uses proposed and is described as the following:

- District 1 is proposed as areas of conservation that encompass the remainder of the site that is not being developed and includes amenities such as greenways and trails.
- Districts 2 & 3 are proposed as a multi-family residential development.
- District 4 is proposed as a mixed-residential neighborhood with single-family, two-family, and other residential product types in a combination of detached and attached styles.
- District 5 is proposed as a mixed-use, commercial core of the development with neighborhood-serving commercial uses and limited residential uses.
- Districts 1, 2, 3, and 5 are proposed to be zoned Commercial Expansion - Conditional Zone (COM EXP-CZ). District 4 is proposed to be zoned Residential Expansion - Conditional Zone (RES EXP-CZ).
- Proposed total dwelling units range from 550 to 935 dwelling units, broken down by district:
 - District 1: None
 - District 2: 260 - 360 units
 - District 3: 190 - 350 units
 - District 4: 100 - 140 units
 - District 5: 0 - 85 units
- Proposed total non-residential/commercial space ranges from 0 to 80,000 s.f., broken down by district:
 - District 1: 0 - 10,000 s.f.
 - District 2: 0 - 10,000 s.f.
 - District 3: 0 - 10,000 s.f.
 - District 4: 0 - 10,000 s.f.
 - District 5: 0 - 40,000 s.f.

Access, Sidewalks and Parking

- Access to the site is proposed by a new roadway connecting to Brevard Rd from the southwest (through an access easement on an adjacent property), as well as from Ferry Road from the north.
- The project will provide parking as deemed appropriate based on the final design and programming of each district. There will be no minimum parking requirements for the project and the maximum number of spaces allowed will be based on that established by use in UDO Sec. 7-11-2.
- A bike lane is proposed on both sides of the primary access road from Brevard Rd.
- Extensive greenways and trails are proposed through the site with varying surface types.
- The Bent Creek Greenway is planned by Buncombe County to connect between West Asheville and Henderson County and would be incorporated through the project site along its eastern and southern property boundaries.

UDO Compliance

UDO Provision	Requirement (COM EXP) (Districts 1, 2, 3, and 5)	Proposed
Gross Floor Area:	No maximum area.	TBD
Density:	50 units/acre maximum if 20% of dwelling units affordable at 80% AMI for 20 years	4.0 units/acre to 6.8 units/acre

Lot Size Minimum:	One acre minimum	<u>District 1 (Conservation):</u> n/a <u>District 2 (Multifamily West):</u> 1 acre <u>District 3 (Multifamily North):</u> 1 acre. <u>District 5 (Mixed-Use Core):</u> 3,500 s.f.				
Lot Width Minimum:	100' minimum along a publicly maintained right-of-way(s)	<u>District 1 (Conservation):</u> n/a <u>District 2 (Multifamily West):</u> 100' <u>District 3 (Multifamily North):</u> 100' <u>District 5 (Mixed-Use Core):</u> 40'				
Building Height(s) Maximum:	80' maximum height	<u>District 1 (Conservation):</u> 45' <u>District 2 (Multifamily West):</u> 60' <u>District 3 (Multifamily North):</u> 60' <u>District 5 (Mixed-Use Core):</u> 45'				
Building Setbacks Minimum:	<u>Front:</u> 15' for mixed-use buildings oriented to face a primary road; 35' in all other cases <u>Corner lot, street side:</u> 25' <u>Side:</u> None required. <u>Rear:</u> 25'	<u>District 1 (Conservation):</u> 35' front, 25' corner lot side street, 0 side, 25' rear <u>District 2 (Multifamily West):</u> 5' front, 5' corner lot side street, 0 side, 15' rear <u>District 3 (Multifamily North):</u> 5' front, 5' corner lot side street, 0 side, 15' rear <u>District 5 (Mixed-Use Core):</u> 5' front, 5' corner lot side street, 0 rear, 15' rear				
Vehicle Parking Spaces: (Applies to entire site)	Based on bedrooms and square footage of commercial uses	No minimum proposed. Maximum parking based on UDO standards.				
Bicycle Parking Spaces: (Applies to entire site)	5% of provided parking spaces	TBD, 5% of provided parking spaces minimum.				
Parking Lot Location:	Side or rear of building	<u>District 1 (Conservation):</u> Any location <u>District 2 (Multifamily West):</u> Side or rear <u>District 3 (Multifamily North):</u> Any location <u>District 5 (Mixed-Use Core):</u> Side or rear				
Open Space: (Applies to entire site)	10%	TBD, minimum requirements to be met.				
Impervious Surface Area:	80% maximum	TBD, maximum limits to be required.				
Sidewalks:	10' along frontage, 8' internally	8' along frontages, 5' internally				
Tree Canopy Preservation: (Applies to entire site)	Management District: Urban Classification: Class B Existing Canopy: 99.23% Require canopy: 10% if preserved	TBD, minimum requirements to be met.				
Applicable Landscaping Standards	<table border="1"> <tr> <td>Property Line Buffer</td> <td>Does apply ▾</td> </tr> <tr> <td>Street Buffer</td> <td>TBD ▾</td> </tr> </table>	Property Line Buffer	Does apply ▾	Street Buffer	TBD ▾	<ul style="list-style-type: none"> A Type B, 30'-wide property buffer is required where the property abuts single-family zoning districts around the perimeter of the property. A Type A buffer is currently shown along the northern edge of the site.
Property Line Buffer	Does apply ▾					
Street Buffer	TBD ▾					

(Applies to entire site)	Street Trees	Does apply ▾	<ul style="list-style-type: none"> Compliance of all applicable landscaping requirements to be confirmed during future phase review of project and to comply with minimum standards, unless modified as stated under Technical Modifications.
	Parking Landscaping	Does apply ▾	
	Building Landscaping	Does apply ▾	
	Screening	Does apply ▾	
Building Entrances	75' max distances between entrances on each primary facade	75' intervals for Districts 1-3, 300' intervals for District 5	

UDO Provision	Requirement (RES EXP) (District 4)	Proposed
Gross Floor Area:	No maximum area.	TBD
Density:	50 units/acre maximum if 20% of dwelling units affordable at 80% AMI for 20 years	4.0 units/acre to 6.8 units/acre
Lot Size Minimum:	<u>Single-family developments:</u> 3,500 s.f. <u>Multi-family developments:</u> 1 acre	<u>District 4 (Mixed Residential):</u> 3,500 s.f.
Lot Width Minimum:	40'	<u>District 4 (Mixed Residential):</u> 40'
Building Height(s) Maximum:	<u>Single-family developments:</u> 40' maximum height	<u>District 4 (Mixed Residential):</u> 45'
Building Setbacks Minimum:	<u>Single-family developments:</u> Front: 15' Side: 6' Rear: 15' <u>Multi-family developments:</u> Front: 15' Side: 15' Rear: 15'	<u>District 4 (Mixed Residential):</u> 5' front, 6' side, 15' rear
Impervious Surface Area:	<u>Single-family developments:</u> 50% maximum <u>Multi-family developments:</u> 80% maximum	TBD, maximum limits to be required.
Sidewalks:	<u>Single-family developments:</u> 5' along frontage and internally <u>Multi-family developments:</u> 10' along frontage and internally	8' along frontages, 5' internally

Project Conditions

- Affordable housing is proposed as part of the project:
 - A minimum of 20% of the residential units in each district will be designated affordable to those earning at or below 80% of Area Median Income (AMI) for a minimum of 20 years.
 - All (100%) of these affordable housing units will accept HACA Housing Choice Vouchers.
- A Traffic Impact Analysis (TIA) will be required through the NCDOT process. The Project shall implement any recommendations identified through the TIA review process

Technical Modifications - Due to the conceptual nature of this master plan conditional zoning and the goals associated with minimizing footprints of developments and maximizing conservation areas, the project is seeking the following technical modifications through the conditional zoning process:

- Minimum lot size of 3,500 s.f. in District 5 where 1 acre minimum is required and in District 4 where 1 acre minimum is required for multi-family developments.
- Minimum lot width of 40' in District 5 where 100' is required.
- Maximum building height of 45' in District 4 where a maximum of 40' in height is allowed for single-family developments.
- Sidewalks of 8' in width along frontages and 5' in width internal to the site, where 10'-wide and 8'-wide sidewalks, respectively, are required in District 5 and where 10'-wide sidewalks are required for multi-family developments in District 4..
- Parking lots located in the front of buildings in District 1 and District 3, where parking lots are required to be located to the sides and rear of buildings.
- Front yard setbacks of 5' and rear yard setbacks of 15' in Districts 2, 3, and 5 where front and rear yard setbacks are required to be a minimum of 15' and 25', respectively. Front yard setbacks of 5', side yard setbacks of 6', and rear yard setbacks of 15' in District 4 where 15' setbacks for all yards are required for multi-family developments in District 4.
- Building entrance intervals of 300' in District 5, where 75' maximum interval distances are required.
- Reduction of the required Type B buffer at the north side of the property to 15' wide (where 30' is required) for 300 linear feet.
- Green stormwater infrastructure (i.e. bio retention, level spreader, bioswale, constructed wetland, wet pond, etc.), as indicated on the Conceptual Stormwater Plan, may be located in required bufferyards, for no more than 25% of the area of the bufferyard, as long as the required number of plantings is met.
- Sidewalk on one side of the street of the Primary Entry Road, as well as the Neighborhood-LID streets in District 4, and no new sidewalks along Ferry Road.
- In lieu of required sidewalks in District 3, the proposed greenway will be located on one side of the street. If a greenway is not provided, a sidewalk only on one side of the road would be required.
- No minimum parking requirements for the projects are required and maximum parking limits are based on the typical standards set by the type and amount of uses, as set forth in the UDO.
- In District 4, if conflicts are identified between required street trees and underground utilities, street trees may be located elsewhere within the boundaries of District 4, with final location to be determined by the City's Urban Forester, or their designee, not to exceed 75% of total required street trees within the district.

Demographic Analysis (Source: data.census.gov/map)

Census Tract #	Tract 23.06
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Race (Source: 2020 Decennial Census)	<i>Total Population</i>	3,890
	White:	3,154 (81.1%)
	Black:	146 (3.8%)
	Asian:	61 (1.6%)
	Native Hawaiian or Pacific Islander:	2 (0.1%)
	American Indian/Alaskan Native:	22 (0.6%)
	2+ Races:	287 (7.4%)
	Some Other Race:	218 (5.6%)
Ethnicity (Source: 2020 Decennial Census)	Hispanic/Latino:	400 (11.4%)
	Not Hispanic/Latino:	3,104 (88.6%)
Educational Attainment (Bachelor's Degree or Higher, %) (Source: 2022 ACS 5-Year Estimates)	44.8%	
Homeownership Rate (%) (Source: 2022 ACS 5-Year Estimates)	62.2%	
Median Household Income (Source: 2022 ACS 5-Year Estimates)	\$62,310	
Legacy Neighborhood Status	Not a Legacy Neighborhood ▾	

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:
 - **Encourage Responsible Growth** - by prioritizing greater densities of development overall as a means of achieving more walkable and efficient urban environments and as a tool to help protect and preserve open space and the natural environment.
 - **Increase and Diversify the Housing Supply** - by increasing the supply and variety of housing types, including affordable housing in proximity to schools, transit, and parks.
 - **Build Out the Greenway Network** - by linking greenways to transit nodes,

- employment, shopping, schools, parks, and other greenways.
- **Implement Green Infrastructure and Enhance the Urban Tree Canopy** - by implementing low-impact development and other types of green infrastructure strategies that may include naturalized stormwater features, such as rain gardens, landscaped swales and bioretention areas along roadways and greenways.
- The proposed development is compatible with the Future Land Use designations of “Traditional Neighborhood”, “Neighborhood Center”, and “Parks and Open Space:
 - **Traditional Neighborhood:** “In a traditional neighborhood, the types of housing can vary and often include a mix of housing types such as single family with accessory dwelling units, duplexes, townhomes and multifamily apartments usually located seamlessly together.
 - **Neighborhood Center:** “A small development or corner store within a neighborhood or along a corridor with nonresidential community focused commercial activity and, sometimes, limited residential uses as a component of the commercial development.
 - **Parks and Open Space:** “Includes a wide variety of different park facilities...Residential uses adjacent to and surrounding parks are encouraged, including pedestrian and bicycle access to maximize access and safety.

Compatibility Analysis:

- The proposed mixed-use project is generally compatible with the surrounding land uses, including:
 - Commercial and multi-family residential land uses located along Brevard Rd.
 - Single-family residential land uses located in the surrounding vicinity to the north and west.
 - Interstate 26 bordering the project site on the east.
 - The French Broad River bordering the project site on the southeast.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - February 5, 2024 - Approved with conditions.
- Planning & Zoning Commission (PZC) - March 6, 2024 - Approved (Vote 5:0) with the following conditions: 1) That the provision of affordable housing units be applied to both owner-occupied and renter-occupied units; and, 2) That Buncombe County explore an extension of fixed-route bus service to the project site, in partnership with the City of Asheville.

Staff Recommendation:

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

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the review process (1) The project will be reviewed as a conceptual master plan and follow the typical conditional zoning process for conditional zonings, as prescribed in UDO Sec. 7-5-9; (2) Specific design details, building heights, number of residential units, and square footage of other uses are not required for this phase of review, but are defined as an appropriate range of uses to allow for appropriate review by approving bodies; (3) Following the adoption of the conditional zoning, which will define the general parameters of the development and its programming, the project will be reviewed in multiple phases, as necessary, through Final TRC Review; and (4) Each project phase would not need to return to City Council

for a conditional zoning amendment as long as the plans meet the zoning parameters established in the prior conceptual master plan entitlement process. He then showed the District Plan. He explained the mix of uses as follows: (1) Proposed total dwelling units range from 550 to 935 dwelling units, broken down by district: District 1: None; District 2: 260 - 360 units; District 3: 190 - 350 units; District 4: 100 - 140 units; and District 5: 0 - 85 units; and (2) Proposed total non-residential/commercial space ranges from 0 to 80,000 s.f., broken down by district: District 1: 0 - 10,000 s.f.; District 2: 0 - 10,000 s.f.; District 3: 0 - 10,000 s.f.; District 4: 0 - 10,000 s.f.; and District 5: 0 - 40,000 s.f. He then showed a sketch of the greenway and trail plan, along with street typologies. Regarding conditions, (1) affordable housing is proposed as part of the project - A minimum of 20% of the renter-occupied and owner-occupied residential units will be designated affordable to those earning at or below 80% of Area Median Income (AMI). The renter-occupied residential units will remain affordable for a minimum of 20 years; and All (100%) of these affordable housing units will accept HACA Housing Choice Vouchers; (2) A Traffic Impact Analysis (TIA) will be required through the NCDOT process. The Project shall implement any recommendations identified through the TIA review process; and (3) If the final design of District 3 has fewer than 200 units, the southern roadway connecting District 5 and District 3 may be eliminated as it will no longer be required for emergency fire access. Regarding technical modifications, (1) Minimum lot size of 3,500 s.f. in District 5 where 1 acre minimum is required and in District 4 where 1 acre minimum is required for multi-family developments; (2) Minimum lot width of 40' in District 5 where 100' is required; (3) Maximum building height of 45' in District 4 where a maximum of 40' in height is allowed for single-family developments; (4) Sidewalks of 8' in width along frontages and 5' in width internal to the site, where 10'-wide and 8'-wide sidewalks, respectively, are required in District 5 and where 10'-wide sidewalks are required for multi-family developments in District 4; (5) Parking lots located in the front of buildings in District 1 and District 3, where parking lots are required to be located to the sides and rear of buildings; (6) Front yard setbacks of 5' and rear yard setbacks of 15' in Districts 2, 3, and 5 where front and rear yard setbacks are required to be a minimum of 15' and 25', respectively. Front yard setbacks of 5', side yard setbacks of 6', and rear yard setbacks of 15' in District 4 where 15' setbacks for all yards are required for multi-family developments in District 4; (7) Building entrance intervals of 300' in District 5, where 75' maximum interval distances are required; (8) Reduction of the required Type B buffer at the north side of the property to 15' wide (where 30' is required) for 300 linear feet; (9) Green stormwater infrastructure (i.e. bio retention, level spreader, bioswale, constructed wetland, wet pond, etc.), as indicated on the Conceptual Stormwater Plan, may be located in required buffer yards, for no more than 25% of the area of the bufferyard, as long as the required number of plantings is met; (10) Sidewalk on one side of the street of the Primary Entry Road, as well as the Neighborhood-LID streets in District 4, and no new sidewalks along Ferry Road; (11) In lieu of required sidewalks in District 3, the proposed greenway will be located on one side of the street. If a greenway is not provided, a sidewalk only on one side of the road would be required; (12) No minimum parking requirements for the projects are required and maximum parking limits are based on the typical standards set by the type and amount of uses, as set forth in the UDO; and (13) In District 4, if conflicts are identified between required street trees and underground utilities, street trees may be located elsewhere within the boundaries of District 4, with final location to be determined by the City's Urban Forester, or their designee, not to exceed 75% of total required street trees within the district. He said the Technical Review Committee approved the project with conditions. The Planning & Zoning Commission approved the project with the conditions. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

Buncombe County Commissioner Chairman Brownie Newman was excited about the project which will be built in phases over several years and that is why they need flexibility in the process. It represents a unique opportunity to address two of our communities high goals - preservation of a significant area along the French Broad River; and allow one significant development focused on affordable housing to move forward. He talked about the mix of

affordability and how the County is committed to expanding homeownership. They are committed to making a minimum of 20% of the renter-occupied and owner-occupied residential units designated affordable to those earning at or below 80% of Area Median Income (AMI). The renter-occupied residential units will remain affordable for a minimum of 20 years. All (100%) of these affordable housing units will accept HACA Housing Choice Vouchers. He urged City Council to support this exciting project.

Nathan Pennington, Planning Director of Buncombe County, said that the Ferry Road community is a mixed income housing community with conservation at the heart and public recreation opportunities along the French Broad River. He then gave a brief history of the project. He said key features of the project are: (1) Affordability: 645 units (55% affordable); (2) Conserved Lands: 70+ conserved acres (~60% of property); (3) Protected Waterways and Buffers: 5K LF FBR tributaries and frontage, 1 wetland; (4) Parks: 1 Community Green, 5 pocket parks; (5) Recreation: 1.9 greenway miles and 1.7 trail miles, 3 trailheads with estimated 20 parking spaces; (6) Community Services: 22,000 SF for community services (e.g., childcare, health clinic); (7) Transportation: New access road and road improvements; and (8) Equitable Development: Key features designed and collocated with housing for low/moderate income individuals. He explained the strategic alignment with Buncombe 2025 and the Ferry Road key elements. He then explained the different districts as well as their conservation plan. He talked about affordability, noting 645 units with 55% affordability. He outlined who the community will serve, along with the recreation, potential cost of development, Development Finance Initiative (DFI) Program. He outlined the next steps, with infrastructure improvements in 2025.

When Councilwoman Roney asked if City staff has talked with the applicant about a plan for renewable energy or if there is anything that might limit that plan for future renewable energy, Mr. Palmquist said that that project is very preliminary at this stage and he didn't think there was anything that would prohibit a plan in the future.

In response to Vice-Mayor Kilgore, Sarah Odio with the Development Finance Initiative with the UNC School of Government, explained the County's use of the Development Finance Initiative Program noting their goal is to find a master development partner.

When Councilwoman Turner asked if the Count will be asking the City to financially participate, Tim Love, with Buncombe County government, said there is no ask today.

Councilwoman Roney thanked the County for their vision and commitment to developing affordable housing in our community. The conservation element and amenities planned for this development represent the climate and neighborhood resilience that are also high priorities for me and are reflected in Council's Strategic Priorities. Her primary concern is who has access to live in this development, who are we leaving behind, and are the people of Asheville and Buncombe County who supported and are funding the housing bond considered? Though there are many interior plans for walkability, bikeability, and accessibility, potential residents accessing this development hinges on them owning/operating a car or commuting a mile to the closest bus stop at the end of W2. In our small-group conversations at City Hall, she asked about transit access and she appreciated that we are talking about future partnership. She asked that we model what future partnership for transit looks like by modeling partnership today. Instead of partnering to *study* partnership or agreeing to *talk* about future commitments, we can learn by *doing* the work now and *delivering* for our constituents. Both the Council and Commission are [being advocated by ART-C](#) about funding transit expansion on the S3 and S6 routes, which would increase frequency from 90 minutes to 45 minutes. As a transit-dependent commuter, she is also a member of the ART-C Coalition, which includes Sierra Club, Mountain True, AARP, Better Buses Together, and Just Economics. We know that increased frequency is proven to increase ridership, and the good news is that our ridership numbers are returning to pre-COVID levels. This South Asheville/Buncombe service is phase 2 of our Transit Master Plan,

Enka-Candler is Phase 4. In summary, she would feel better passing Ferry Road knowing that we are prepared for necessary infrastructure, that residents of Asheville and Buncombe County will be able to access housing at Ferry Road without requiring a car--especially because I know families will sign leases without owning a car. Without us providing critical infrastructure, we will see them walking on the side of the road. A solution is that we should exercise our partnership this year with expansion of S3/S6 and grow that partnership to Enka/Candler/Ferry Road service in time for the service to be a reliable, core service for this new neighborhood at Ferry Road. If we don't: we are leaving our most vulnerable residents behind or on the side of the road without a real plan. She was eager to discuss this more.

Mayor Manheimer opened the public hearing at 7:47 p.m.

Three individuals spoke in support of the conditional zoning.

One individual felt that the County should not be given preferential treatment since there is no minimum parking requirement.

Mayor Manheimer closed the public hearing at 8:00 p.m.

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

Councilwoman Ullman moved to approve the conditional zoning request for the property located at 1568 Brevard Rd, zoned Commercial Expansion - Conditional Zone (COM EXP-CZ) and Residential Expansion - Conditional Zone (RES EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) prioritizes greater densities of development overall as a means of achieving more walkable and efficient urban environments and as a tool to help protect and preserve open space and the natural environment; 2) increases the supply of affordable housing in proximity to schools, transit and parks; 3) links greenways to transit nodes, employment, shopping, schools, parks, and other greenways; and, 4) implements low-impact development and other types of green infrastructure strategies. This motion was seconded by Councilwoman Mosley and carried unanimously.

ORDINANCE BOOK NO. 35 – PAGE 235

C. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE LIMITING LAND USES ALLOWED WITHIN HOME OCCUPATIONS

ORDINANCE NO. 5065 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE LIMITING LAND USES ALLOWED WITHIN HOME OCCUPATIONS

Assistant Planning & Urban Development Director Chris Collins said that this is the consideration of an amendment to the Unified Development Ordinance limiting land uses allowed within home occupations.. This public hearing was advertised on March 15 and 22, 2024.

Action Requested: Adoption of a zoning text amendment to revise Section 7-16-1(b)38 of the Unified Development Ordinance in order to update supplemental requirements for home occupations.

Background:

- The UDO currently lists supplemental requirements for the operation of home occupations.
- The listed supplemental requirements do not currently apply the UDO's table of permitted uses to the operation of a home occupation.
- As home occupations operate without regard to the table of permitted uses, uses listed as "Expressly Prohibited Uses" elsewhere in the City may currently be allowed within a home occupation.
- Uses that are expressly prohibited elsewhere in the City are prohibited due to material safety issues, nuisance issues and health hazards.
- This text amendment would disallow any use appearing in the expressly prohibited uses section of the permitted use table to be operated in conjunction with a home occupation.
- At the March 6 Planning & Zoning Commission (PZC) meeting, commissioners asked staff to investigate additional revisions to the home occupation requirements for effectiveness and efficiency while amending the use provision. These recommendations are:
 - Allowing two full-time employees as opposed to the current restriction to one.
 - Increasing the percentage of the home that may be dedicated to the operation of the home occupation
 - Removing additional restrictions placed on "artist's studios" and "workshops" operating in accessory structures.
 - Removing the requirement that only one vehicle principally used for the home occupation be allowed and that it be parked in an enclosed garage.
 - Removing the requirement for one additional off-street parking space to accommodate the home occupation
- At the request of the PZC, staff has researched the additional changes requested and found the following:
 - Increasing the allowed number of employees of a home occupation from one to two is not standard in other cities in the state. Of the three jurisdictions researched, none permit any employees to operate at a home occupation. This change is **not supported by staff**.
 - Increasing the percentage of the home allowed to be used primarily by the home occupation from 25% to 30% is in line with other communities and is **supported** by staff.
 - The current iteration of the City's noise ordinance controls possible nuisance generated by an artist's studio or workshop and removing zoning restrictions regarding structure size and additional setbacks for those uses in accessory structures is **supported by staff**.
 - Removal of the limitation that only one vehicle principally used by the home occupation be present on site and that the vehicle be parked in an enclosed garage is **partially supported by staff**. It is common practice to allow only one vehicle but problematic to require the vehicle to be parked in an enclosed garage.
 - Removal of the requirement for one additional off-street parking space is **supported** by current Urban Planning practices and the provision requiring an additional off-street parking space is problematic for homes in the City without access to off-street parking.

Comprehensive Plan Consistency:

- This proposal aligns with a number of themes within the *Living Asheville Comprehensive Plan* including 'A Livable Built Environment' and 'Interwoven Equity'. The following goals are applicable to this zoning amendment:
 - Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking; prioritize growth and development within designated growth areas
 - Increase Access to Opportunities for All

Council Goal(s):

- Neighborhood Resilience

Committee(s):

- Planning & Zoning Commission: Recommended Approval by vote of 6-0 on 03/06/2024

Pro(s):

- Lessens potential neighborhood harm by reducing the intensity of land uses allowed within a home occupation.
- Supports the goals of the comprehensive plan aimed at *A Livable Built Environment and Interwoven Equity*.
- Supports the Council goal of *Neighborhood Resilience*.
- Simplifies and updates the requirements for home occupations so that residents may more easily understand and comply with said regulations.

Con(s):

- None.

Fiscal Impact:

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

Staff Recommendation:

- Staff recommends approval of the proposed zoning text amendment to establish new standards zoning text amendment to revise Sections 7-16-1(b)38 of the UDO in order to improve regulations for the operation of home occupations because this is consistent with the *Living Asheville* comprehensive plan in that it directly furthers several goals of the plan while promoting specific Council goals as well.

Mr. Collins outlined the following key takeaways from his presentation as follows: (1) No limitation on land uses eligible to be operated as a home occupation currently exists; (2) This text amendment will fix an unintended issue whereby uses listed as expressly prohibited elsewhere in the City may have been allowed as home occupations; and (3) This text amendment will align the City's home occupation regulations with common practices found across the state and remove unnecessary regulatory barriers for home based entrepreneurs while further promoting equity. An overview of the proposed changes are as follows: (1) Disallowance of "Expressly Prohibited Uses" in home occupations; (2) Increasing the percentage of a home's area permitted to be used in conjunction with the home occupation; (3) Removing additional setback requirements and size restrictions for certain uses in accessory structures; (4) Removal of a requirement that one allowed vehicle used in conjunction with the home occupation be housed within an enclosed garage; and (5) Removal of the requirement for an additional off-street parking space for a home occupation. Regarding removal of expressly prohibited uses, (1) Links the land use requirements for home occupations to the Permitted Use Table; (2) Removes the allowance for items labeled "Uses Expressly Prohibited" to be conducted from a residence; and (3) Uses are generally prohibited due to materials safety, nuisance and health hazard issues. Regarding the maximum area of home allowed, current regulations allow 25% of the home to be dedicated to the home occupation. Research conducted upon other regulations in the state found 30% to be an acceptable benchmark. Use of the maximum space within an accessory structure is allowed based on the primary residence size. Regarding accessory structure standards, (1) When artist's Studios and workshops are in separate accessory structures, the UDO currently sets size limits on structure, height limits on structures and requires additional property line setbacks; (2) A separate section of the UDO already regulates accessory structure size and height; (3) A separate regulation already controls nuisance from noise, vibrations, glare, fumes or odors; and (4) These specific standards are unnecessary and conflicting with more recently adopted

regulations. Regarding home occupation vehicle standards, he said the UDO currently allows one vehicle principally used for the home occupation when said vehicle is parked in an enclosed garage. Many homes in the City do not have access to enclosed garages. Removal of requirement to house the allowed vehicle in an enclosed garage removes barriers and may promote equity in home occupations. Regarding home occupation parking standards, Mr. Collins said the UDO currently requires that home occupations provide one additional off-street parking space. Many homes in the City do not have access to an off-street parking space. Staff has found that other regulatory comparable jurisdictions within NC generally do have a requirement for an additional off-street parking space. Removal of requirement for an additional off-street parking space removes barriers and may promote equity in home occupations. On March 6, 2024, the Planning & Zoning Commission recommended to approve the expressly prohibited uses provision with a further request to research additional amendments prior to the City Council hearing by a vote of 6-0. Staff recommends approval of the proposed zoning text amendment to establish new standards to revise Sections 7-16-1(b)38 of the UDO in order to improve regulations for the operation of home occupations because this is consistent with the *Living Asheville* comprehensive plan in that it directly furthers several goals of the plan while promoting specific Council goals as well. A suggested motion would be 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 amendment will ensure protection of neighborhoods by disallow certain uses within home occupations and create a simplified set of regulations by which residents must operate home occupations.

Mayor Manheimer opened the public hearing at 8:26 p.m.

Jared Wheatley spoke in support of this text amendment.

Mayor Manheimer closed the public hearing at 8:28 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 amendment will ensure protection of neighborhoods by disallow certain uses within home occupations and create a simplified set of regulations by which residents must operate home occupations. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

ORDINANCE BOOK NO. 35 – PAGE 245

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. ORDINANCE NO. 5066 - ORDINANCE ADOPTING FISCAL YEAR 2025 FEES & CHARGES

Budget Manager Taylor Floyd said that this is the consideration of an ordinance adopting Fiscal Year 2025 Fees & Charges.

Background:

- Staff reviews fees and charges as part of the budget process each year and brings

forward recommendations for adjustments early in the process.

- Fees and charges represent a small portion of General Fund revenues but are the major revenue source for Enterprise Funds.
- Fees and charges made up 31% of total budgeted revenue in the current fiscal year.
- Fee adjustments are being proposed in the following areas: Solid Waste, Stormwater, Water, Parking and Concrete Curb Installation.
- Fees are primarily being recommended to be adjusted to help address maintenance and operational needs.
- More detailed and specific information regarding the fee adjustment for each service was provided.
- If approved, fee adjustments will become effective July 1, 2024.
- Proposed changes are based on impacts to revenues, customers, and service provision.
- Typical household impact of major fee changes proposed for FY 2024-25 is below:

Fee	Bi-Monthly Bill Increase	FY24 Annual Increase
Solid Waste	\$ 2.00	\$ 12.00
Stormwater (Tier 2)	\$ 0.94	\$ 5.64
Water (6 CCFs/month)	\$ 0.39	\$ 2.34
Total	\$ 3.33	\$ 19.98

Council Goal(s):

- A financially resilient city

Committee:

- Policy, Finance and Human Resources Committee - March 12, 2024 - recommended proposed changes to fees and charges for approval by City Council.

Pro(s):

- Provides for cost recovery from those that directly utilize or benefit from the service where appropriate, reducing the financial burden of City services on taxpayers.
- Provides additional revenue to help balance the FY 2024-25 budget.
- Allows staff to begin communicating fee changes to citizens, customers, and stakeholders so they are aware of changes that will be implemented on July 1, 2024.
- Helps provide revenue needed to address significant maintenance and operational needs.

Con(s):

- A minimal increase in the cost of city services.

Fiscal Impact:

- Impacts for each recommended change are shown in the document provided to Council.

Budget Manager Taylor Floyd outlined the following key takeaways from his presentation as follows: (1) Staff reviews fees and charges as part of the budget process each year and bring forward recommendations for adjustments early in the process; (2) Fees and charges represent a small portion of General Fund revenues but are the major revenue source for Enterprise Funds; and (3) Staff recommendations, *approved unanimously by Finance Policy & Human Resources Committee*, for FY 2024-25 include: (a) A continuation of modest increases to water, stormwater, and solid waste fees paid by most households; (b) Adjustments to parking fees to fund \$11.3M in garage repairs; (c) Increase to curb installation fee based on material change; and (d) Adjustments to water development review, fire hydrants, new tap/meter, and testing/sampling fees based on costs.

Mr. Floyd then went into detail for each recommended change - with all the changes being an Fiscal Year 2025 annual increase of \$19.98

For the Water Resources fund, continuing to invest in this service will help to address maintenance and operational needs. The recommended 3-year phase in is (1) Equity among rate classes (a) eliminates rate payer inequity faster than the 5-year phase in; and (b) 3-year phase-in already prolongs the cost of service study implementation; and (2) financial sufficiency (a) establishes reserves faster to help maintain debt ratings; (b) commitment to funding capital more favorable for rating agencies; and (c) 5-year plan requires higher rates by year 5 to achieve same reserve target. He then showed a chart of base rate comparison and typical customer bill impacts. There is \$240 Million in capital needs, which include the meter replacement project, water treatment plant rehabilitation, water treatment plan enhancements, and Mills River Treatment Plant expansion.

Councilwoman Ullman felt it was important for us to get a more fair cost of service from residential and commercial customers. We need a healthy water infrastructure and we need to make these investments. She understood the community's thought about stretching the cost out to five years, but they would be paying more than the 3-year phase in.

Councilwoman Turner felt a more educational approach of actual impacts is needed.

Councilwoman Roney said that she has regularly voted against fees & charges because she was concerned that residents were subsidizing the largest accounts while we didn't invest enough in our infrastructure. However, this budget cycle, we reviewed the long-awaited water rate study at the Policy, Finance, and HR Committee. The study recommends significant adjustments to get us to fair rates instead of the disparity that was up to 103% off of cost of service. The 3-year phasing is recommended for rate equity, fiscal responsibility, and needed infrastructure investment—we must do it. She planned to support this year's water rates. Keeping our water on is a matter of public health and climate & neighborhood resiliency, and it's critical for our economy. She does hear business concerns about commercial and wholesale water rate increases and appreciates offers to join in advocacy for the federal and state infrastructure funding on Council's legislative agenda tonight.

Mr. Floyd said that for the Parking Services Fund, continuing to invest in this service will help to address maintenance and operational needs. Using charts he reviewed the on-street parking changes, parking garage changes and monthly parking options. Regarding service improvements (1) \$11.3 Million of identified capital repairs in parking garages to extend life of facilities; (2) ongoing parking garage maintenance (\$1 Million/year); and (3) additional enforcement staff for extended hours - staff can also support enforcement and addressing parking issues outside of the Central Business District.

Councilwoman Ullman recommended raising on-street hourly parking meter rates to \$2.50 and keep the service from 8:00 a.m. - 6:00 p.m.

Councilwoman Roney said that she appreciated hearing from workers, advocacy groups, and people organizing art, music, and cultural events that bring locals downtown. Our aging parking decks are obvious examples of how tourism burdens our infrastructure while people who live and work here pick up the tab. Fundamentally, she thinks decks should be maintained in part by hotel occupancy taxes, but until then, relying on property taxes is *not* the answer. She appreciated most of the recommendation here, which she sees as: (1) capturing more tourist dollars through parking revenue than instead of relying on property taxes to maintain parking decks, and (2) working towards a menu of mitigation for the people who work downtown and support local businesses, including keeping the first hour free in decks and lowering the daily max rate in the decks from \$20-15. In talking with workers and advocacy groups, she hears that we

should expect more demand for the County's subsidized parking program for workers and be prepared to partner, though the County's program still has 57 of 200 spots left. If you work downtown, please check out the Affordable Parking Program through Buncombe County. She appreciated Councilwoman Ullman's suggestion to increase meter rates instead of expanding meters from 6pm-9pm, and in doing so makes it possible for her to support it.

Councilwoman Turner said that the last five years the Parking Fund has helped subsidize the transportation budget. She felt we might want to have a conversation about our struggling asset because we are sending money out to transportation. City Manager Campbell responded that we have competing needs. Ultimately we need an additional revenue stream to fund transit.

Councilwoman Smith requested information on how much revenue is generated on parking citations.

It was the consensus of Council to raise on-street hourly parking meter rates to \$2.50 and keep the service from 8:00 a.m. - 6:00 p.m.

Mr. Floyd said that for the Stormwater Fund, continuing to invest in this service will help to address maintenance and operational needs. Using a chart he outlined the recommended changes, which is roughly a 7% increase. Regarding service improvements, (1) Additional crew to support infrastructure replacement ahead of repaving projects; (2) Additional equipment and capital to enhance ongoing maintenance; (3) Additional position to support continuity of operations (sweepers, system cleaning vehicle operators, CCTV camera operators, and utility locations); and (4) Additional positions to support timely development review.

Councilwoman Ullman said that in the context of managing stormwater, we have a lot of growing to do to meet the threats of climate control.

Mr. Floyd then provided a sanitation overview of the fees. Regarding service improvements, (1) Offset additional cost of providing ongoing level of service (including compensation changes & recycling contract); (2) Additional position to align full-time staffing with yard waste/bulky load routes; (3) Waste reduction position to expand recycling education and outreach (previously contracted); and (4) Additional vehicle to support special collections and receptacle maintenance.

In summary, he provided a chart showing a typical residential household impact for all fees proposed - bi-monthly bill increase of \$3.33, and Fiscal Year 2025 annual increase of \$19.98.

Other recommended changes include (1) Water Resources - Adjustments to development review, fire hydrants, new tap/meter, and testing/sampling fees based on costs; and (2) Public Works (General Fund) - Changes to curb installation fee based on material change (asphalt to concrete).

Two individuals spoke against the water rate increase and to work towards a solution that supports the sustainability of both our water resources and our business community.

Jared Wheatley felt that all the free parking should be metered and paid parking.

Jonathan Wainscott spoke against the recycling program.

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 an ordinance amending the fees and charges manual for Fiscal Year 2024-25, with the amendment to raise on-street hourly parking meter rates to \$2.50 and keep the service from 8:00 a.m. - 6:00 p.m. This motion was seconded by Councilwoman Roney and carried unanimously.

ORDINANCE BOOK NO. 35 – PAGE 247

B. RESOLUTION NO. 23-72 - RESOLUTION TO APPROVE THE 2024 CITY COUNCIL LEGISLATIVE AGENDA AND TO DIRECT THE CITY ATTORNEY TO PROVIDE THE RESOLUTION TO THE MEMBERS OF OUR LOCAL DELEGATION

City Attorney Branham said that this is the consideration of a resolution to approve the 2024 City Council Legislative Agenda and to direct the City Attorney to provide the resolution to the members of our local delegation.

Background:

- The 2024 legislative short session of the North Carolina General Assembly will commence in April of this year.
- Historically, the City Council has adopted a legislative agenda to provide direction to our local delegation on those priorities for local or general legislation which the City wishes to pursue.

Council Goal(s):

- A Clean, Safe and Healthy Environment
- A Financially Resilient City
- An Equitable & Diverse Community
- Transportation & Accessibility
- A Well Planned and Livable Community
- Quality Affordable Housing

Committee(s):

- Policy, Finance and Human Resources - March 12, 2024 - approved 3-0

Pro(s):

- Provides direction to our local delegation on Council's legislative priorities, and serves as a starting point for presentation of potential general and local acts which would benefit the City.

Con(s):

- None

Fiscal Impact:

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

City Attorney Branham said the following are the key takeaways from his presentation: (1) The N.C. General Assembly will convene its 2024 Short Session in April; (2) The City Council Legislative Agenda provides a means of transmitting your shared legislative goals with our local delegation and the public; (3) Previous success - occupancy tax changes, civilian traffic investigators, and funds to mitigate stormwater pollution in the French Broad River; (4) The proposed City of Asheville 2024 Legislative Agenda is comprised of two sections - Short Session Priorities & General Legislative Requests; and (5) These agenda items represent those matters which are pertinent to, and appropriate for, potential legislative action. He said the Short

Sessions occur in EVEN numbered years, and are intended to only last a few weeks. The 2024 Short Session will convene on April 24th. Bill consideration will be limited, primarily to those affecting the State Budget. New bills must be submitted by April 15th, and introduced by May 2nd - 7th. City of Asheville Agenda Items - Short Session Priorities - include (1) Support Funding Opportunities for Investments in Critical Local Infrastructure and Services; (2) Support New State Funding to Assist Property Owners with Reducing Stormwater Pollution; and (3) Reform the Local Occupancy Tax Utilization Rules. City of Asheville Agenda Items - General Legislative Requests - include (1) Oppose Legislation that Would Limit Reasonable Regulation of Short Term Vacation Rentals; (2) Support New Legislation and State Funding to Encourage Development of Affordable Housing; (3) Oppose Legislation that Would Remove or Further Restrict Local Conditional Zoning Authority; (4) Support Legislation that Would Update Property Taxation to Provide Greater Protection and Equitable Treatment for Homeowners; (5) Amend the North Carolina Fair Housing Act to include "Source of Income/Funds" as a Protected Characteristic; (6) Support for State and Local Reparations Efforts; and (7) Support Legislation that Would Require Online Short Term Rental Platforms to include a Locally Issued Permit to Complete Rental Listings. He reviewed the legislative agenda timeline with May 2-7 being the deadline for filing new bills. The end of the Short Session is unknown.

Jonathan Wainscott supported changing the hotel occupancy tax.

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

Councilwoman Ullman moved to approve the 2024 City Council Legislative Agenda and to direct the City Attorney to provide the resolution to the members of our local delegation. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 44 – PAGE 423

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: truck traffic on Maxwell Street; request to condemn all antisemitism speech; request for Council to adopt a resolution calling for a ceasefire in Gaza; and the Cease the Harm Audit showed insufficient data driven practices to determine the level of Black participation in County and City opportunities.

PRIMARY ELECTION RESULTS - CITY OF ASHEVILLE - MARCH 5, 2024

Attached hereto as Exhibit "A" is the abstract containing the number of legal votes in the Primary Election, City of Asheville, held on March 5, 2024.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:28 p.m.

CITY CLERK

MAYOR