

Thursday – August 22, 2024 - 11:00 a.m.

Agenda Briefing Worksession - For August 27, 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:

- Reparations Extension Request
- Bond Update
- McCormick Field Groundbreaking - August 28 at 11:00 a.m.

Closed Session

At 12:23 p.m., Councilwoman Ullman moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling or settlement of claims of the following matters: City of Asheville v. Riverlink Incorporated; Case numbers 16-CVS-4782 and 16-CVS-4903. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Roney and carried on a 6-0 roll call vote.

At 1:40 p.m. Councilwoman Ullman moved to come out of closed session. This motion was seconded by Councilwoman Roney and carried on a 6-0 roll call vote.

At 1:40 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – August 27, 2024- 4:30 p.m

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney (arrived in meeting at 4:38 p.m.); Councilwoman Sage; Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Closed Session

At 4:30 p.m., Councilwoman Ullman moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e); and (2) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Mosley and carried unanimously.

At 5:10 p.m. Councilwoman Ullman moved to come out of closed session. This motion was seconded by Councilwoman Turner and carried unanimously..

Tuesday – August 27, 2024- 5:10 p.m

Regular 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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING AUGUST 27, 2024, AS “URBAN TRAIL APPRECIATION DAY”

Mayor Manheimer read the proclamation proclaiming August 27, 2024, as "Urban Trail Appreciation Day " in the City of Asheville. She presented the proclamation to Grace Pless, and others, who briefed City Council on some activities taking place during the day..

II. CONSENT AGENDA:

A. APPROVAL OF THE COMBINED MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON JULY 18, 2024, AND THE FORMAL MEETING HELD ON JULY 23, 2024

B. RESOLUTION NO. 24-172 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH EAST COAST TRUCK SHOP FOR BODY WORK AND PAINT REPAIRS TO SUPPLEMENT FLEET MAINTENANCE CAPACITY

Action Requested: Adoption of resolution authorizing the City Manager to amend a contract with East Coast Truck Shop for Body Work and Paint Repairs to supplement Fleet Maintenance capacity.

Background:

- The Fleet Management Division of the Public Works Department maintains over 1,000 City owned vehicles and pieces of equipment.
- Contracted work is used to supplement existing staff resources at times of high demand or to provide services where the Fleet Division does not have suitable facilities or resources (e.g., paint shop, etc.).
- Council approved Resolution 24-46 on February 27th, 2024 to enter into a contract based on Request for Proposals (298-RFP-FleetLDBodyWork-24) advertised in December 2023.
- East Coast Truck Shop was awarded the contract effective 3/15/2024.
- The original Contract amount for the initial (1) one year term to be \$100,000 with a total not-to-exceed contract amount of \$300,000 for all 3 years (if both optional renewals are exercised).
- Need for Light Duty Body and Paint Repair services has exceeded Fleet expectations.
- Since Contract 92400371 went into effect on March 15th, 2024, Fleet has expended approximately \$85,000.00 of the predicted \$100,000.00 needed for the initial one year term.
- A contract amendment is needed in the amount of an additional \$150,000 per year, bringing the total not-to-exceed amount to \$250,000 per year, for a total of \$750,000 for all 3 years if both optional renewals are exercised.
- This contract allows Fleet to quickly and efficiently obtain estimates and repairs for accident damaged vehicles and maintains an on-call contract for light duty body work.

Vendor Outreach Efforts:

- The RFP was advertised according to City's ABI and Purchasing Policies and Procedures.
- The ABI Office list of City Vendors for Outreach was consulted for any known relevant vendors before the RFP was advertised.
- East Coast Truck Shop in Candler, North Carolina, is a new Vendor to the City of Asheville and is an MWBE.
- East Coast Truck Shop was the only acceptable proposal to the RFP.

Council Goal(s):

- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- None

Pro(s):

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

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available in the Fleet Division's operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment to add an additional \$150,000 per year to this contract, with East Coast Truck Shop for Body Work and Paint Repairs to supplement Fleet Maintenance, for a total not-to-exceed amount of \$750,000 for all 3 years if both optional renewals are exercised.

RESOLUTION BOOK NO. 45 - PAGE 117

C. RESOLUTION NO. 24-173 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH ATLANTIC EMERGENCY SOLUTIONS FOR STANDARDIZATION OF PIERCE FIRE APPARATUS

Action Requested: Adoption of a resolution authorizing the City Manager to amend a contract with Atlantic Emergency Solutions for Standardization of Pierce Fire Apparatus.

Background:

- The Fleet Management Division of the Public Works Department maintains 15 Pierce Fire Apparatus.
- Contracted work is used to supplement existing staff resources at times of high demand or to provide services where the Fleet Division does not have suitable facilities or resources.
- Council approved Resolution 24-48 on February 27th, 2024 to enter into contract with Atlantic Emergency Solutions, effective March 15, 2024.
- The original Contract amount for the initial (1) one year term to be \$400,000 with a total not-to-exceed contract amount of \$1,200,000 for all 3 years (if both optional renewals are exercised).
- Need for Pierce Fire Apparatus Repairs and Service has exceeded Fleet expectations.
- Since March 15th, 2024, Fleet has expended approximately \$380,000.00 of the predicted \$400,000.00 needed for the initial one year term.
- A contract amendment is needed in the amount of an additional \$200,000 per year, bringing the total not-to-exceed amount to \$600,000 per year, for a total of \$1,800,000 for all 3 years if both optional renewals are exercised.
- Use of OEM (Original Equipment Manufacturer) Parts is recommended to maintain the equipment to the manufacturer's standards.
- Atlantic Emergency is the Sole provider for Pierce Parts in our Region.
- This contract allows Fleet to lessen repair downtime for 15 Pierce Fire Trucks owned and operated by the City of Asheville.

Vendor Outreach Efforts:

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

Council Goal(s):

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

Committee(s):

- None

Pro(s):

- Allows third party service work as a supplement to in-house staff.
- Allows for a quicker and more efficient process in the repair of Front Line Fire Apparatus.
- Provides flexibility in service delivery without significant capital investment in equipment or facilities that aren't used on a daily basis.
- Avoids the cost of transporting inoperable vehicles between vendors to obtain multiple quotes.
- Maintains a healthy working relationship with the Vendor by ensuring timely payments.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is available in the Fleet Division's operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment to add an additional \$200,000 per year to the contract with Atlantic Emergency Solutions for Standardization of Pierce Fire Apparatus for a total not-to-exceed amount to \$600,000 per year, for a total of \$1,800,000 for all 3 years if both optional renewals are exercised.

RESOLUTION BOOK NO. 45 - PAGE 118

D. RESOLUTION NO. 24-174 - RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO INSTITUTE A CONDEMNATION ACTION TO OBTAIN A TEMPORARY CONSTRUCTION EASEMENT FOR A SLIDE REPAIR PROJECT ON VANCE GAP ROAD

Action Requested: Adoption of a resolution authorizing the City Attorney's Office to condemn a temporary construction easement needed for a slide repair project on Vance Gap Road.

Background:

- A section of roadway slope on Vance Gap Road failed as a result of Tropical Storm Fred.
- There is an existing contract to repair approximately 300 feet of road damage that occurred along Vance Gap Road due to three separate landslides in 2021, 2022, and 2023.
- The designer has determined that It is uncertain that the driveway on the parcels described by PIN 9649-94-0187 and 9649-93-0970 can be properly tied into the reconstructed road without accessing private property..
- The property owner has not responded to requests to agree to a temporary construction easement to allow the work to occur..
- Council has previously authorized condemnation of a drainage easement on parcel 9649-94-0187.
- This authorization request involves parcels 9649-94-0187 and 9649-93-0970.
- Legal staff attempted to contact the owner by phone and email, but did not receive a response.

Council Goal(s):

- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The condemnation will facilitate the completion of a needed slide repair project ensuring that the property owner will be able to access their driveway.

Con(s):

- Eminent domain actions are required against one property owner.

Fiscal Impact:

- Funding for the required easement, estimated at \$8,000.00, was previously budgeted and is available in the General Capital Projects Fund.

Motion:

- Motion to adopt resolution authorizing the City Attorney's Office to condemn an easement needed for a slide repair project on Vance Gap Road

RESOLUTION BOOK NO. 45 - PAGE 119

E. RESOLUTION NO. 24-175 - RESOLUTION AUTHORIZING CITY COUNCIL TO ACCEPT THE U.S. DEPT. OF ENERGY ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS TO PURCHASE ELECTRIC VEHICLES FOR THE CITY'S FLEET

Action Requested: Adoption of a resolution for City Council to accept the U.S. Dept. of Energy Energy Efficiency and Conservation Block Grant funds to purchase electric vehicles for the City's fleet and authorize the City Manager or her designee to execute any related documents.

Background:

- On April 23, 2024 City Council authorized the City Manager to apply for the U.S. Dept. of Energy Energy Efficiency and Conservation Block Grant funds to purchase electric vehicles for the City's fleet.
- The funding was awarded in the amount of \$158,820.
- No match is required.
- No budget amendment is necessary as it was included in the Fiscal Year (FY) 2025 capital fleet replacement budget.
- This funding will support the purchase of three electric vehicles.
- Electric vehicle charging infrastructure has already been installed to support the fueling of these vehicles.

Vendor Outreach Efforts:

- The City will not conduct any direct outreach as the intent is to purchase these electric vehicles through the NC Sheriff's Association Cooperative Procurement Program (NCSA).
- NC Statute allows the use of Cooperative Purchasing Programs in place of competitive bidding by the entity.
- NCSA conducted outreach in June 2023 through their bidding website, North American Procurement Council and The News and Observer in Raleigh.

Council Goal(s):

- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The purchase of these vehicles will support implementation of the Municipal Climate Action Plan, specifically high impact activity # 12 “Utilize Green Fleet Policy for Fleet Electrification”

Con(s):

- Staff capacity will be required to manage and fulfill the reporting requirements of this federal grant.

Fiscal Impact::

- This grant will offset the cost of electric vehicle purchases in the General Capital Projects Fund.
- Matching funds are not required for this grant.

Motion:

- Motion authorizing City Council to accept the U.S. Dept. of Energy Energy Efficiency and Conservation Block Grant funds and authorizing the City Manager or her designee to sign and execute related documents.

RESOLUTION BOOK NO. 45 - PAGE 120

F. RESOLUTION NO. 24-176 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SURFACE 678 FOR THE PREPARATION OF A PARK FACILITY IMPROVEMENT PLAN FOR RECREATION & AZALEA PARK

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional service contract with Surface 678, INC., Durham, NC for the preparation of park facility improvement planning & design services for Recreation & Azalea Park in the amount of \$99,225.00 plus \$3000 in contingency for additional expenses and potential additional services needed.

Background:

- This park plan will allow the City to assess Recreation & Azalea Park for current and future community recreation needs, promote new ideas and partnerships to aid in funding, prioritize desired recreation programs, build public support, and understand anticipated costs associated with recommended capital improvements.
- A public Request for Qualifications (RFQ) was advertised for interested consultants to develop a park facility improvement plan for Recreation & Azalea Park.
- The consultant will provide all the professional services and materials to coordinate and manage the process as well as produce the comprehensive parks and recreation plan.
- The selected consultant will have the opportunity to contract with the city for additional services for design, engineering, and construction administration through contract amendment process to be approved by council at a later date.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which included direct vendor outreach and posting on the State’s Interactive Purchasing System to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers.
- The City received submissions from the following 14 consultants:
 - ADC Engineering; Greenville, SC
 - Mattern & Craig; Asheville, NC

- CDG; Asheville, NC
- CHA; Stanley, NC
- Clark Nexsen; Asheville, NC
- Design Workshop; Raleigh, NC
- Domokur; Brevard, NC
- In situ; Raleigh, NC
- La Bella; Asheville, NC
- Land Design; Charlotte, NC
- MCAAdams; Charlotte, NC
- Peacock Architects; Hendersonville, NC (Woman Owned)
- Stimmel; Winston-Salem, NC
- **Surface 678; Durham, NC (Certified NC Historically Underutilized Business), selected vendor**
- Surface 678, Inc. was selected based on the qualifications, understanding of the scope of services, negotiated cost, and availability.

Council Goal(s):

- A Well planned and Livable Community
- maintaining and investing in the City's infrastructure

Committee(s):

- None

Pro(s):

- Address immediate maintenance needs and critical failures that are otherwise unattached to capital investments.
- Informing citizens about a park's needs and its community assets to maintain desired level of service.
- Identifying capital and operating improvement goals that are needed to assess fiscal requirements and fundraising needs.
- Equitably guiding critical decisions about Parks and Recreation facilities, infrastructure, programs, and services.
- Developing recommendations and an implementation strategy that will transform a community's vision into tangible plans to create outstanding recreation opportunities, well-maintained facilities, desired programming, and a customer-focused and responsive park & recreation system.

Con(s):

- None

Fiscal Impact:

- Funding for this project is allocated within the approved FY25 Capital Budget for the Parks & Recreation Department.

Motion:

- Move to approve a Resolution authorizing the City Manager to execute a professional service contract with Surface 678, Durham, NC for the preparation of a park facility improvement planning & design services for Recreation & Azalea Park in the amount of \$99,225.00 plus \$3,000 in contingency for additional expenses and potential additional services needed.

RESOLUTION BOOK NO. 45 - PAGE 121

G. RESOLUTION NO. 24-177 - RESOLUTION APPROVING THE FISCAL YEAR 2023-24 ANNUAL TAX SETTLEMENT REPORT, AND AUTHORIZING THE MAYOR TO EXECUTE AN ORDER OF COLLECTION FOR FISCAL YEAR 2024-25

Action Requested: Adoption of a resolution approving the FY 2023-24 Annual Tax Settlement and adopting the Order of Collection for FY 2024-25.

Background:

- Buncombe County has billed and collected City property taxes, including the City's fee charged for motor vehicles licenses, for many years.
- In 2019, Buncombe County and the City of Asheville entered into an updated agreement for the County to continue billing and collecting property taxes under a revised fee structure through June 30, 2025.
- In August 2023, City Council adopted an addendum to the agreement with provisions recommended by legal staff at the University of North Carolina School of Government to ensure full conformity to the provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- In accordance with these provisions and pursuant to NCGS § 105-373, the Tax Collector must provide to City Council an annual settlement of property tax collected in the previous fiscal year for approval; and pursuant to NCGS § 105-321, following approval of the Tax Collector's Annual Settlement for the preceding year an Order of Collection to the Tax Collector must be adopted authorizing the collection of the current fiscal year property taxes.
- Staff is recommending approval of both the Annual Settlement and the new year Order of Collection.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Allows the City to continue receiving tax revenue proceeds from the County while ensuring compliance with provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.

Con(s):

- None

Fiscal Impact:

- This action requires no additional City resources and has no direct fiscal impact. Under the terms of the agreement, the City will pay the County a flat fee of approximately \$922,000 in fiscal year 2025 for General Fund tax collection services. The fee for these services increases annually with an escalation rate of 2.5% for each successive fiscal year of the agreement.

Motion:

- Motion to adopt a resolution approving the FY 2023-24 Annual Tax Settlement and adopting the Order of Collection for FY 2024-25.

RESOLUTION BOOK NO. 45 - PAGE 122

H. RESOLUTION NO. 24-178 - INITIAL RESOLUTION AUTHORIZING THE CITY MANAGER OR FINANCE DIRECTOR TO PURSUE AND NEGOTIATE ON BEHALF OF THE CITY DEBT FINANCING ASSOCIATED WITH THE REFUNDING OF THE \$42 MILLION 222 LIMITED OBLIGATION BONDS, AND SETTING A PUBLIC HEARING FOR SEPTEMBER 10, 2024, TO RECEIVE PUBLIC COMMENT ON THE FINANCING

Action Requested: Adoption of an initial resolution authorizing the City Manager or the Finance Director to pursue and negotiate on behalf of the City debt financing associated with the refunding of the \$42 million 2022 Limited Obligation Bonds (LOBs), and setting a Public Hearing for September 10, 2024 to receive public comment on the financing.

Background:

- The City has been utilizing a multi-year Capital Improvement Program (CIP) and Debt Model since fiscal year 2013-14.
- As a part of that multi-year financial model, the City routinely enters into short-term draw programs with financial institutions through the issuance of interim Limited Obligation Bonds (LOBs).
- The short term draw programs provide cash to reimburse the City for capital expenses prior to the issuance of long term fixed rate financing.
- The City issued its most recent interim LOBs in June 2022 in an amount not to exceed \$42 million.
- As of August, the City has fully utilized the \$42 million interim LOBs amount to reimburse itself for expenses associated with a number of capital projects including the Broadway Public Safety Station, the Dr. Wesley Grant Sr. Southside Community Center, City Hall elevator modernization, Muni Golf Course repairs, and the annual street resurfacing program.
- In order to refund the principal drawn on this short-term loan, the City intends to issue 20-year, fixed-rate LOBs Refunding Bonds in October 2024.
- Staff is seeking Council approval of the initial resolution associated with this refunding and also approval to set a Public Hearing on this debt issuance for September 10, 2024. Approval of the final resolution is scheduled for Council's September 24, 2024 meeting.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Converts Limited Obligation Bond (LOBs) short-term variable-rate debt to long-term fixed-rate refunding bonds on a schedule that allows the City to meet its capital project cash flow needs.
- Spreads capital costs over a longer term to better match assets' lives.

Con(s):

- None

Fiscal Impact:

- The exact amount of the debt service on the LOBs Refunding Bonds will be determined after sale of the debt in October; however estimated debt service on these LOBs has already been included in the City's multi-year Capital Improvement Program and Debt Model.

Motion:

- Motion to adopt an initial resolution authorizing the City Manager or the Finance Director to pursue and negotiate on behalf of the City debt financing associated with the refunding of the \$42 million 2022 Limited Obligation Bonds (LOBs), and setting a Public Hearing for September 10, 2024 to receive public comment on the financing.

RESOLUTION BOOK NO. 45 - PAGE 123

I. RESOLUTION NO. 24-179 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING INSURANCE BROKER OF RECORD CONTRACT WITH LEGACY RISK SOLUTIONS FOR FISCAL YEAR 2025 AND AUTHORIZE PROVIDING THE INSURANCE SERVICES THROUGH JUNE 30, 2026

Action Requested: Adoption of a resolution authorizing the City Manager to renew an existing Insurance Broker of Record contract with Legacy Risk Solutions for Fiscal Year 2025 and authorize providing the insurance services through June 30, 2026.

Background:

- The City of Asheville (City) Risk Management Division (Risk) works with Legacy Risk Solutions (Legacy) to obtain insurance policies to address City risk and loss exposures, including but not limited to: property, auto, equipment, excess liability, excess workers' compensation, dam liability, crime, and builder's risk.
- In April 2021, Insurance Broker of Record Services were sought via a Request for Proposals and Legacy was the sole proposer.
- In July 2021, a contract was entered into with Legacy to provide Insurance Broker Services for one year, with the option for the City to renew four additional years.
- Annually, the Legacy contract totals \$29,900.
- As a result of multiple years of Legacy service provision, the aggregate value of Legacy's contract will exceed \$90,000 in Fiscal Year 2025, necessitating City Council authorization for Services to continue in Fiscal Year 2025 and Fiscal Year 2026.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System.
- Legacy was the only proposal received.
- No MWBE firms submitted proposals and all work will be self performed by Legacy, a local business providing exceptional services to the City for over twenty five years.

Council Goal(s):

- A Financially Resilient City.

Committee(s):

- None.

Pro(s):

- Ensures Service continuity to support the City insurance program.

Con(s):

- None.

Fiscal Impact:

- Contract expenses for Insurance Broker Services are budgeted within the Property & Liability Fund and adopted with the Fiscal Year 2025 budget. The Legacy contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew an existing Insurance Broker of Record contract with Legacy for Fiscal Year 2025 and authorize Legacy to provide services through June 30, 2026.

RESOLUTION BOOK NO. 45 - PAGE 128

- J. RESOLUTION NO. 24-180 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BOOMTOWN ARTS & HERITAGE FESTIVAL (EXPANDED FOOTPRINT) ON SEPTEMBER 6 AND SEPTEMBER 7, 2024**

RESOLUTION NO. 24-181 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SHOW LOVE FEST ON SEPTEMBER 14, 2024

RESOLUTION NO. 24-182 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL ON SEPTEMBER 21, 2024

RESOLUTION NO. 24-183 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON SEPTEMBER 27, 28 AND 29, 2024

RESOLUTION NO. 24-184 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE OKTOBERFEST ON OCTOBER 5, 2024

RESOLUTION NO. 24-185 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LOVELY ASHEVILLE FALL FESTIVAL ON OCTOBER 12 AND 13, 2024

RESOLUTION NO. 24-186 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOLA ASHEVILLE ON OCTOBER 13, 2024

RESOLUTION NO. 24-187 - RESOLUTION PERMITTING THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SURREAL SIRKUS ARTS FESTIVAL OCTOBER 26, 2024

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Boomtown Arts & Heritage Festival, Show Love Fest, Blue Ridge Pride Festival, Goombay Festival, Asheville Oktoberfest, Lovely Asheville Fall Festival, Hola Asheville, and the Surreal Sirkus Arts Festival.

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and property owned, occupied, or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.

- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
 - Asheville Downtown Association for the Boomtown Arts & Heritage Festival to be held on September 6 & 7, 2024 at Pack Square Park
 - Asheville Firefighters Association for the Show Love Fest to be held on September 14, 2024 at Carrier Park
 - Blue Ridge Pride Center for the Blue Ridge Pride Festival to be held on September 21, 2024 at Pack Square Park
 - YMI Cultural Center for the Goombay Festival to be held on September 27, 28 & 29, 2024 at Pack Square Park
 - Asheville Downtown Association for Asheville Oktoberfest to be held on October 5, 2024 at Pack Square Park
 - Asheville Creative Arts for the Lovely Asheville Fall Festival to be held on October 12 & 13, 2024 at Carrier Park
 - Hola Carolina for Hola Asheville to be held on October 13, 2024 at Pack Square Park
 - Arts2People for the Surreal Sirkus Arts Festival to be held on October 26, 2024 at Pack Square Park
- Alcohol boundaries are defined as per the accompanying event site maps.

Council Goal(s):

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

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organization.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Boomtown Arts & Heritage Festival, Show Love Fest, Blue Ridge Pride Festival, Goombay Festival, Asheville Oktoberfest, Lovely Asheville Fall Festival, Hola Asheville, and Surreal Sirkus Arts Festival

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K. RESOLUTION NO. 24-188 - RESOLUTION DIRECTING THE DISPLAY OF A POW/MIA FLAG AT THE MUNICIPAL GOLF COURSE ANNUALLY ON MEMORIAL DAY AND DURING THE MONTH OF NOVEMBER

Action Requested: Adoption of a resolution directing the display of a POW/MIA flag at the Municipal Golf Course annually on Memorial Day and during the month of November.

Background:

- The Buncombe County Veterans Council serves to support and advocate for veterans in the Buncombe County area.
- This group represents the local chapter of the larger North Carolina Veterans Council.
- The POW/MIA Flag is flown to represent individuals that are Prisoners of War/Missing in Action
- The United States Government passed the National POW/MIA Flag Act which requires the flag to be flown on specific days at certain federal buildings.
- These days include Memorial Day and Veterans Day.
- The Buncombe County Veterans Council is recommending that the City of Asheville fly this flag at the Municipal Golf Course annually on Memorial Day and during the entire month of November.
- November is National Veterans and Military Families Month.
- The flag will be displayed along with the American flag and will use the same protocols for its display.
- The Buncombe County Veterans Council will provide assistance to the City by ensuring that the flag remains in good condition.
- In the event that it needs to be replaced, the Veterans Council will supply a new flag at no cost to the City.
- The City Council shall maintain the authority to rescind or alter this direction to staff at any time.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- None

Pro(s):

- Many veterans who are annual members of the Municipal Golf Course and play frequently would appreciate the show of support from the City.
- Allows openings throughout the calendar year, if other applicable groups submit similar requests

Con(s):

- Some community members may not agree with the City's expression.

Fiscal Impact:

- None

Motion:

- Motion to adopt a resolution directing the display of a POW/MIA flag at the Municipal Golf Course annually on Memorial Day and during the month of November.

RESOLUTION BOOK NO. 45 - PAGE 153

L. RESOLUTION NO. 24-189 - RESOLUTION FOR CITY COUNCIL TO ACCEPT THE 2023 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR WILDLAND FIRE PERSONAL PROTECTIVE EQUIPMENT

ORDINANCE NO. 5095 - BUDGET AMENDMENT FROM THE 2023 ASSISTANCE TO FIREFIGHTERS GRANT

Action Requested: Adoption of a resolution for City Council to accept the 2023 Assistance to Firefighters Grant from the Federal Emergency Management Agency for Wildland Fire Personal Protective Equipment; and approve the associated budget amendment in the amount of \$74,970 for the Asheville Fire Department.

Background:

- The primary focus of FEMA's Assistance to Firefighters Grant program is to provide assistance in funding for firefighting safety and protective equipment.
- This grant will strategically address the recognized need for improved Wildland Fire Personal Protective Equipment (PPE)
- This funding request will significantly enhance the overall effectiveness of the Asheville Fire Department
- The PPE will result in substantial improvements in daily operations and a notable reduction in firefighter organizational risk

Council Goal(s):

- Neighborhood and Climate Resilience
- Improve and Maintain Infrastructure and Core Services

Committee(s):

- Environment and Safety

Pro(s):

- This grant allows for the purchase of the needed PPE at a much lower cost to the City.

Con(s):

- N/A

Fiscal Impact:

- Grant of \$74,970 with a \$6,815.45 match from AFD operating budget

Motion:

- Motion to authorize (1) the City Manager to accept grant funds from Federal Emergency Management Agency (FEMA) for the Assistance to Firefighters Grant (AFG) and (2) a budget amendment in the City's Special Revenue Fund in the amount of \$74,970 utilizing the \$68,154.55 in grant funds and \$6,815.45 in operating funds.

**RESOLUTION BOOK NO. 45 - PAGE 154
ORDINANCE BOOK NO. 35 - PAGE 333**

M. RESOLUTION NO. 24-190 - RESOLUTION AUTHORIZING THE CITY

MANAGER TO AMEND THE EXISTING CONTRACT WITH MARATHON HEALTH LLC TO PROVIDE ONGOING EMPLOYEE HEALTH SERVICES CLINIC MANAGEMENT, AND HEALTHCARE SERVICES FOR EMPLOYEES AND THEIR DEPENDENTS

Action Requested: Adoption of resolution amending a contract with Marathon Health, LLC to add funds to the contract in the amount of \$390,000 for a total three-year contract of \$2,982,000 to provide ongoing healthcare services and management of the City's employee health services clinic.

Background:

- Marathon Health, LLC currently provides the City's employee assistance program.
- Utilization of the program provided by Marathon Health, LLC has increased beyond initial projections, necessitating an increase in the contract amount.
- Ongoing uninterrupted healthcare and occupational health services to all employees is critical in maintaining the health and well-being of employees and their dependents.
- Human Resources is requesting an increase in the contract amount by \$390,000 for a total contract of \$2,982,000 in response to increased utilization, e.g., prescription medications, laboratory costs, vaccines, lipid profiles, etc., and ongoing healthcare and occupational health management.

Vendor Outreach Efforts:

- Current vendor for management of the City's employee health services clinic is Marathon Health, LLC.
- This vendor provides healthcare, occupational health and management of The Asheville Project™ to employees and their dependents.
- 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 was unable to identify other local vendors that provide clinic management, healthcare, occupational health services and management of The Asheville Project™.

Council Goal(s):

- A connected and engaged community.

Pro(s):

- Provide employees and their dependents with healthcare and disease management at no cost.
- Known provider specializes in employer-provided health clinic management; and healthcare and occupational health services in the workplace.

Con(s):

- If additional funding is not available, employees and their dependents will not have access to ongoing no-cost healthcare and disease management.
- If additional funding is not available, the City will have to outsource occupational health services.

Fiscal Impact:

- Additional \$390,000 added to the contract for a total investment of \$2,982,000 over the three-year contract.
- Funding for this contact is available in the Health Fund budget.

Motion:

- Motion to authorize the City Manager to execute a contract amendment with Marathon Health, LLC to increase the contract amount by \$390,000 for a total contract amount of \$2,982,000 to provide ongoing healthcare and occupational health services, and management of the City's employee health services clinic.

RESOLUTION BOOK NO. 45 - PAGE 155

N. RESOLUTION NO. 24-191 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH RESPONDER SUPPORT SERVICES TO PROVIDE ONGOING EMBEDDED BEHAVIORAL HEALTH SUPPORT TO FIRE AND POLICE DEPARTMENT EMPLOYEES AND THEIR DEPENDENTS

Action Requested: Adoption of a resolution amending a contract with Responder Support Services, LLC, to add funds to the contract in the amount of \$16,531 for a total three-year contract of \$574,070 to provide ongoing embedded behavioral health support to Fire and Police Department employees and their dependents.

Background:

- Responder Support Services currently provides embedded (on-site) behavioral health support to the Fire and Police Departments four days per week for each department.
- The need by Fire and Police for behavioral health support has steadily increased since implementation of the contract.
- Behavioral support providers hold office hours on site in the City of Asheville Municipal Building for employees during regular business hours allowing access while on duty.
- Unique behavioral health services provided to police and fire employees only include:
 - i. One-on-one sessions available on-site with trained behavioral health providers.
 - ii. Coordination of the City of Asheville Peer Response Network.
 - iii. Provide appropriate services following critical incidents, acute stressors, or debilitating cumulative stress.

Vendor Outreach Efforts:

- Current vendor for embedded behavioral health support is Responder Support Services, LLC. This vendor provides specialized support for Fire and Police employees and their dependents.
- Staff was unable to identify other local vendors that provide dedicated service to Fire and Police Departments.

Council Goal(s):

- A connected and engaged community.

Pro(s):

- Support public safety employees and their dependents dealing with behavioral health issues
- Known provider and subject matter expert that specializes in providing behavioral health services to public safety employees assistance programs.

Con(s):

- If additional funding is not available, public safety employees and their dependents will not have access to ongoing specialized behavioral health support.

Fiscal Impact:

- Additional \$16,531 added to the contract for a total investment of \$574,070 over the three-year contract.

- Funding for this contract is available in the City's Health Insurance Fund.

Motion:

- Motion to authorize the City Manager to execute a contract amendment with Responder Support Services, LLC to increase the existing contract amount by \$ 16,531 for a total contract amount of \$574,070 to provide ongoing specialized behavioral health services for public safety employees and their dependents.

RESOLUTION BOOK NO. 45 - PAGE 156

O. RESOLUTION NO. 24-157 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH McLAUGHLIN YOUNG GROUP TO PROVIDE ONGOING EMPLOYEE ASSISTANCE PROGRAM FOR EMPLOYEES AND THEIR DEPENDENTS

Action Requested: Adoption of resolution amending a contract with McLaughlin Young Group to add funds to the contract in the amount of \$54,140 for a total three-year contract of \$144,134 to provide ongoing employee assistance program services for employees and their dependents.

Background:

- McLaughlin Young Group currently provides the City's employee assistance program.
- Utilization of the program provided by McLaughlin Young has increased beyond initial projections, necessitating an increase in the contract amount.
- Ongoing uninterrupted employee assistance program services to all employees is critical in maintaining the health and well-being of employees and their dependents.
- Human Resources is requesting an increase in the contract amount by \$40,000 to a total contract of \$ in response to increased utilization and ongoing employee assistance program.

Vendor Outreach Efforts:

- Current vendor for employee assistance program is McLaughlin Young Group
- This vendor provides behavioral health support to all employees and their dependents.
- 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.
- McLaughlin Young is a female-owned firm and all work will be self-performed by the prime contractor.

Council Goal(s):

- A connected and engaged community.

Pro(s):

- Support employees and their dependents dealing with behavioral health issues
- Known provider specializes in providing employee assistance programs.

Con(s):

- If additional funding is not available, employees and their dependents will not have access to ongoing behavioral health support.

Fiscal Impact:

- Additional \$54,140 added to the contract for a total investment of \$144,134 over the three-year contract.
- Funding for this contract is available in the City's Health Insurance Fund.

Motion:

- Motion to authorize the City Manager to execute a contract amendment with McLaughlin Young to increase the contract amount by \$54,140 for a total contract amount of \$144,134 to provide ongoing employee assistance program services for employees and their dependents.

RESOLUTION BOOK NO. 45 - PAGE 157

P. RESOLUTION NO. 24-158 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FULL AND FAIR EXCHANGE OF REAL PROPERTY LOCATED AT 34 HIAWASSEE STREET TO DUKE ENERGY PROGRESS IN EXCHANGE FOR PROPERTY LOCATED AT RANKIN AVENUE TO THE CITY OF ASHEVILLE

Action Requested: Adoption of a resolution authorizing a full and fair exchange of real property located at 34 Hiwassee St. to Duke Energy Progress in exchange for property located at Rankin Avenue to the City of Asheville.

Background:

- To ensure reliable electricity with modernized infrastructure, Duke Energy is rebuilding the substation located at Rankin Avenue, directly behind the Harrah's Cherokee Center of Asheville.
- City staff supported Duke Energy in incorporating feedback from community members to address concerns identified in the initial project proposal. Duke continued to meet with neighborhood and community groups to share information and incorporate feedback.
- North Carolina General Statutes grant cities the authority to exchange any real property belonging to the city for other real property, provided the city receives full and fair consideration in exchange for its property.
- Duke Energy Progress is seeking to acquire approximately 0.26 acres of land from the City of Asheville, located at the corner of Hiwassee and Rankin Avenue. In exchange for this land, Duke is seeking to deed 0.24 acres to the City, located directly behind the Thomas Wolfe Auditorium.
- The purpose of the land exchange is for Duke Energy Progress to update the downtown substation to increase and expand energy service to existing and new users in and around the central business district.
- The property exchange will allow for improved access to maintain Harrah's Cherokee Center. The Harrah's Cherokee Center is currently limited by the existing substation, which makes maintenance more difficult and limits the scale of attractions that can be hosted at the facility.
- It will also provide the City with a buildable lot for future development. This limits the potential growth and use of key entertainment facilities in Asheville.
- Duke Energy Progress provided a third-party appraisal of the parcels to be exchanged. The Real Estate office contracted a certified MAI appraiser to evaluate the methodology used to provide the valuation of properties. Overall, the appraisal indicated that the land exchange was full and fair.
 - The City's property is encumbered by a transmission easement along Rankin Avenue. This easement reduces the total area that can be built upon and, therefore, the overall property value.
 - The City's approximate 0.26 acres were appraised for \$780,000.

- Duke Energy's approximate 0.24 acres were appraised for \$830,000.
- While the values differ, the City will benefit from receiving a parcel greater in value than the parcel it is deeding, therefore complying with statutory requirements for land exchanges.
- Should the Council approve the land exchange from Duke Energy Progress, the City will enter into a two-year lease for the City's property so that Duke can begin installing the new substation. Duke will also begin remediating its existing property to prepare for exchange.
- Once the new substation is built and the former substation is decommissioned and remediated, a formal closing will take place to convey the parcels for long-term ownership.

Council Goal(s):

- Thriving Local Economy
- A Well-Planned and Livable Community

Committee(s) and Commission(s):

- Planning and Economic Development Committee - VOTE (3:0)

Pro(s):

- Continued and uninterrupted service provision by Duke;
- Expanded access to the Harrah's Center through rear entrances;
- Land exchanged through the transaction would allow for potential expansion of City facilities or other future development along Rankin Avenue.

Con(s):

- Lost parking for City of Asheville staff.

Fiscal Impact:

- No monetary consideration is given because the exchange of properties is full and fair.

Motion:

- Motion authorizing a full and fair exchange of real property located at 34 Hiwassee St. to Duke Energy Progress in exchange for property located at Rankin Avenue to the City of Asheville.

RESOLUTION BOOK NO. 45 - PAGE 158

Q. RESOLUTION NO. 24-194 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT WITH ALLBRITE CLEANING COMPANY LLC FOR HARD FLOOR AND CARPET CLEANING SERVICES IN CITY HALL, PUBLIC WORKS, MUNICIPAL BUILDING, FIRE STATION 13 AND FLEET

Action Requested: Adoption of a resolution authorizing the City Manager to renew the contract for hard floor and carpet cleaning in City Hall, Public Works, Municipal Building, Fire Station 13 and the Fleet facility with Allbrite Cleaning Company LLC to renew for a second year in the amount of \$45,277.53 with the option to renew up to three additional 12-month periods at \$45,277.53 per year for a total contract amount not to exceed \$226,387.65 for the 5 year period.

Background:

- The original contract with Allbrite Cleaning Company LLC went into effect on July 1, 2023 for \$45,277.53 for a term of one year.
- Staff is seeking to renew for a second year at \$45,277.53 and have the option to renew up to three additional 12-month periods with a total contract amount not to exceed a 5 year total of \$226,387.65.
- The initial contract term was proposed for one year, with the option upon approval by the City for up to four one-year renewals, for a maximum total duration of five years.
- Should the City renew the contract, this would allow costs to be controlled for up to four remaining years.
- The multi-year contract is subject to the annual appropriation process. If the adopted budget for any given fiscal year does not include an appropriation for the service in the General Fund budget, the City shall have the right to terminate the contract.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes, including posting on the State's Interactive Purchasing System and requiring prime contractors to contact Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services subcontract work was performed.
- In response to a Request for Proposal, the following firms submitted proposals:
 - Allbrite Cleaning Company LLC, of Arden, North Carolina priced annually \$45,277.53
 - Appalachian Restoration and Cleaning of Asheville, North Carolina price annually \$315,741.87
- No MWBE firms submitted bids and all work will be self-performed by the prime contractor.

Council Goal(s):

- Improve and expand core services

Committee(s):

- None Identified

Pro(s):

- Provides long-term cost containment while also maintaining a safe, healthy, and inviting environment.
- Improve indoor air quality, reduce the spread of germs and bacteria, maintain the appearance of the space, and prevent damage to the floors.

Con(s):

- None Identified

Fiscal Impact:

- \$45,277.53 was approved in the City's FY 2024-2025 budget for hard floor and carpet cleaning in the General Fund.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew with Allbrite Cleaning Company LLC for 12-months in the amount of \$45,277.65 with the option to renew up to three additional 12-month periods at \$45,277.53 per year for a total contract amount of \$226,387.65 for the 5 year period.

R. RESOLUTION NO. 24-195 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH DANGRADY COMPANY LLC FOR THE SOUTHSIDE CONNECTIVITY IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing into a construction contract with DanGrady Company, LLC in the amount not to exceed \$1,283,975.44 plus a construction contingency of \$197,500 for a total not to exceed contract of \$1,481,475.44, for the Southside Connectivity Improvements Project.

Background:

- The Southside Connectivity Improvements Project includes on-road improvements in two project areas for bike and pedestrian safety and wayfinding.
- The objective of this project is to connect multi-use paths in the project area and provide safe passage for pedestrians and bicyclists throughout the corridor.
- This project is essentially two projects on each side of the future Nasty Branch multi-use path which is located in the Southside neighborhood (see area map).
- Originally, the project was part of the Nasty Branch Multi-use Path project scope.
- Due to funding constraints, they were separated into two projects: the off-road multi-use path, and the on-road connectivity project.
- The Nasty Branch Multi-Use Path is slated for construction in calendar year 2025.

Vendor Outreach Efforts:

- Due to the federal funding involved in this project, the Federal Disadvantaged Business Enterprises program is being applied. The federally established goal for this project is 5% participation.
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- In June 2024 construction bids were advertised for 51 days, and received three bids on July 25, 2024.
- The three bids received were from:
Asheville, NC based Patton Construction Group, Inc for \$1,774,000;
Sylva, NC based DanGrady Company, LLC for \$1,283,975.44; and
TP Howard's Plumbing Company, Inc. who was deemed non-responsive because they are not an NCDOT prequalified contractor, a requirement for bidding on this work.
- DanGrady Company, LLC was the lowest, responsive, responsible bidder.
- DanGrady Company through their outreach efforts is committing to use Hickory Sealing and Striping, Inc., an NCDOT DBE, WBE, SBE subcontractor at 5.7% participation.

Council Goal(s):

- Improve and Expand Core Services
- A well planned and livable community

Committee(s):

- Asheville City Council Tours - 12/08/2023 and 12/14/2024
- Council Agenda Review - 11/09/2023
- Asheville City Council - "Southside Neighborhood Projects Report" - 11/14/2023

Pro(s):

- Connection throughout the area with safe pedestrian and cycling features
- Intersection improvements throughout the project area

Con(s):

- Construction impacts during project construction

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a construction contract with DanGrady Company, LLC in the amount not to exceed \$1,283,975.44 plus a construction contingency of \$197,500 for a total not to exceed contract of \$1,481,475.44, for the Southside Connectivity Improvements Project.

RESOLUTION BOOK NO. 45 - PAGE 161

S. RESOLUTION NO. 24-196 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE APPROXIMATELY 140 FEET OF SAWYER STREET, AN OPEN RIGHT-OF-WAY CONNECTING TO COXE AVENUE, BETWEEN THE PARCELS ADDRESSED AT 50 AND 52 COXE AVENUE, AND SETTING A PUBLIC HEARING FOR SEPTEMBER 24 , 2024

Action Requested: Adoption of resolution of intent to permanently close approximately 140 feet of Sawyer Street, an open right-of-way, connecting to Coxe Avenue, between the parcels addressed as 50 and 52 Coxe Avenue, and to set a public hearing for September 24, 2024.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys. The statute requires City Council to consider whether the closure of the right of way has a negative impact to the public interest and whether the closure would be detrimental to individual property rights.
- Buncombe County, the owner of 50 and 52 Coxe Avenue, petitioned for this closure in association with the future development of an affordable housing project that the Buncombe County County Commissioners approved conceptually at their April 2, 2024 meeting.
- Housing units are planned to be designated for 80% Area Median Income or below. The applicant has not yet submitted a development plan/application to the City. This action is being requested in advance in order to allow the County to move forward with a future development application.
- This portion of right-of-way is currently in active use and maintained by the City.
- The County wishes to close this short section of right-of-way in order to combine the parcels at 50 and 52 Coxe Avenue, which will allow the County to access additional federal affordable housing tax incentives.
- The recording of the closure will take place only if the Council approves the future Conditional Zoning application to be brought forward at a future meeting.
- The City Transportation Department has requested that the County provide a public access easement contiguous with the closure area in order for pedestrian, bicycle, and potentially delivery access to remain in place in perpetuity.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee, May 6, 2024, unanimously recommended approval.

- Multimodal Transportation Commission, May 22, 2024, unanimously recommended approval.

Pro(s):

- The proposed closure will allow Buncombe County to combine the parcels at 50 and 52 Coxe Avenue, which will allow the County access to additional federal affordable housing tax incentives.
- The recording of the closure will take place only if the Council approves the future Conditional Zoning application to be brought forward at a future meeting.
- A public access easement will be recorded to ensure future public access for pedestrians, bicyclists, and possibly delivery vehicles is provided in perpetuity.

Con(s):

- The existing right-of-way is currently open and in active use. This action would close the proposed portion of the right-of-way and the land would become Buncombe County property. However, the County has agreed to provide a public access easement across the closure area in order for pedestrian, bicycle, and possibly delivery vehicles to continue to access the remainder of Sawyer Street in perpetuity.

Fiscal Impact:

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

Motion:

- Motion to adopt a Resolution of intent to permanently close approximately 140 feet of Sawyer Street, an open right-of-way, connecting to Coxe Avenue, between the parcels addressed as 50 and 52 Coxe Ave, and to set a public hearing for September 24, 2024.

RESOLUTION BOOK NO. 45 - PAGE 162

T. RESOLUTION NO. 24-197 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FUNDING AND MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF BILTMORE AVENUE/JOHN WALKER AVENUE/WHITE FAWN DRIVE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a funding and maintenance agreement with the North Carolina Department of Transportation (NCDOT) for the design and construction of a traffic signal at the intersection of Biltmore Avenue/John Walker Avenue/White Fawn Drive.

Background:

- Following the construction of the Maple Crest Apartments on John Walker Avenue, and with future pending development at the intersection of Biltmore Avenue/John Walker Avenue/White Fawn, City Transportation staff and NCDOT staff discussed the need for the construction of a traffic signal at the intersection to improve the overall safety and mobility of the residents in the Maple Crest community, residents of the future affordable housing to be constructed at the City's "Ford" site, and other existing and future travelers through the intersection.
- The NCDOT decided to complete this traffic signal project and requested City funding and future maintenance assistance since the project will also benefit the City and its residents.
- The Transportation Department applied for and received a federal transportation grant in the amount of \$352,000 with a 20% match of \$88,000 from the French Broad River

Metropolitan Planning Organization (FBRMPO) in Fiscal Year 2021 to design and construct the signal.

- Due to rising project costs since the original award, an additional \$335,000 in local funds is required to complete the project, in addition to the \$88,000 in required matching funds for a total City contribution of \$423,000.
- The required matching funds, plus additional funds have been previously allocated from the City's Housing Trust Fund (\$265,000) and Transportation Capital Fund (\$158,000).
- NCDOT will be responsible for the design and construction of the project. The City will be responsible for maintenance of any sidewalk and retaining walls that are required by the installation or widening of the sidewalk. NCDOT will maintain the roadway and all traffic operating controls and devices.
- The project's design is anticipated to be completed in the fall of 2025 and put out for bid in late 2026, with construction likely to occur in calendar year 2027. The project timeline is subject to change.

Vendor Outreach Efforts:

- N/A. The project is being completed by the North Carolina Department of Transportation and uses a combination of federal and local funding.

Council Goal(s):

- Improve and Maintain Infrastructure and Core Services

Committee(s):

- N/A

Pro(s):

- Construction of a traffic signal at the intersection will improve the overall safety and mobility of the residents in the Maple Crest community, residents of the future affordable housing to be constructed at the City's "Ford" site, and other existing and future travelers through the intersection.

Con(s):

- None

Fiscal Impact:

- The City applied for and received a federal transportation grant from the FBRMPO in the amount of \$352,000, with a required 20% match of \$88,000, for a total of \$440,000 in FY2021. However, an additional amount of \$335,000 in City funding is required due to rising project costs, including design and construction, for a total project cost of \$775,000. Therefore, the City's total contribution to the project is \$423,000.
- Previously appropriated funds from the City's Housing Trust Fund and Transportation Capital Fund have been allocated to the project. No budget amendment is needed.

Motion:

- Motion to authorize the City Manager to enter into a funding and maintenance agreement with the North Carolina Department of Transportation for the design and construction of a traffic signal at the intersection of Biltmore Avenue/John Walker Avenue/White Fawn Drive.

RESOLUTION BOOK NO. 45 - PAGE 164

U. RESOLUTION NO. 24-198 - RESOLUTION SUPPORTING SOLE-SOURCE PROCUREMENT FOR STANDARDIZATION OF TRANSIT-RELATED

TECHNOLOGY EQUIPMENT AND SERVICES FROM URBAN TRANSPORTATION ASSOCIATES INC.

Action Requested: Adoption of a resolution supporting sole-source procurement for standardization and compatibility of transit-related technology equipment and related services from Urban Transportation Associates, Inc. (UTA).

Background:

- Automated Passenger Counters (APCs) are devices used on Asheville Rides Transit (ART) buses to count the number of passengers boarding and exiting at each stop. APCs work using sensors, which can detect and record the movement of people.
- Tracking ridership is important in transit service planning and operations, and can provide insight into how passengers use the City's bus service.
- By monitoring ridership trends, staff can analyze the efficiency of the City's transit system and identify improvements to enhance the service.
- Additionally, ridership data is required for federal and state reporting. It plays a role in determining how federal transit funding gets allocated to our region.
- Out of the thirty-five (35) buses, twelve (12) need upgraded passenger counter hardware to replace Wi-Fi only passenger counters.
- The new devices can transfer data in real-time using both cellular and WI-FI, replacing older models limited to Wi-Fi only. This will result in data being transferred and stored at an off-site "cloud based" location and immediately available to staff for evaluation.
- Urban Transportation Associates, Inc. will provide programming for the devices, which includes a one-year warranty.
- Staff is requesting a sole-source authorization to purchase these counters from UTA for two reasons. First, UTA, which provides the other counters in the bus system and support for those counters, will only provide a warranty for new UTA counters; they will not provide a warranty for non-UTA devices. By standardizing the use of UTA counters, staff will ensure that all counters are covered under warranty.
- Second, staff and UTA are unsure if UTA would be able to program non-UTA counters to work within the established system or if UTA would be able to remotely access these counters for support. By standardizing the use of UTA counters throughout the system, staff will ensure that the new counters will be compatible with the rest of the system and that they can be accessed for support.
- The use of sole-source procurement is permitted in this instance pursuant to N.C. General Statute 143-129(e)(6) as equipment standardization and compatibility are the overriding considerations in using UTA counters instead of non-UTA counters.

Vendor Outreach Efforts:

- Pursuant to N.C.G.S. 143-129(e)(6) this is a sole source procurement due to the need to standardize equipment across all city buses and ensure compatibility with the current system, therefore no outreach to additional vendors was done.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- This resolution will allow the Transit Division to efficiently purchase the needed equipment and services required to standardize and maintain the City's APC and transit technology on the ART transit fleet.

Con(s):

- None

Fiscal Impact:

- A total of \$21,660 is required to support this action in FY 2025.
- Funding to support the requested action is budgeted in the City's FY 2025 Transit Operations Fund.

Motion:

- Motion to adopt a resolution approving the sole source procurement of transit-related technology equipment and services from Urban Transportation Associates, Inc.

RESOLUTION BOOK NO. 45 - PAGE 165

V. RESOLUTION NO. 24-199 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY RESOLUTION NO. 23-250 TO AUTHORIZE AN INCREASE IN FUNDING FOR FISCAL YEAR 2024 FOR THE EXISTING AMERICANS WITH DISABILITIES ACT PARATRANSIT CONTRACT WITH BUNCOMBE COUNTY FOR MOUNTAIN MOBILITY TO PROVIDE THE SERVICES; AND AN AMENDMENT TO THE AGREEMENT TO INCREASE FUNDING IN THE CONTRACT

Action Requested: Resolution authorizing the City Manager to amend the current contract for Paratransit Services between the City of Asheville and Buncombe County and to ratify an increase of \$138,577.12, for a total of \$1,138,577.12 for Fiscal Year 2024 to pay for additional services.

Background:

- The City of Asheville contracts with Buncombe County to provide the federally required Americans with Disabilities Act (ADA) Paratransit Services annually.
- This service is mandated under federal requirements to ensure complimentary paratransit service within $\frac{3}{4}$ of a mile of fixed-route transit services. The City of Asheville's policy goes beyond the required $\frac{3}{4}$ mile, providing services city-wide to all eligible individuals who meet ADA certification.
- The original budget estimate for Paratransit Services for Fiscal Year 2024 and approved contract amount (Resolution No. 23-150) was \$1,000,000 based on estimated usage.
- However the actual cost for Fiscal Year 2024 was \$1,138,577, due to increases in Paratransit use. The Fiscal Year 2024 number of service miles was 355,805 at a per-mile rate of \$3.20.
- To respond to these needs, staff paid additional funds to cover the actual Fiscal Year 2024 costs before receiving Council authorization to spend these funds under this contract.
- Staff is now requesting that Council ratify this additional spending to cover these costs and authorize a contract amendment to reflect the additional spending for Fiscal Year 2024.

Vendor Outreach Efforts:

- N/A. This is a current contract.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- Ensures sufficient funding is available to pay for services performed in Fiscal Year 2024.

Con(s):

- None

Fiscal Impact:

- This resolution includes an increase of \$138,577.12, for a total of \$1,138,577.12 for Fiscal Year 2024 to cover the cost of additional Paratransit Services provided by the County in excess of the original budget estimate of \$1,000,000 for Fiscal Year 2024.
- Funding is already available within the adopted Fiscal Year 2024 budget to accommodate the contract increase.

Motion:

- Motion to approve a resolution authorizing the City Manager to amend the current contract for Paratransit Services between the City of Asheville and Buncombe County and to ratify an increase of \$138,577.12, for a total of \$1,138,577.12 for Fiscal Year 2024 to pay for additional services.

RESOLUTION BOOK NO. 45 - PAGE 167

W. RESOLUTION NO. 24-200 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY RESOLUTION NO. 23-149 TO AUTHORIZE AN INCREASE IN FUNDING FOR FISCAL YEAR 2024 FOR THE EXISTING TRANSIT OPERATIONS AND MAINTENANCE CONTRACT WITH RATP DEV USA

Action Requested: Adoption of a resolution authorizing the City Manager to ratify the additional spending of \$326,793 in Fiscal Year 2024 and amend the Fiscal Year 2024 funding in the current transit operations and maintenance services contract between the City of Asheville and RATP Dev USA from \$10,645,929 to \$10,972,722.

Background:

- The City of Asheville contracts with a third-party (RATP Dev USA) for the operations and maintenance of the Asheville Rides Transit (ART) fixed-route transit system.
- Due to the increased cost of maintaining an aging fleet, maintenance expenses increased beyond preventive measures in Fiscal Years 2023 and 2024, necessitating an additional \$326,793 in funding for Fiscal Year 2024.
- This increase is associated with maintenance costs associated with expenses that are above and beyond normal preventative maintenance under the existing contract.
- To address these expenses, staff paid the additional \$326,793 to RATP Dev USA before receiving City Council authorization to amend the contract to spend these extra funds.
- The maintenance costs are for major repairs and components of the buses the City is operating that are beyond their useful life.
- Due to resource constraints, the City has not been able to achieve its goal to have at least 80% of the fleet consist of vehicles that have not yet met their "useful life."
- At this time, approximately 50% of ART vehicles are beyond their useful life, with many buses older than 10-12 years and over 500,000 miles.
- Operating buses beyond their useful life increases maintenance costs and can impact service reliability due to breakdowns and more time spent fixing buses.
- Staff is now requesting that the City Council ratify its additional spending of \$326,793 for these maintenance costs and authorize execution of a contract amendment to add these funds to the contract.

- *Note: The overall contract for transit operations and maintenance that was awarded to RATP Dev USA in 2017 will end in June 2025. Staff has started to develop a new Request for Proposals for transit operations and maintenance services, which is anticipated to be issued in the fall 2024.*

Vendor Outreach Efforts:

- N/A. This is a current contract.

Council Goal(s):

- Improve and Maintain Core Services

Committee(s):

- N/A

Pro(s):

- Ensures sufficient funding is available to pay for additional maintenance costs in Fiscal Year 2024 incurred due to the age of the fleet.

Con(s):

- None

Fiscal Impact:

- This resolution includes an increase of \$326,793 for a total of \$10,972,722 for Fiscal Year 2024.

Motion:

- Motion to adopt a resolution authorizing the City Manager to ratify the additional spending of \$326,793 in Fiscal Year 2024 and amend the Fiscal Year 2024 funding in the current transit operations and maintenance services contract between the City of Asheville and RATP Dev USA from \$10,645,929 to \$10,972,722.

RESOLUTION BOOK NO. 45 - PAGE 168

X. RESOLUTION NO. 24-201 - RESOLUTION AUTHORIZING THE CITY MANAGER TO DONATE COMPUTERS AND CELL PHONES TO THE LAND OF SKY REGIONAL COUNCIL

Action Requested: Adoption of a resolution authorizing the City Manager to donate computers and cell phones to the Land of Sky Regional Council.

Background:

- Consider a resolution authorizing staff to donate up to 250 surplus laptops and 250 cell phones to the Land of Sky Regional Council.
- These donations to the Land of Sky Regional Council would support its program to provide devices to individuals in the community for increased access to a variety of broadband and digital inclusion projects.
- 2021 census data shows Buncombe County has over 10% of the population with no access to digital devices.
- Land of Sky Regional Council will provide refurbished devices, training sessions, and repairs to individuals residing in Buncombe County without devices to enable their access to internet services. State-deemed covered populations for distribution include:
 - Low-income households.
 - Individuals who primarily reside in a rural area.
 - Older Americans/aging residents.

- Incarcerated individuals and/or second-chance citizens/reentry/justice-involved.
- Veterans.
- Individuals with disabilities.
- Individuals with a language barrier (including individuals who are English learners or whose first language is not English and/or individuals with levels of literacy).
- Individuals who are members of a racial or ethnic minority group.
- Property that will be donated cannot be utilized by other City departments because all devices being replaced are outside of their enterprise lifespan and are no longer under warranty. (Laptops are all 4 years or older, and phones are 2 years or older).
- Surplus property sales have a nominal resale value.
- State Statute § 160A-280 permits donations of personal property to other governmental units.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- N/A

Pro(s):

- This is an opportunity for the City to partner with the Land of Sky Regional Council and shrink the digital divide in our region by increasing access to devices while efficiently disposing of surplus laptops and cell phones.
- Refurbish devices and divert e-waste from the landfill.
- Increase access to skills training and job-seeking.
- Improve access to governmental programs and services.
- Provide access to higher education opportunities.
- Expand access to telehealth opportunities.

Con(s):

- None

Fiscal Impact:

- Surplus property sales have a nominal resale value.

Motion:

- Motion to authorize a resolution authorizing the City Manager to donate computers and cell phones to the Land of Sky Regional Council.

RESOLUTION BOOK NO. 45 - PAGE 169

Y. RESOLUTION NO. 24-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT WITH CDW-G FOR AMAZON WEB SERVICES CLOUD COMPUTING SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to renew a contract CDW-G for continued support of cloud computing services.

Background:

- The Information Technology Services Department has been modernizing the City's data center to create a hybrid environment that leverages both cloud service providers and our on-premises infrastructure.
- The hybrid approach enables the City to benefit from the advantages of the cloud while maintaining a physical hardware presence as staff transitions many major applications and operational functions to cloud-hosted solutions.
- Key City systems that currently use cloud computing include Geographic Information Systems (GIS), the City's website, notification and permitting applications, and identity and access tools.
- Using a hybrid approach also provides better security and flexibility with increased speed and resiliency. Key benefits from this hybrid approach include:
 - Faster more reliable access to GIS services from anywhere for staff and the public.
 - Cloud services can be scaled to meet current demand and mitigate large capital expenses for on-premise technology infrastructure.
 - Enhanced security and built-in disaster recovery services.
 - Cloud computing services allow for the continuation of GIS and other services when Internet services are disrupted at City Hall.
 - Architecture modernized to allow us to build out technology with a forward-thinking mindset which sets the system up to implement solutions that allow for a better employee and constituent experience.

Vendor Outreach Efforts:

- No vendor outreach because we are purchasing from the Omnia Partners Total Cloud Cooperative Contract (Total Cloud Solutions and Services Region 4 ESC - TX Contract Number: R220801).
- The cooperative contract was competitively bid with consideration of proposals from nine different vendors.
- Collectively, CDW-G was awarded the cooperative contract with unmatched depth and breadth of experience with AWS cloud computing services.

Council Goal(s):

- Improve and Expand Core Services

Committee(s):

- N/A

Pro(s):

- Provides faster, more reliable access to GIS services from anywhere for staff and the public.
- Cloud services can be scaled to meet current demand and mitigate large capital expenses for on-premise technology infrastructure.
- Includes enhanced security and built-in disaster recovery services.
- Utilizing cloud computing services allows for the continuation of GIS and other services when Internet services are disrupted at City Hall.
- Modernizes our architecture to allow us to build out technology with a forward-thinking mindset which sets us up to implement solutions that allow for a better employee and resident experience.

Con(s):

- None

Fiscal Impact:

- The total cost for cloud computing services for Fiscal Year 2024-2025 is \$90,000.

- These funds are included in the information Technology Services Budget - General Fund

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew a contract with CDW-G for Cloud Computing Services.

RESOLUTION BOOK NO. 45 - PAGE 170

Z. RESOLUTION NO. 24-203 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT WITH ACCELA, INC. FOR THE DEVELOPMENT SERVICES DEPARTMENT PERMITTING AND CODE ENFORCEMENT SOFTWARE PLATFORM

Action Requested: Adoption of the resolution authorizing the City Manager to renew the Contract with Accela, Inc. for the Development Services Department (DSD) Permitting Application.

Background:

- Accela, Inc. is the primary permitting and code enforcement software system that has been used by DSD for over ten years.
- A competitive request for proposals was completed in 2023 and a new vendor, Clariti, was selected to provide permitting and code enforcement services moving forward.
- Based on the 18-month implementation calendar for Clariti, DSD needs continued access to Accela to provide uninterrupted permitting and code enforcement services pending the launch of Clariti in late calendar year 2025.
- This contract renewal provides continued access to Accela, Inc. through December 2025, at which point it will no longer be needed as the City will have fully transitioned to the new Clariti solution.

Vendor Outreach Efforts:

- The City completed a competitive procurement process through a request for proposals in 2023 for permitting and code enforcement software.
- That process resulted in the selection of Clariti as the new software provider for permitting and code enforcement.
- This current contract renewal provides a bridge of uninterrupted service to the development community while the Clariti the Clariti platform is implemented.
- Accela, Inc. is not an MWBE vendor.

Council Goal(s):

- Implement and Maintain Infrastructure and Core Services

Committee(s):

- None

Pro(s):

- Allows uninterrupted services for permitting and code enforcement.

Con(s):

- None

Fiscal Impact:

- The software maintenance cost for Accela through December 2025 is \$40,734.54. This software maintenance is currently budgeted through the Development Services Technology Fund.

Motion:

- Motion to adopt the resolution authorizing the City Manager to execute a contract renewal with Accela, Inc. for the DSD Permitting Application.

RESOLUTION BOOK NO. 45 - PAGE 171

AA MONTHLY MUNICIPAL PROPERTY TAX REFUNDS OR RELEASES PER N.C. GEN. STAT. SEC. 105-381

Action Requested: Adoption of City of Asheville property tax refunds and releases for the months of June and July 2024.

Background:

- Buncombe County currently bills and collects City property taxes
- At the August 22, 2023, meeting, City Council approved an addendum to the existing tax collection agreement with Buncombe County to ensure that it fully conforms to the provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- As part of that compliance, the City Council must, on a monthly basis, approve all property tax releases and refunds that have been approved by the Buncombe County Board of Commissioners.
- City of Asheville refunds and releases for June and July 2024 are included in the document.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Ensures compliance with provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.

Con(s):

- None

Fiscal Impact:

- None.

Suggested Motion:

- Motion to adopt City of Asheville property tax refunds and releases for the months of June and July 2024.

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

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

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

III. PRESENTATIONS & REPORTS:

A. MERRIMON AVENUE COMPLETE STREET PROJECT

Carrie Simpson, representative of the N.C. Dept. of Transportation, provided City Council with the following 4-lane to 3-lane conversion preliminary evaluation data on Merrimon Avenue. She said safety, mobility, and volume metrics are being monitored & evaluated on the Merrimon Ave corridor in Asheville, which underwent a 4- to 3-lane conversion from WT Weaver Blvd to Midland Rd beginning in Oct 2022. Safety Metrics: Total Crashes, Fatal and Severe Injury Crashes, Bicycle and Pedestrian Crashes. Mobility Metrics: Motor Vehicle Speeds and Travel Times. Travel Trends: Motor Vehicle, Pedestrian, and Bicycle Volumes. Regarding the study metrics for adjacent route, In addition to the comprehensive study of the 4- to 3-lane conversion section of Merrimon Ave, data is being studied on other roadways in the vicinity to measure possible impacts. Mobility Data: I-26, I-240, Broadway, WT Weaver, Kimberly, Charlotte, Beavertdam, Hillside, Merrimon to the north and south. Spot Speed / Volume Data: Broadway, Kimberly, Lakeshore, Woodward, Murdock, Farrwood, Merrimon to the north and south. Crash Data: Broadway, Kimberly, Lakeshore, Merrimon to the north and south. Additional "After" mobility, volume, and crash datasets are planned.

Regarding preliminary takeaways on safety data on Merrimon, (1) safety data is generally positive for the initial 1-year, 5-month after period (thru February 2024); (2) preliminary safety data shows a 23% reduction in total crashes and a 30% reduction in injury crashes on Merrimon Ave for the 4- to 3-lane conversion, as well as slight reductions in total crashes for the sections to the north and south; (3) Predominant crash types for the 4- to 3-lane conversion section during the before period and the initial 1.42-year after period include: Rear End crashes and Frontal Impact crashes; (4) There is a shifting of these crash types. Short-term trends show: Rear End crashes increased (up 67%) and Frontal Impact crashes decreased (down 55%. (Frontal impact crashes include crash types such as head-on, angle, left-turn, and right-turn crashes. These typically result in higher crash severity); (5) preliminary data shows an overall reduction in vulnerable road user crashes on the 4- to 3-lane conversion section. We will continue to monitor; (6) In the 5-year before period there were 9 reported pedestrian crashes and 2 reported bicycle crashes, resulting in 1 A-injury, 8 B-injury, 1 C-injury and 1 property damage only crash; (7) In the initial 1.42-year after period there was 1 reported pedestrian crash and 1 reported bicycle crash, both of which resulted in property damage only; and (8) Additional prelim. crash data has been pulled through May 2024 showing 1 additional reported bicycle crash resulting in a B-injury.

Regarding Preliminary Takeaways – Safety Data on Adjacent Routes, (1) Safety data is being studied on alternate routes. Preliminary results for total crashes vary, with a slight increase on Broadway, no change on Kimberly, and a reduction on Lakeshore. Injury crashes showed reductions for all three routes.

Regarding Preliminary Takeaways – Speed Data on Merrimon, (1) Speed data showed vehicle speeds reduced on Merrimon; (2) Comparing fall datasets before (9/22) and after (10/23): (a) • Speeds were measured at 3 spots in the 4- to 3-lane conversion on Merrimon, with average speeds dropping by 3 to 5 mph and 85th percentile speeds dropping by 3 to 6 mph. After period 85th percentile speeds ranged from 32-36 mph; and (b) Speeds were measured at 1 spot north and 1 spot south of the 4- to 3-lane conversion on Merrimon, with average and 85th percentile speeds dropping by 1 mph or less. After period 85th percentile speeds ranged from 38-39 mph. *(The 85th percentile speed is the speed at or below which 85 percent of the drivers travel on a road segment.)*

Regarding Preliminary Takeaways – Spot Speed Data on Adjacent Routes, (1) Broadway - Spot speed data on Broadway St showed average and 85th percentile speeds increasing by 1 mph. After period 85th percentile speeds ranged from 46-47 mph on Broadway; and (2) City Streets - Spot speed data was collected on: Kimberly, Lakeshore, Woodward, Murdock, and Farrwood by the City of Asheville. For these routes, average speeds changed marginally, by 0-2 mph. 85th percentile speeds changed by 0-1 mph for all routes except Woodward, which saw a 6 mph drop.

Regarding Preliminary Takeaways – Volume Data on Merrimon (Motor Vehicles), volumes on the 4- to 3-lane conversion section of Merrimon showed a slight drop in motor vehicle traffic. Comparing fall datasets before (9/22) and after (10/23): (a) In the treated section of Merrimon, average daily volume was down by 1-8%. In Oct 2023, the average daily volume varied from 12,000 to 19,600, as compared to 12,400 to 21,300 when taken in Sep 2022; and (b) Just north & south of treatment, Merrimon average daily volume was down by 1-4%.

Regarding preliminary takeaways - volume data on Merrimon (pedestrian/bicycle), (1) Changes in pedestrian volumes varied across 12 data collection points in the 4- to 3-lane conversion, with some locations showing increases and some decreases. Rainfall during some of the Oct 2023 data collection likely played a role in sites showing a decrease in pedestrian activity. Over 1,900 pedestrians were counted in Oct 2023, as compared to almost 2,200 in Sep 2022; (2) Bicycle volumes increased in 11 of 12 data collection points, despite rainfall during some of the Oct 2023 observations. At the northern end of the treatment section, the number of bicyclists increased most substantially (by 269%, an increase of 35 bicyclists over 2-day counts). Almost 700 bicyclists were counted in Oct 2023, as compared to over 400 in Sep 2022; and (3) Percentage of bicyclists riding on the roadway increased dramatically in the after period with the installation of bicycle lanes. In Sep 2022, 28% of bicyclists traveled on the roadway. In Oct 2023, 82% of bicyclists traveled on the roadway.

Regarding Preliminary Takeaways – Volume Data on Adjacent Routes (Motor Vehicle), motor vehicle volumes collected on adjacent roadways: (1) Broadway - Average daily volumes up by 6-11% on Broadway (an increase of 700 to 900 vehicles per day); and (2) City Streets - volumes collected on Kimberly, Lakeshore, Woodward, Murdock, and Farrwood by the City of Asheville. All but Murdock showed an increase in average daily volumes, with volumes up by 5-16%. (The heaviest increase was on Kimberly, where increases varied from 600 to 900 vehicles per day.)

Regarding Preliminary Takeaways – Travel Time Data on Merrimon, the average travel times generally showed an increase on the 4- to 3-lane conversion section, with the highest increases in the PM peak, comparing fall 2021 & fall 2023 in Iteris ClearGuide. On average, 3-4 minutes to travel the treated section (before and after). *In fall 2023, slowest average speeds: NB @ 10:15 AM in AM peak / 4:35 PM in PM peak and SB @ 8:15 AM in AM peak / 5:30 PM in PM peak.*

Regarding Preliminary Takeaways – Travel Time Data on Merrimon, Merrimon to the north and south of treatment generally showed decreases in average travel times when comparing data from fall 2021 and fall 2023 in Iteris ClearGuide. For the entire 4-mile section of Merrimon from I-240 to I-26: (1) Northbound direction: 19 second reduction in average travel times at 9 AM (8.55 to 8.24 min); 1 second reduction in average travel times at 1 PM (9.67 to 9.65 min); and 14 second increase in average travel times at 5 PM (9.98 to 10.21 min); and (2) Southbound direction: (1) No change in average travel times at 9 AM (8.08 to 8.08 min); and 8 second increase in average travel times at 1 PM (9.13 to 9.27 min).

Regarding Preliminary Takeaways – Travel Time Data on Adjacent Routes, mobility

impacts to adjacent routes appear to be minimal when comparing fall 2023 to fall 2021 in ClearGuide: (1) • On I-26 and I-240 there appeared to be minimal impacts on average speeds; and (2) • Corridor speeds were pulled for other routes with available data: Broadway, Charlotte, Hillside, WT Weaver, Kimberly & Beaverdam. All showed no change to slight increases in average speeds throughout the day.

Preliminary Takeaways – Conclusions are as follows: (1) Safety data is generally positive with reductions in reported crashes on the 4- to 3-lane conversion section; (2) Motor vehicle speeds were reduced on the 4- to 3-lane conversion section; (3) Volume data showed an increase in bicycle traffic and mixed results for pedestrians on the 4- to 3-lane conversion section; (4) Travel time data generally showed an increase in average travel times on the 4- to 3-lane conversion section, particularly in the PM peak. However, Merrimon to the north & south generally showed reduced travel times. When considering the whole 4-mi Merrimon corridor, average travel times at 5 PM increased by 2-14 seconds; and (5) Adjacent routes appear to have minimal changes to average speeds and travel times. There appears to be some diversion of motor vehicle traffic, with a slight drop for the 4- to 3-lane conversion section and an increase for some adjacent routes. Safety data for several adjacent routes suggest there may not be a substantial migration of crashes, particularly for injury crashes.

Mr. Tim Anderson, local Division Engineer for the N.C. Dept. of Transportation, responded to various questions/comments from Council, some being, but are not limited to: what will it look like for improvements at our crosswalks; is there an effort to look at consistency along Merrimon Avenue; will we be seeing more improvements regarding bike lanes on Merrimon Avenue, i.e., bike lanes marked in green; and what is the best way to contact the N.C. Dept. of Transportation with concerns/questions.

B. MANAGER'S REPORT

Employee Recognitions & Campaign Event Update

City Manager Campbell said that tonight we honor and recognize the outstanding achievements/recognitions of two City employees as well as acknowledge and thank the community for the City wide collaboration that occurred to support the presidential campaign event - (1) In the Public Works Department, Jes Foster and Terrelle Bowen were recognized by the NC Chapter of the American Public Works Association (APWA) for exemplary performance; and (2) Regarding the City Wide Collaboration for Campaign Event, she would like to recognize and thank City residents, business owners, and others as well as City staff for their exceptional service in support of the presidential candidate campaign event held at Harrah's Cherokee Center on August 14, 2024.

Amy Deyton, Interim Public Works Director, said that Terrelle Bowen was awarded the 2024 Herman Drake Award. Terrelle began his career with the City of Asheville in 2016 Terrelle goes above and beyond coming in on the weekends to provide service to downtown. He was awarded employee of the month in July 2018 for assisting an elderly resident who started sliding down an embankment, where he and a coworker physically held the car until AFD arrived.

Ms. Deyton said that Jes Foster was awarded the 2024 Dale James Professional Manager of the Year Award in Solid Waste (Solid Waste Manager of the Year). Jes has served as the Solid Waste Division Manager for 7 years. Jes has dedicated her efforts in support of employee pay and retention, implementing new technology to help make routes more efficient and safe and promoted a Solid Waste Master Plan for the City. Jes was instrumental in developing a coordinated process for the homeless population. Obtained her Master's of Science degree in Sustainability Studies while employed full time.

Dale James, APWA Solid Waste President, presented Mr. Bowen and Ms. Foster their awards.

Regarding the campaign event, City Manager Campbell thanked the City of Asheville for: (1) Your patience with street closures, traffic congestion and other disruptions; (2) Adhering to all applicable rules related to locations for demonstrations; and (3) Acknowledging and thanking our workers for their hard work.

Regarding the City-wide collaboration for the campaign event, she thanked City staff for the following activities: (1) Activating our Emergency Operations Center; (2) Emergency Operations Plan (EOP) was implemented to ensure actions were consistent with established safety protocols across all involved departments; (3) The City Emergency Operations Center (EOC) was open to all stakeholders, providing a unified platform for coordination, communication, and decision-making.; (4) Joint information coordination, allowing consistent and timely messaging across all channels, maintaining public trust, and minimizing confusion; (5) CREF/Harrahs, Public Works, Police, IT, Transportation/Parking, and AFD worked closely, ensuring that all logistical, security, and technological aspects were addressed efficiently; (6) APD had the first deployment of drones use in conjunction with a U.S. Secret Service Operation; and (7) The event hosted over 7,000 attendees without incidents; receiving national acclaim for safety and organization.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE A PAPER RIGHT-OF-WAY LOCATED ON 34 HIWASSEE STREET

RESOLUTION NO. 24-204 - RESOLUTION TO PERMANENTLY CLOSE A PAPER RIGHT-OF-WAY LOCATED ON 34 HIWASSEE STREET

Division Manager of Community & Economic Development Rachel Taylor said that this is the consideration of a resolution to permanently close a paper right-of-way located on 34 Hiwassee Street. This public hearing was advertised on August 2, 9, 16 and 23, 2024.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires the City Council to consider whether the closure of the right-of-way negatively impacts the public interest and would impede access to parcels, utilities, and other public infrastructure.
- All property owners abutting the unopened right-of-way, namely the City and Duke Energy Progress, have signed affidavits approving the proposed closure.
- The closure's purpose is to allow for a future land exchange between the City of Asheville and Duke Energy so that Duke Energy can rebuild a substation in that location.
- If Council approves the closure, Duke will proceed with the land exchange process with the City, and the existing right-of-way will become Duke's property upon completion of the new substation and final execution of the land exchange development agreement.
- This division of the closed right-of-way will be shown on a plat filed at the register of deeds office and signed by both the City and Duke.
- The City Manager has approved the request to waive the closure fees since this is a City-initiated request related to a contemplated future City project.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- None; City-initiated closure of an unopened right-of-way.

Pro(s):

- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.
- Closure of the unopened right-of-way would allow for a land exchange with Duke Energy to facilitate Duke's plan to rebuild the downtown substation and facilitate possible future expansion of the Thomas Wolfe Auditorium, Harrah's Cherokee Center of Asheville, or the City's other potential development plans for Rankin Avenue.

Con(s):

- Relocation of City employee parking.

Fiscal Impact:

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

Ms. Taylor outlined the following key takeaways from her presentation: (1) The City of Asheville has requested this closure for an unopened right-of-way located on 34 Hiwassee; (2) This closure would allow for a future land exchange between the City of Asheville and Duke Energy - The purpose of the land exchange is to allow Duke Energy to rebuild a substation in that location and for the City to receive a buildable lot; and (3) If Council approves the closure, Duke will proceed with the land exchange process with the City, and the existing right-of-way will become Duke's property upon completion of the new substation and final execution of the land exchange development agreement. She said the City of Asheville has requested this closure. The City wishes to permanently close an unopened right-of-way that runs roughly north-south near Hiwassee Street: 34 Hiwassee; A Duke-owned parcel directly adjacent to Harrah's Cherokee Center-Asheville. If the closure is approved, the right-of-way will be divided among the 2 properties and a new plat will be filed. All adjacent property owners have signed affidavits of approval. The Applicant, City of Asheville, has indicated that the purpose of the right-of-way closure is to facilitate a full and fair exchange of property between Duke Energy and the City.

Councilwoman Roney thanked the public for their input and pressure when the previous iteration of this project would have meant loss of tree canopy, stormwater issues, and a significant impact on Lexington Avenue. The pressure and public engagement including many emails caused us to go back to the drawing board with Duke and make improvements, so thank you for the public comment that made this decision better.

Mayor Manheimer opened the public hearing at 6:03 p.m., and when no one spoke, she closed the public hearing at 6:03 p.m.

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 adopt a resolution to permanently close an unopened right-of-way at Hiwassee Street. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

B. PUBLIC HEARING TO CONSIDER A CONDITIONAL ZONING AMENDMENT FOR PROPERTY LOCATED AT 252 PATTON AVENUE FOR THE PURPOSE OF AMENDING THE PHASING OF THE PROJECT TO ALLOW FOR A TEMPORARY, OPEN-AIR SUBSTATION, AND THE EXTENT OF THE CONDITIONAL ZONING

ORDINANCE NO. 5096 - ORDINANCE AMENDING THE CONDITIONAL ZONING AMENDMENT FOR PROPERTY LOCATED AT 252 PATTON AVENUE FOR THE PURPOSE OF AMENDING THE PHASING OF THE PROJECT TO ALLOW FOR A TEMPORARY, OPEN-AIR SUBSTATION, AND THE EXTENT OF THE CONDITIONAL ZONING

Urban Planner Clay Mitchell said that this is the consideration of an amendment to a conditional zoning amendment for property located at 252 Patton Avenue for the purpose of amending the phasing of the project to allow for a temporary, open-air substation, and the extent of the conditional zoning. This public hearing was advertised on August 16 and 23, 2024.

Project Location and Contacts:

- The project site consists of five (5) parcels and totals 4.11 acres at 252 Patton Ave (PINs 9648-19-0460, 9648-09-9255, 9648-09-9281, 9648-19-0117, and 9648-19-0123).
- Owner: Duke Energy Progress LLC

Summary of Petition:

Project Site

- The project area consists of five (5) properties totalling 4.11 acres located at 252 Patton Ave.
- The project is bounded by Patton Ave, Clingman Ave, Hilliard Ave, Knoxville Pl, and W. Haywood St.
 - Clingman Ave is designated as a Key Pedestrian Street in the CBD zoning district.
- The project site is currently zoned Residential Multi-Family Medium Density (RM-8) and Central Business - Conditional Zone (CBD-CZ) per Ord. No. 4725.
- The project site is currently vacant, with the exception of a concrete pad and retaining structure to serve as the site for the future substation.
- The project site is located immediately adjacent to the West End Clingman Avenue Neighborhood (WECAN).
- Duke Energy worked extensively with the WECAN neighborhood during the original conditional zoning proposal and this subsequent amendment.
- The site is designated "Downtown" on the Living Asheville Comprehensive Plan Future Land Use Map. A change to the Future Land Use map is not required.

Overall Project Proposal

- This request is for an amendment to the previously approved conditional zoning.
 - The original conditional zoning was approved for the purpose of constructing a new, gas-insulated (enclosed) substation.
 - This amendment to the conditional zoning would allow for a temporary, open-air substation, which is required to support other utility work in Downtown, including the rebuilding of the Vanderbilt Substation on Rankin St, behind Harrah's Cherokee Center.
- The tallest temporary transmission pole is proposed to be approximately 100' in height. Two lightning masts on the temporary substation equipment are proposed to be approximately 70' in height. The remainder of the elements of the temporary substation

- equipment are approximately 40' in height.
- An 8'-high chain link security fence will be installed around the perimeter of the site and the substation during this temporary phase.
- All of the parcels will be recombined to create three new parcels. Lot 1 will support the substation while lots 2 and 3 will remain unimproved for future sale and development.

Access, Sidewalks and Parking

- A new, 12'-wide sidewalk is proposed along W. Haywood. The existing sidewalk on Patton and Clingman Avenues will remain in place. The sidewalk will be installed within six (6) months of the temporary substation going into operation.
- No defined off-street parking is provided as part of the substation development. Service vehicles will access and park on the substation property as needed.

UDO Compliance

UDO Provision	Requirement (COM EXP)	Proposed
Gross Floor Area:	No maximum area.	Not applicable.
Density:	No maximum density.	Not applicable.
Lot Size Minimum:	None.	4.11 acres
Lot Width Minimum:	None.	Approximately 600'
Building Height(s) Maximum:	145' and 265' except in areas of the Context Transition Edge.	Maximum height of 100'.
Building Setbacks Minimum:	None, except 15' side and rear when adjacent to residential zoning districts.	Varies and in excess of required minimums
Vehicle Parking Spaces:	None, except hotel uses.	Not applicable.
Bicycle Parking Spaces:	5% of provided parking spaces.	Not applicable.
Open Space:	None required.	Not applicable.
Impervious Surface Area:	No maximum.	Not applicable.
Sidewalks:	10'-wide minimum.	12'-wide proposed along W. Haywood St at permanent phase; Retain existing on Patton and Clingman Aves.
Tree Canopy Preservation:	Management District: Downtown Classification: Class A Existing Canopy: TBD	To be determined at final technical review.
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Property Line</div> <div style="border: 1px solid black; padding: 2px; display: inline-block; background-color: #f00; color: white; margin-left: 10px;">Does not a... ▾</div>	New street trees proposed along W. Haywood St at permanent phase.

Applicable Landscaping Standards	Buffer	
	Street Buffer	Does not a... ▾
	Street Trees	Does apply ▾
	Parking Landscaping	Does not a... ▾
	Building Landscaping	Does not a... ▾
	Screening	Does not a... ▾

Project Conditions

- The temporary substation shall not operate longer than 3 ½ years following its construction, or six months following the new Rankin Avenue substation being in operation, whichever is sooner
- Subject to the approval of the North Carolina Department of Transportation, the rights-of-way along Patton and Clingman Avenue will be expanded an additional 12’ and 19’, respectively, onto the subject property in order to accommodate future transportation improvements.

Technical Modifications

- Permanent Phase - The project received the following technical modifications for the permanent substation building through the initial conditional zoning process, including:
 - A one-story substation building where a two-story minimum height is required.
 - Fenestration and opening percentages of less than the required 70% along Clingman Ave (Key Pedestrian Street) and the required 50% along other frontages.
 - North elevation on W. Haywood St: proposed 39%
 - South elevation on Hilliard Ave: proposed 32%
 - East elevation on Clingman Ave: proposed 31%
 - West elevation on Knoxville Pl: proposed 38%
 - Building coverage less than the required 80% along the Key Pedestrian Street frontage of Clingman Ave.
 - Setbacks of 80-90’ along W. Haywood St where a 0’ setback is required.
- Temporary Phase - The project is seeking technical modifications to development standards through the conditional zoning process for the temporary substation phase, including:
 - Building, equipment, and utility structure height above the height limit in the Context Transition Edge, where height is limited to 1.5 times the distance from the context transition line, including: 45'-tall temporary substation equipment, 35'-tall permanent substation building, 75'-tall lightning masts, and 110'-tall transmission poles.

Consistency with the Comprehensive Plan and Other Plans:
Living Asheville Comprehensive Plan (2018)

- The proposed development supports the following goals in the Living Asheville Comprehensive Plan:
 - **Encourage Responsible Growth:** by ensuring that new development has the appropriate infrastructure to support it.
 - **Make Streets More Walkable, Comfortable and Connected** - by eliminating gaps in the city-wide sidewalk network.
- The proposed development is compatible with the Future Land Use designation of “Downtown”, which is proposed, in part, as “...a version of Asheville’s sustainable and resilient future as a place to live, work, relax and visit among a vibrant and engaging urban environment... Toward this end, further enhancement of traditional and green infrastructure, such as sidewalks, stormwater, tree canopy, public spaces, broadband and multimodal connectivity should be prioritized and supported by sound urban design and placemaking principle”.

Compatibility Analysis:

- The proposed mixed-use project is generally compatible with the surrounding land uses, including:
 - Multi-family residential uses to the east along Clingman Ave and further into Downtown.
 - Office and retail uses to the west on W. Haywood St.
 - Single-family residences to the south along Knoxville Pl and further into the WECAN neighborhood.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - June 17, 2024 - Approved with conditions.
- Design Review Committee (TRC) - July 18, 2024 - Approved (Vote 5:0) with the following conditions: 1) That the project seek staff approval for the location, extent, and configuration of the graphic portion of the temporary fence screening; and, 2) That the project pursue a secondary privacy fence along Knoxville Place and Hilliard Avenue if determined necessary for the project.
- Planning & Zoning Commission (PZC) - August 7, 2024 - Approved (Vote 4:1) with the following conditions: 1) That the temporary substation shall not operate longer than 3 ½ years following its construction, or six months following the new Rankin Avenue substation being in operation, whichever is sooner; 2) That the graphical inserts on the proposed security fence be composed of public art and/or neighborhood-related branding and design; 3) That Duke energy explore the possibility of constructing the proposed sidewalk and street trees during the construction of the temporary substation, with the option to use a standing sidewalk scoring pattern to allow for more seamless replacement of sidewalk section, as needed; and, 4) That the vesting period for the conditional zoning be reduced to three (3) years following City Council approval.

Staff Recommendation:

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

Mr. Mitchell reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the temporary site plan, (1) Temporary, open-air substation which is required to support other utility work in the Downtown, including the rebuilding of the Vanderbilt

Substation on Rankin St, behind Harrah's Cherokee Center; (2) Equipment height: Transmission pole: 100', Lightning masts: 70', and Other equipment: 40'; 3) 8'-tall chain link security fence; and (4) Out parcels to be recombined/subdivided for future development. Regarding the permanent site plan, (1) Original conditional zoning for a new, gas-insulated (enclosed) substation, one/two-story building at 25' in height; (2) New 12'-wide sidewalk is proposed along W. Haywood, to be built within six months of the temporary substation going into operation; (3) Existing sidewalks on Patton and Clingman Avenues will remain in place; and (4) Landscaping to be installed during construction of permanent substation. He then showed permanent substation elevations. Conditions include (1) The temporary substation shall not operate longer than 3.5 years following its construction, or six months following the new Rankin Avenue substation being in operation, whichever is sooner; and (2) Subject to the approval of the North Carolina Department of Transportation, the rights-of-way along Patton and Clingman Avenue will be expanded an additional 12' and 19', respectively, onto the subject property in order to accommodate future transportation improvements. Regarding technical modifications for the permanent phase, the project received the following technical modifications for the permanent substation building through the initial conditional zoning process, including: (1) A one-story substation building where a two-story minimum height is required; (2) Fenestration and opening percentages of less than the required 70% along Clingman Ave (Key Pedestrian Street) and the required 50% along other frontages - North elevation on W. Haywood St: proposed 39%; South elevation on Hilliard Ave: proposed 32%; East elevation on Clingman Ave: proposed 31%; and West elevation on Knoxville Pl: proposed 38%; (3) Building coverage less than the required 80% along the Key Pedestrian Street frontage of Clingman Avenue; and (4) Setbacks of 80-90' along W. Haywood St where a 0' setback is required. Regarding the technical modifications for the temporary phase, The project is seeking technical modifications to development standards through the conditional zoning process for the temporary substation phase, including: Building, equipment, and utility structure height above the height limit in the Context Transition Edge, where height is limited to 1.5 times the distance from the context transition line, including: 45'-tall temporary substation equipment, 35'-tall permanent substation building, 75'-tall lightning masts, and 110'-tall transmission poles. He then briefed Council on the review process as follows: (1) Technical Review Committee (TRC) - June 17, 2024: Approved with conditions; (2) Design Review Committee (DRC) - July 18, 2024: Approved (Vote 5:0) with the following conditions: 1) That the project seek staff approval for the location, extent, and configuration of the graphic portion of the temporary fence screening; and, 2) That the project pursue a secondary privacy fence along Knoxville Place and Hilliard Avenue if determined necessary for the project; and (3) Planning & Zoning Commission (PZC) - August 7, 2024: Approved (Vote 4:1) with the following conditions: 1) That the temporary substation shall not operate longer than 3 ½ years following its construction, or six months following the new Rankin Avenue substation being in operation, whichever is sooner; 2) That the graphical inserts on the proposed security fence be composed of public art and/or neighborhood-related branding and design; 3) That Duke energy explore the possibility of constructing the proposed sidewalk and street trees during the construction of the temporary substation, with the option to use a standing sidewalk scoring pattern to allow for more seamless replacement of sidewalk section, as needed; and, 4) That the vesting period for the conditional zoning be reduced to three (3) years following City Council approval. 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 amendment.

Councilwoman Roney was disappointed that we aren't seeing a gas-insulated substation for improved safety and long-term investment in a stable electric grid as well as improved security. That said, she appreciated the design improvement of the walls instead of the fence and neon light show previously presented.

Jennifer Bennett, Duke Energy's Government and Community Relations Manager, thanked City Council for allowing them to provide reliable and resilient energy in Asheville.

Mr. Justin Brown, Duke Energy's Project Manager, said their community engagement team has a deep history working with Downtown Asheville Energy Investments, and includes a variety of professionals: Infrastructure Engagement,; Government and Community; and Media Relations. He did a brief overview of community engagement from the initial proposal in 2022, through Phase III (May-August, 2024). Addressing community feedback (1) visual impact mitigation and aesthetics (a) utilizing fence screening around site perimeter at Patton Avenue; and (b) developing conceptual designs to incorporate on fence screening; (2) pedestrian improvement (a) construct the West Haywood Street sidewalk during the temporary substation phase; and (b) sidewalk to be installed within 6 months of the temporary substation going into operation; (3) traffic and noise management (a) incorporating on-site flaggers to direct traffic; (b) construction will take place during weekdays to avoid busy evening and weekend traffic times; and (c) shared noise comparisons for temporary substation to alleviate concerns; and (4) commitment to Patton Avenue GIS (a) incorporated language in permit application to require removal of the temporary substation within 6 months of Rankin Avenue substation completion; and (b) begin construction on the Patton Avenue GIS substation in 2027.

Ongoing engagement commitment is that they will continue to share proactive updates with neighbors at key project milestones (1) final regulatory approval and the start of prep work; (2) construction start at Rankin Avenue; (3) construction completion and temporary substation removal; and (4) construction start on the GIS substation at Patton Avenue. They will also continue to update the project webpage and monitor the project hotline to address any neighbor questions or concerns.

Mayor Manheimer opened the public hearing at 6:23 p.m., and when no one spoke, she closed the public hearing at 6:23 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 amendment request for property located at 252 Patton Ave from Residential Multi-Family Medium Density (RM-8) and Central Business - Conditional Zone (CBD-CZ) to Central Business - Conditional Zone (CBD-CZ) for the purpose of amending the phasing of the project and the extent of the conditional zoning, 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) ensures that new development has the appropriate infrastructure to support it; and, 2) eliminates gaps in the city-wide sidewalk network. This motion was seconded by Councilwoman Mosley and carried unanimously.

ORDINANCE BOOK NO. 35 – PAGE 334

C. PUBLIC HEARING TO CONSIDER REZONING 99999 LONG SHOALS ROAD FROM RS-2 RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT

ORDINANCE NO. 5097 - ORDINANCE TO REZONE 99999 LONG SHOALS ROAD FROM RS-2 RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT

Assistant Director of Planning & Urban Design Chris Collins said that this is the consideration of an ordinance to consider the rezoning 99999 Long Shoals Road from RS-2 Residential Single-Family Low Density District to Highway Business District. This public hearing was advertised on August 16 and 23, 2024.

Project Location and Contacts:

- The rezoning petition consists of one property totalling 5.05 acres and located at 99999 Long Shoals Rd (PIN 9645-90-0001).
- Owner: Windaade LLC

Summary of Petition:

- The applicant requests a rezoning of one property to the Highway Business (HB) District.
- The property is currently zoned Residential Single-Family Low Density (RS-2).
- The property is currently vacant and undeveloped.
- The subject property is designated “Parks and Open Space” on the city’s Future Land Use (FLU) Map, which is a result of the historic ownership of the property and the hydrology through the site. A change to the FLU Map to “Urban Corridor” is recommended for consistency with the designation of adjacent properties and the proposed zoning district.
- A number of properties and project sites along Long Shoals Road have been rezoned from RS-2 recently, including three conditional zonings to the Residential Expansion district and a straight rezoning to the Highway Business district.

Comprehensive Plan Consistency:

- The proposed rezoning supports a number of goals in the Living Asheville Comprehensive Plan including:
 - **Encourage Responsible Growth** - by prioritizing growth and development within designated growth areas.
 - **Facilitate Real Estate Development that Maximizes Public Benefit** - by establishing accessible and well-connected commercial nodes consistent with strategies outlined in the plan’s growth areas.
 - **Create a Sustainable Path to Balanced Budgets** - by promoting development in the growth areas identified in Living Asheville as a way of ensuring new development maximizes fiscal returns to the city.
- The proposed rezoning, while not consistent with the current Future Land Use designation of “Parks and Open Space”, would make future development consistent with the adjacent Future Land Use designation and adjacent zoning, as well as recent development trends in the area which have included three conditional zonings and one straight rezoning totalling approximately 19 acres.
- The proposed rezoning would be compatible with the proposed Future Land Use designation of “Urban Corridor” which is proposed, in part, as “redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure”.
- Highway Business (HB) is cited as an appropriate zoning district within the Urban Corridor Future Land Use category.

Compatibility Analysis:

- The purpose of the Highway Business (HB) zoning district is, “to address the needs of commercial development along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted.”
- The proposed rezoning petition is compatible-the surrounding land uses, including:
 - Highway Business (HB) zoned property to the east along Long Shoals Rd consisting of a variety of retail and service uses.
 - Institutional (INST) zoned property to the west along Long Shoals Rd.
 - Commercial Business II (CBII) and Residential Expansion - Conditional Zoning (RES EXP-CZ) zoned properties further to the west along Long Shoals Rd,

consisting of existing retail and service uses, as well as planned multi-family residential uses.

Council Goal(s):

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

Committee(s):

- N/A

Pro(s):

- Provides greater development potential along a major thoroughfare experiencing significant growth and redevelopment.
- Opportunity to create a more uniform character between the eastern and western sections of Long Shoals Rd.

Con(s):

- Elimination of residentially-zoned land which is partially minimized by the limited existing development potential given the low-density zoning and environmental constraints of the site.
- A reduction in natural open space and impacts to the existing wetlands and streams through the site.

Staff Recommendation:

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

Mr. Collins reviewed the existing and proposed zoning, the aerial imagery and the existing and proposed future land use maps. He then outlined the pros being (1) Provides greater development potential along a major thoroughfare experiencing significant growth and redevelopment; and (2) Opportunity to create a more uniform character between the eastern and western sections of Long Shoals Road. Cons found are (1) Elimination of residentially-zoned land which is partially minimized by the limited existing development potential given the low-density zoning and environmental constraints of the site; and (2) A reduction in natural open space and impacts to the existing wetlands and streams through the site. Regarding the compatibility analysis, the purpose of the Highway Business (HB) zoning district is, "to address the needs of commercial development along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted." It is compatible with most of the surrounding land uses, including: (1) Highway Business (HB) zoned property to the east along Long Shoals Rd consisting of a variety of retail and service uses; (2) Institutional (INST) zoned property to the west along Long Shoals Rd; and (3) Commercial Business II (CBII) and Residential Expansion - Conditional Zoning (RES EXP-CZ) zoned properties further to the west along Long Shoals Rd, consisting of existing retail and service uses, as well as planned multi-family residential uses. 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 rezoning.

Mr. Collins responded to Councilwoman Roney to confirm that our wetland regulations still apply. Councilwoman Roney said that dense development on transit corridors makes dollars and sense unless it creates other infrastructure issues like stormwater failure in the area.

Mayor Manheimer opened the public hearing at 6:32 p.m., and when no one spoke, she closed the public hearing at 6:32 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 zoning request for the properties located at 99999 Long Shoals Rd from Residential Single-Family Low Density (RS-2) to Highway Business (HB) as well as an amendment to the Future Land Use Map from Parks and Open Space to Urban Corridor and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) prioritizes growth and development within designated growth areas; 2) establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas; and 3) promotes development in the growth areas identified in Living Asheville as a way of ensuring new development maximizes fiscal returns to the city. This motion was seconded by Councilwoman Mosley and carried unanimously.

ORDINANCE BOOK NO. 35 - PAGE 345

D. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A CONDITIONAL ZONING OF 179 AND 144 RIVERSIDE DRIVE FOR THE PURPOSE OF MAKING CHANGES TO THE PROJECT CONDITIONS AND SITE PLANS TO ALLOW FOR CONSTRUCTION OF 240 RESIDENTIAL UNITS AND REMOVE COMMERCIAL USES FROM THE PROJECT

ORDINANCE TO AMEND THE CONDITIONAL ZONING OF 179 AND 144 RIVERSIDE DRIVE FOR THE PURPOSE OF MAKING CHANGES TO THE PROJECT CONDITIONS AND SITE PLANS TO ALLOW FOR CONSTRUCTION OF 240 RESIDENTIAL UNITS AND REMOVE COMMERCIAL USES FROM THE PROJECT

Urban Planner Clay Mitchell said that this is the consideration of an ordinance to consider an ordinance to amend a previously approved conditional zoning of the property located at 179 & 144 Riverside Drive (formerly addressed as 159 Riverside Dr.) to incorporate and reflect: changes in use from mixed-use to residential only, an increase in density, and modifications to the design that increase building height, increase the number of building stories and alter related site plan elements. The parcels are currently zoned Commercial Expansion - Conditional Zone (COM EXP-CZ) and RAD-OSP CZ per Ord. No. 4398, adopted August 24th, 2021. This public hearing was advertised on August 16 and 23, 2024.

Project Location and Contacts:

- The amendment request is pertinent to a single 2.95 acre parcel located at 179 Riverside Drive ([PIN 9638-88-3640](#)). The parcel at 144 Riverside (1.29 acres, [PIN of 9638-88-8040](#)) is also included in the project but that zoning is proposed to remain RAD-OSP.
- Owner: 159 RAD River LLC
- Amended CZ Planning File #: 24-00944PZ.
 - **Riverside Drive Residences (24-00944PZ)**
- Prior CZ Planning File # 21-01881PZ:
 - **179 Riverside Drive Mixed-Use Development (21-01881PZ)**

Summary of Petition:

Project Site

- The 179 Riverside Dr parcel is currently under an approved Conditional Zoning to COM EXP-CZ and surrounded by River Arts Form Code Districts. The original zoning for the

179 Riverside Drive parcel was RAD-RIV and the parcel at 144 Riverside was, and is proposed to remain, RAD OSP-CZ.

- The prior approval is memorialized in [Ord. No. 4398](#).
- This is the former site of Asheville Cotton Mills, much of which burned down in the 1990s. The site is generally vacant with a remaining smokestack. The last existing mill building was recently demolished due to advanced deterioration.
- Due to the changes in density, use, and configuration of the development from the original Conditional Zoning the applicant must follow the full project review process as required by UDO Sec. 7-7-8(c)(6) for this amendment.
- The subject property is located within the River Arts District Form Code area and is located in the River Design Overlay, requiring review by the Design Review Committee for alignment with the [River District Design Guidelines](#) and the [Wilma Dykeman Greenway Master Plan](#).

Site Layout and Design

- The project consists of one building with a facade measurement of approximately 400’ in length where the facade limit is 200’ in length. In flood prone areas buildings are permitted to break the maximum street-facing facade provided a raised staircase is provided, a direct pedestrian connection connects the front to the rear, and the distance of the connection is at minimum 15 feet. See Adopted UDO Sec. 7-8-29(2.2)(T)(1)(a).
- Pedestrian entrance spacing along the primary street is required at a maximum of 100’. Two entrances along Riverside Drive provide access but result in more than 100’ in spacing.
- The amended plans show an enhanced plaza feature connecting the southern entrance to the pedestrian network along Riverside Drive. Several utility plan sheets must be updated prior to Final TRC to remain consistent.

UDO Compliance/Review Process Note

- [Exhibit A - UDO Review Summary](#) provides documentation of the project components that have not changed or are in compliance with applicable provisions of the UDO.
- During the processing of this application, staff discovered errors in the published River Arts District Form Code. These errors were not found until after staff had prepared and presented TRC and DRC reports. This staff report to Council is based upon the correct language as adopted for the River Arts District Form Code. Please see [Exhibit G UDO Compliance Note](#) for a more in depth explanation.

Changes in the Project CZ Amendment

The amended project includes the following changes of use/density:

Project Component	Original:	Amendment:
Residential Units	134	240
Commercial Space	14,000 s.f.	0 s.f.
Parking Spaces	182	243
Designated Affordable Units	5% (7 units)	5% (12 units)

Length of Affordability	20 years	20 years
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The amended project also include the following design/configuration changes:

Design Component:	Original	Amendment:
Number of stories	6 stories	7 stories
Height	70 feet	78.5 feet
Building Length	~320 feet	~400 feet

Additional changes:

- Shift in materials, color, and windows specified for the project.
- The existing historic mill building on the northern end of the project site was proposed to be preserved but has since been demolished due to its poor condition and the resulting unsafe conditions on site. The smokestack is shown as preserved.
- Green features originally noted in the project conditions have been eliminated. This includes a green roof, rainwater harvesting, and reuse of the mill building.
- This amendment relies on existing streetscape built as part of the City’s RADTIP project to address some project requirements; the sidewalk originally was proposed to be 8 feet in width along 179 Riverside Drive (east side/residential building site)and is now proposed to remain as is: paved at approximately 5’ in width plus a vegetated/planting strip.
 - The sidewalk along the frontage of 144 Riverside (west side/surface parking site) is proposed to remain at 10’ in width at the back of curb with existing street trees/grates incorporated at intervals.

Access, Sidewalks and Parking

- The amended project is compliant with access, exceeds parking requirements, is requesting a technical modification for sidewalks (using existing RADTIP infrastructure), and has agreed to provide a direct connection to the Wilma Dykeman Greenway.

Landscaping / Open Space / Tree Canopy

- The amended project is compliant with landscaping, open space, and tree canopy requirements.

Design Elements

- The Design Review Committee (DRC) voted to recommend denial of the project as it was inconsistent with several elements of the River District Design Guidelines and Wilma Dykeman Riverway Plan. (See below “Committees” section for details on their concerns)
- The applicant has provided a few updates to the design to address some of the concerns of the DRC. These updates have not been reviewed by the DRC.
 - The northern portion of the building has been stepped back to present a more defined break in the building.
 - The pedestrian plaza has been enhanced and redesigned to provide a greater connection between the building and the streetscape.
 - The project now includes a defined connection between the sidewalk on the

western side of Riverside Drive, through the applicant's parking lot, to the Wilma Dykeman Greenway.

Technical Modifications

- *Allowance for additional building height/stories:* The proposed building height is ~79 feet exclusive of code allowable overruns for parapets, elevators, stairwells, etc.; the maximum height is 70 feet, or 85 feet if 20% of the units are designated affordable.
 - Applicants would not have needed to ask for this modification if they had met the eligibility requirements for the affordable housing bonus as described in the "Consistencies." section below.
 - The proposed building height is seven stories where the maximum is five stories, or seven stories if 20% of the units are designated affordable.
 - The previously approved ordinance allowed for 6 stories
 - The original proposal's height met the code (approved at 70 feet).
- *Use of the existing trees on both sides of Riverside Drive to satisfy street tree requirements,* including a requirement that the applicant replaces trees that are currently missing from existing grate locations or deemed to be unhealthy.
- *Allowance for the building to be more than maximum 200' length along the street facing facade.* Glass-enclosed entrances are provided in lieu of the required open pedestrian pass-through openings for this 400' long facade; the conditions for the previously approved project- which was 300' in length- allowed for this modification.
- *Pedestrian entrances that are spaced further apart than the required 100' along the primary building facade.*

Consistency with the Comprehensive Plan and Other Plans: This project is generally consistent with adopted plans, as the general use and design of the project does not create clear conflicts with the City being able to meet stated goals for the overall community or local area. However there are specific inconsistencies between this project's proposed use and design to note. Staff finds the request generally reasonable because of the benefit provided to the larger community through the production of housing.

- **The Future Land Use Map-Corridor Development:** The map designates this area as Traditional Corridor which calls for "a broad range of community service uses, parking located to the side or rear of buildings, higher residential densities that are supported by transit and wider sidewalks to enhance access to/from neighborhoods." Living Asheville,.
 - Eliminating mixed-use components of the project arguably conflicts with the Plan goal to "*Increase Mixed-Use Development Along Transit Corridors*" which seeks "to become transit-supportive by improving the quantity and quality of mixed-use development along current and future transit corridors."; the proposal to have a private surface parking lot fronting both the street and the greenway arguably conflicts with attempts to encourage transit use in the area.
Within this goal further reference is made to implementing design guidelines and form codes for these locations to incentivize mixed use and transit-supportive design. .

GENERALLY CONSISTENT - NO CHANGE TO MAP REQUIRED.

- **The Living Asheville Comprehensive Plan-Design:** The plan includes the following goals and strategies that especially apply to this area:
 - *Encourage Responsible Growth* - by developing and applying form codes and design guidelines. .
 - *Promote Great Architecture and Urban Design to Enhance Placemaking* - Improve aesthetics of Asheville's built environment through

form-based code standards. .

The proposed building design does not meet the applicable River Arts District form code and design guidelines. These concerns were reflected in the review and vote by the Design Review Committee (see below).

INCONSISTENT.

- **Living Asheville Comprehensive Plan- Growth and Infill:** The project aligns well with the following broad goals:
 - *Encourage Responsible Growth* - by providing infill development in targeted growth areas.
 - *Increase Access to Safe Bicycling* - by providing more housing within proximity to existing bicycle infrastructure.
 - *Increase and Diversify the Housing Supply* - by increasing the percentage of multifamily units, townhomes, duplexes and other types of attached housing.

CONSISTENT.

- **The Wilma Dykeman Riverway Master Plan- Mixed Use Vibrancy:** The plan calls this specific area and even parcel out as a place where “mixed-use, mixed income housing that preserves the industrial heritage of the mills is desired in order to contribute to the unique neighborhood identity and promote creative placemaking” and “By arranging buildings to create a series of courts, craft and food markets can occupy spaces around the courtyards on a daily basis as temporary uses in a manner similar to farmer’s markets. A synergy can develop between these ground floor uses and events in the park across the road.” While this CZ amendment lacks the commercial space included in the original proposal, and the design does not provide building breaks to support temporary uses as described, it does bring needed residential activity to the neighborhood, and proposes to preserve an industrial smokestack.

INCONSISTENT.

- **The Living Asheville Comprehensive Plan - Park Access and Sustainability:**

Our Comp Plan provides that “[a]ccess and sustainability are important components of new and existing park sites, including the use of green infrastructure when practical. Reasonable ancillary commercial uses associated with park uses are appropriate. Residential uses adjacent to and surrounding parks are encouraged, including pedestrian and bicycle access to maximize access and safety”, p. 345. The parcel at 144 Riverside Drive (on the west side of the street) is located within the Parks and Open Space Future Land Use designation, and within the City’s greater riverfront parks system . While public park space and access are not required, the devotion of the entire parcel to parking is of limited sustainability or open space value. Direct access through the site for residents at 179 Riverside via the proposed path is, however, an example of the connectivity envisioned for this location. The efficacy of the proposed use of pervious paving in the parking is only beneficial as green infrastructure if the site, located in a floodway, is maintained constantly and consistently by the owner. GENERALLY CONSISTENT.

- **Living Asheville Comprehensive Plan, RAD Form Based Code - Housing:** The Comprehensive Plan includes a goal to *Promote the Development and Availability of Affordable and Workforce Housing*, and the Form Based Code for this area includes a policy tool for private developers to be incentivized to do so in the form of a voluntary height and story bonus. While this project is voluntarily

proposing affordability of 5% of units for a term of 20 years, the proposal falls short of offering the required percent of affordable units necessary to acquire the height and story bonus offered in the Form Code.

- While the conditional zoning process allows the applicant to request modifications, the underlying principle of condition zoning is that the application is consistent with adopted plans. Here, incentives such as this are referenced in Living Asheville as a tool to achieve affordable housing goals. The Plan recommends that the City “promote affordable housing policies via incentives such as bonus densities and building height bonuses”. This recommendation reflects an inherent balance of policy goals - providing affordable housing by granting flexibility in height and story restrictions present in a form code. Although the project proposes to increase the overall number of housing units in the city, the proposed amount of affordable housing is not taking advantage of the incentive to do so. (p. 183). Staff’s concern is that while the use of this tool is not required by the applicant, the approval of a height and density bonus without using the provided zoning incentive erodes the effectiveness of this incentive and the ability to provide increased amounts of affordable housing.

GENERALLY CONSISTENT.

Compatibility Analysis:

- The revised new building construction is located between Riverside Dr. and Norfolk Southern railroad tracks, both of which are located within wide rights-of-way (100+ feet) that effectively separate and buffer the project from adjacent uses. The nearest residence is over 300 feet from the back of the proposed building.
- The building is oriented towards Riverside Dr. as required by the River Arts Form Code and River District Design Guidelines, and includes a streetscape that connects the project to the public use areas.
- The height of the building is generally compliant with the UDO but exceeds the height limit stated in the form code. The surrounding buildings are generally one and two stories in height. There is a height/story (bonus) incentive available in this district however the applicant is not choosing to pursue it.
- The length of the building exceeds the length requirement of the form code and is not consistent with the length of other buildings in the vicinity.

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) -March 4, 2024 - approved with conditions.
- The Asheville Buncombe River Commission (ABRC) - Informal review - March 14, 2024. The ABRC providing the following comments as part of Development Impact Review, a process where comments are collected for other boards and Council to review but no vote is taken:
 - ABRC was concerned about the loss of the mixed-use element in the project.
 - The ABRC commented on building design elements related to the size, length, and mass of the building.
 - Members suggested additional focus be provided on affordable housing as it remains a defined need and adopted policy of the Comp Plan and the Council.

- Members expressed concerns that more mixed uses in the area are needed to support increased residential growth and activity in the area.
- Members of the ABRC suggested that the applicant explore LUIG options for providing more affordable units in the project.
- Design Review Committee (DRC) - First informal review February 15, 2024; Formal Review began on April 18, 2024; Application continued and review finalized on June 20, 2024*.
 - Following deliberation with the applicant on the matters described [in this document](#), the committee voted 7-0 to find the design inconsistent with the River Design Guidelines and the Wilma Dykeman Riverway Master Plan, following extensive discussion of items that are outlined in the link above. Their specific motion language including the following reasoning for denial:
 - The building is not consistent based on height, number of stories, facade length, stepback, and a lack of site design with details on materials.

**The Design Review Committee process was completed before staff identified that the code published on the Amlegal website was not accurate.*
- Planning and Zoning Commission (PZC) - Formal Review - July 11, 2024. The Commission voted 5-0 to recommend that City Council approve the amendment request with the following conditions 1) That the applicant explore installation of a speed table or enhanced signalization for the existing crosswalk connecting the two lots; and 2) That the applicant explore enhancing the connection from the sidewalk along 144 Riverside Drive and the Wilma Dykeman Greenway across the parcel.

Staff Recommendation:

- While the proposed project is generally consistent with the Comprehensive Plan and other adopted plans for the area, the removal of any mix of uses, the significant increase in height and length of the building without providing increased affordability required greater consideration in staff's analysis. The extent of modifications requested from the River Arts Form Based code, in conjunction with concerns expressed by the Riverfront Commission and the Design Review Committee prevented us from delivering a clear and strong recommendation to the Council. Staff's strongest recommendation is that Council considers deferring voting on this amendment until the applicants and staff can bring the project into better alignment with the areas mentioned above. However if Council desires to move forward with this petition, staff is providing a basis for approval of the petition.

Mr. Mitchell reviewed the location map, neighborhood zoning map, and the process for conditional zoning in Form Code. Technical modifications include (1) Building Height (both stories and measured) to allow 7 stories and 74.5' in height where 5 stories and 70' are required (a) Exceeds required height without 20% affordable; (2) Street-facing building length over 200' without direct pedestrian connection (a) Enclosed space warranted and recognized for security and HVAC - however, technical modification required; (3) Pedestrian Streetscape to allow existing sidewalks and planting strip due to existing conditions and street trees; (4) Spacing for entrances permitted more than required 100' maximum spacing of building facade; and (5) Street trees to match existing trees contingent on review for health and presence. Design changes include (1) Changes in amended plan: Mill building and green design elements removed; and Commercial space eliminated; and (2) Changes since DRC/PZC: Enhanced plaza at entrances; Connection established to greenway; and additional bicycle parking. Unchanged design changes are the affordability at 5% for 20 years. He explained the site plan changes as follows: (1) Plaza/sidewalk: enhanced pedestrian experience; (2) connection - new path across 144 Riverside to greenway; and (3) building jog at midpoint. He then showed renderings of the site changes and the dimensional/elevation changes. He said site plan details include (1) One building with 240 units (215,000' GFA). Six floors of residential over surface podium parking; (2)

243 total, 7 accessible spaces, 63 spaces in remote lot (grassed); (3) 84 bicycle spaces provided (80/20 long/short); (4) Amenities: Plaza adjacent to southern entrance; (5) Connection across Riverside Drive at existing crosswalks; and (6) Sidewalks: Internal at 6' in width; Riverside Drive - preserve existing sidewalks along both sides of Riverside Drive; and Connection from Riverside to parking and greenway. Landscaping Plan details include (1) Exemptions: Building Impact; and Open space; (2) Required: Vehicle Use Area, street buffer, and ground level at podium parking required; and (3) Street trees - modified by 2.7(F)(K) to require average 30' on center - Existing trees to satisfy requirement - review required for health and presence. In the vicinity of the site, pedestrian access is (1) New Belgium: 1,750'; (2) Wedge Studios: 3,000' - Several artist galleries, brewery, eating / drinking establishments, retail; (3) Clingman / Roberts Traffic Circle: 2,500' - Several artist galleries, eating / drinking establishments, coffee; (4) River Arts Place studios / community space: 1,800'; (5) Hi-wire brewery: 2,500'; and (6) Future: RAD Lofts - Approximately 14,000 s.f. Commercial space.

He then explained the Design Review Commission review as follows: (1) Concern: Overall Building Mass - Combination of stories, height & uninterrupted building length; (2) Concern: Direct Pedestrian Connection - DRC interpreted this as requiring an unobstructed access; (3) Requested additional details on construction/building materials; (4) Supportive of enhanced pedestrian streetscape; (5) Supportive of enhancements at breaks in building and details of recessed alcoves; (6) Additional: Defined pedestrian access ways from parking to sidewalks on 144 Riverside Drive; and (7) Other issues related to UDO errors - stepback - not required; and height / stories - not 4/55' but actually 5/70'. He then outlined the (1) Future Land Use Designation Map - generally consistent; (2) the Comprehensive Plan - Infill and Housing - consistent; (3) the Comprehensive Plan - Design - generally consistent; (4) the Wilma Dykeman Riverway Master Plan - Mixed Use - generally inconsistent; and (5) the Living Asheville Comprehensive Plan - Park Access and Sustainability - generally consistent. He then outlined the reviewed reviews from the (1) Conceptual Technical Review Committee on March 4, 2024 - approved with conditions; (2) Asheville-Buncombe Riverfront Commission on March 14, 2024 - development impact review; (3) Design Review Committee on June 20, 2024 - voted 7-0 to not recommend; and (4) Planning & Zoning Commission on July 11, 2024 - voted 5-0 to recommend. He said that staff recommends that due to the extent of modifications requested from the River Arts Form Based code, in conjunction with concerns expressed by the Riverfront Commission and the Design Review Committee that Council considers deferring voting on this amendment until the applicants and staff can bring the project into better alignment with the elements found to be inconsistent with our ordinances and adopted plans. Alternatively, staff also finds reasonable justification to concur with the Planning and Zoning Commission approval of this request for an amendment to the existing rezoning.

Councilwoman said that regarding multimodal infrastructure, she disagreed with the staff assessment. She was concerned that a previous Council decision to downzone a property that removed a sidewalk requirement on Roberts Street makes accessing this property less safe and accessible by public transit within a half mile via the stop on Haywood Rd. She felt this is a hundred-year decision setting the entrance of the RAD. Given even more incentives for solar energy systems, she wondered if we have updates on renewable energy installation or readiness for this residential development since we saw it last. She was really excited about the public engagement when this project started. The removal of commercial and ground floor activation removes the connectivity with the neighborhood, the resources for the residents, and the illusion of breaking up this wall. She is deeply concerned about the precedent-setting design amendments with updates to this project, and what it means for the future of the RAD because she didn't see the amendments as being in the best interest of the community. We had extensive engagement in the RAD overlay tying to our plans and goals, and allowing this level of amendments will impact not just this project but the future projects in the neighborhood which touches the legacy neighborhoods of Hill Street and Southside. She didn't want other developments coming to the RAD to work from this new, lower design standard.

Councilwoman Turner was also concerned about the affordability component and the two-story addition. At this time, she could not support the project due to the design and lack of support by the Design Review Committee. She suggested maybe breaking up the 400 foot wall and bringing some commercial back in. She encouraged the applicant to delay and meet again with City staff to resolve some of the concerns.

In response to Councilwoman Ullman, Mr. Derek Allen, attorney for the applicant, explained why some of the green items were withdrawn and explained their proposal to break up the building.

Mr. Allen then explained the differences, being the building is 8 feet taller, the building is longer and they will put in residential where the old building was located, the elimination of retail, and they put in residential where the retail space was going to be. He then talked about the process this project has been through to date. He felt that since they received a positive staff approval at the Planning & Zoning Commission meeting, and the Planning & Zoning Commission unanimously approved the project (with the two conditions they requested added into the project), this would be approved by City Council. He urged Council to approve this housing project.

Mayor Manheimer opened the public hearing at 7:29 p.m.

Two individuals spoke in opposition to the amendment to the conditional zoning.

Mayor Manheimer closed the public hearing at 7:35 p.m.

Vice-Mayor Kilgore wanted to be supportive of this project; however, if we expand into the RAD, we need to make it diverse and we can't do that unless we have more affordable housing.

Councilwoman Roney said that she has been trying to help entrepreneurs find spaces that are affordable. We have talked about a land trust for housing for long-term affordability, but there has been no community conversation about a land trust for commercial, and what it means for small businesses to get off the ground. Just because there are vacancies in commercial spots in RAD doesn't mean that there's not a need for commercial - maybe micro-commercial or micro-housing units. We are getting ready to hear from the Community Reparations Commission and the Impact Focus Areas include housing and economic development, and that's part of the connectivity in the neighborhoods. Neighborhoods aren't just housing, they are resources like dentist offices, schools, and grocery stores. She is thinking about the bigger picture of the future of the RAD as a whole and it has to have housing but she was not sure the density bonus is getting us what we need.

Mayor Manheimer said that in the RAD we want housing for all sorts of people. She hoped the applicant will consider the concerns of Council and bring back a project that adheres to the existing plans we have.

Councilwoman Turner said that the community will decide in November if they want to promote affordable housing in the community through the housing bond referendum. She felt this is a commercial expansion district, but with no commercial in the project.

Mr. Allen asked that this public hearing be continued to September 10, 2024.

Councilwoman Turner moved to continue this public hearing until September 10, 2024. This motion was seconded by Vice-Mayor Kilgore and carried unanimously.

V. UNFINISHED BUSINESS:

A. COMMUNITY REPARATIONS COMMISSION EXTENSION REQUEST

Dewana Little, Chair of the Community Reparations Commission, and Bobbette Mays, Vice-Chair, shared the presentation noting that the purpose of this presentation is to provide City Council with an update on the Community Reparations Commission's progress and to request an extension of time. The members of the Reparations Commission were appointed by City Council on March 8, 2022, and the County Commissioners on March 16, 2022. Their mission is that they are empowered to make short-, medium-, and long-term recommendations that will make significant progress toward repairing the damage caused by public and private systemic racism.

Regarding defining reparations, reparations for Asheville and Buncombe County, NC looks like a commitment to: (1) Restoring the Dignity to Black Asheville and Buncombe County Residents; (2) Restoring voice to Black Asheville and Buncombe County Residents; and (3) Restoring what was taken away from Black Asheville and Buncombe County Residents. In doing so, the Commission has defined reparations as: (1) As a continuous financial investment to address and prevent the harms experienced by the generations of Black residents in Asheville and Buncombe County; including the historical harms stemming from enslavement; (2) Reparations will enhance and improve the wellbeing Black Residents. This requires the reverse and changes of policies and systemic barriers that have caused harm and continues to contribute to those harms. These changes will not and shall not cause new or additional harms; (3) Reparations cannot be complete unless strong efforts are made to close the racial wealth gaps, including increasing access to and removing barriers from homeownership, land acquisitions, business development opportunities, and monetary compensation for Black Residents that will yield intergenerational benefits; including heavy investment into Black Youth education that leads to economic mobility; (4) The Reparations Committee calls for public acknowledgment and an apology from city, county, and other entities, organizations, and groups who have benefited from the harm done to Black Residents; and (5) Any and all efforts must and will be held accountable by those who have been harmed and/or are the descendants of those who have been harmed; Black Residents, in the form of a continued Reparations Commission.

The City Council's July 14, 2020 Resolution, tasked the CRC with the following: (1) Issuing a report in a timely manner for consideration for incorporation into short- and long-term, priorities and plans; and (2) Providing budget and program priorities for the following to include but not be limited to: (a) Increasing minority home ownership and access to other affordable housing; (b) Increasing minority business ownership and career opportunities; (c) Developing strategies to grow equity and generational wealth; and (d) Closing gaps in healthcare, education, employment and pay, neighborhood safety, and fairness within criminal justice.

On October 2022 Reparations Commission recommended immediate action to Stop the Harm: the Cessation, Assurances and Guarantees of Non-Repetition of Institutional Processes that lead to Racially Disparate Outcomes. Asheville City Council and the Buncombe County Board of Commissioners resolved in 2020 that they were responsible and complicit in actions that injured African-Americans. As the Reparations Commission formulates recommendations that will address injuries that have resulted in disparate outcomes in Education, Health & Wellness, Housing, Economic Development and Justice it is strongly recommended that the City and County cease harms that continue to injure and, in turn, intensify disparities. It is also recommended that assurances be given that effective measures are taken that end ongoing and current harms due to intentional and unintentional policies, programs, practices and procedures. Processes that produce disparities as well as racially discriminate outcomes in Education, Health Care, Housing, Economic Development and Justice must cease. *An official Audit must be completed by the City and County of where Asheville and Buncombe County are in compliance and out of compliance with federal and state laws, regulatory bodies, Codes of Conduct, Court Orders and Consent Decrees. An audit would allow for the acceptance of guarantees that the*

cessation has actually occurred. The verification of Facts/Data that are publicly disclosed would be a part of such an audit. Further harm or threats to the safety and interests of African-Americans must be prevented and any violation must be prosecuted. Furthermore, it is recommended that the City of Asheville and Buncombe County must promote and enforce codes of conduct and ethical norms as found in federal law, state statutes, and local ordinances as well as accreditation agencies and other regulatory bodies. It is also recommended that Ongoing measures be taken to create and/or strengthen the following: (1) Confidence building between government and African-Americans; (2) Truth seeking mechanisms and processes; and (3) Timely Accountability of the dispensation of these recommendations.

Regarding their progress update, since the formal request at the December 12, 2023 Council Meeting, the CRC has worked diligently in the following ways: (1) Increased meeting cadence to twice a month; (2) Held a full-day retreat in June 2024; (3) Organized a Community Engagement Committee where we developed a community engagement plan and tool; (4) Engaged over 3,200 Black residents between the months of March and May; (5) Voted on and passed all 39 recommendations created by the CRC; and (6) The formation of the final report writing team which has begun to meet bi-weekly beginning June 10, 2024.

The Community Reparations Commission (CRC) respectfully requests an additional 6 months to complete the full charge of the CRC. They need to complete the following: (1) Continue community engagement around reparations education utilizing a data collection tool that segregates by demographics; (2) Write and finalize the CRC Report - Meetings of this group began on June 10, 2024 and are being held bi-weekly; (3) IFA's need to have time to contribute to the final report; (4) Creation of a 501c3: Public/Private Funds for Reparations Recommendation - (a) Organization, Incorporation, bylaws, board of directors, etc.; and (b) Organization of a Black Chamber of Commerce; (5) Formation and organization of the Accountability Council - Draft agreements with city and county to recognize and partner with the Accountability Council; (6) Formation and organization of Reconciliation Task Force; (7) There are still recommendations that have not been reviewed by staff or voted on by the commission; and (8) Make recommendations around the history of harms, policy, laws, and practices that perpetuate the harm of black people.

Their issues are (1) Project Management (a) Repeated changes with project management that stopped or slowed the forward movement of the commission that resulted in misinformation around the timeline and inconsistent meetings for several months; and (b) In addition, Certain provisions/procedures were decided unilaterally by City/County Staff/Project Management Team without CRC votes/agreement which completely misdirected the CRC (language, and vision, etc.); (2) Access to Data: (a) Most local reparations began with a study of the issue before seating a commission however, Black Reparations was never studied by Asheville/Buncombe County - leaving CRC members to devote time to conducting minimal research to justify proposals/recommendations; (b) There was also a delay in receiving the requested data; (c) City/County's requirement that they would be taking no more data requests for a number of months also held up the CRC and railroaded discussion/momentum about data; (d) Proposals only address 10% of the history of Black Asheville/Buncombe County; and (e) No Time/Capacity to do the research needed to make recommendations around the history of harms, policy, laws, and practices that perpetuate the harm of black people; and (3) Community Engagement: (a) The CRC still needs time to adequately engage with communities that have not been informed of the reparations process and to build recommendations inclusive of the community input.

The proposed timeline is from August - October, 2024 - final report writing; and creation of 501 (c) (3) - organization, incorporation, bylaws, board of directors, etc. September - mid-December - establishment of Black Chamber of Commerce with research and

recommendations. October-January is the formation of accountability Council and reconciliation. September - January is community engagement - worksessions, events, canvassing, tabling, etc. With the extension of 6 months, we the CRC believe that these items and the full charge of the CRC will be completed to the best of our abilities.

Ms. Mays asked that a marker be placed in either City Hall or the Buncombe County Courthouse with all the Reparations Commission members' names on it to memorialize this work.

Regarding staff's recommendation, Director of Equity and Inclusion Sala Menaya-Merritt said that during their June 17th meeting, the Community Reparations Commission finalized their recommendations. (1) The remaining component of the CRC's charge is the development of a report. Report development is currently underway by a CRC-approved working group; (2) The report will be completed in Fall 2024 and then presented to the City Council and Board of County Commissioners; (3) No additional meetings of the full CRC have been scheduled past the August 19th Special-Called Meeting to discuss the extension request; and (4) Staff is recommending to continue current levels of support for the work of the Commission as follows: (a) Final report completion - Until the end of October 2024, focusing on the completion of the final report; (b) From November 2024 through February 2025, staff will continue to provide the support needed to insure the success of this important effort., staff will then provide a status update to the City Council; and (c) February 2025 - the CRC will close out at the end of February 2025

Councilwoman Roney expressed gratitude for commission leadership, the leaderful work of our CRC, and the steering committee moving forward. Hearing the word "railroaded," she has witnessed urgency inflicted by City & County timelines. Having just worked through the transition from Homeless Initiative Advisory Committee to Continuum of Care (CoC) to address homelessness, she witnessed City and HUD staff support including facilitation, planning, and legal support. She wondered if we are prepared to provide at least a CoC level of support for this historic, necessary work to ensure success for the Accountability Council. If support is a matter of capacity and/or funding, she asked what gaps are Council being asked to fill to provide meaningful support?

Throughout the discussion, Ms. Little, Ms. Mayes and Ms. Menaya-Merritt responded to various questions from City Council, some being, but are not limited to, of the 39 recommendations, we need to begin action items on them; is there problems with attendance; are we budgeting to continue the stipends for members; concerns about source of funding the stipends - not pulling operations funding out of the Reparations Fund; what Cease the Harm Audit recommendations are being implemented; should the money for catering the meetings come out of the Reparations Fund and how much is it; how is the hotel benefits table working when developers choose between affordable housing or reparations; how much are the stipends per month; request for similar level of support for the Reparations Commission as the CoC;

City Manager Campbell said that the City doesn't have any other source of funds for support/catering/childcare, stipends, other than the money allocated for this initiative - the Reparations Fund. She said that the action before Council is the extension requested, which staff supports. She hoped to work through the compensation piece at an administrative level.

Four individuals spoke in support of the Reparations Commission and its work, with a marker installation.

It was the consensus of the Council that the work of the Commission continue with staff support until February, 2025.

VI. NEW BUSINESS:

A. RESOLUTION NO. 24-203- RESOLUTION ADOPTING RECREATE ASHEVILLE: SHAPING OUR CITY PARKS - ASHEVILLE PARKS AND RECREATION 10-YEAR PLAN

Parks & Recreation Director D. Tyrell McGirt said that this is the consideration of a resolution adopting Recreate Asheville: Shaping Our City's Parks, a systemwide 10-year plan for Asheville Parks & Recreation.

Background:

- The existing department plan was completed in 2009. It is important that the City understands current resident recreation needs and existing parks facilities conditions, to appropriately plan for and meet the future level of service desired by Asheville residents.
- Asheville Parks & Recreation (APR) advertised a Request for Proposals (RFP) for interested firms to provide consulting services to develop an updated comprehensive Parks and Recreation plan.
- Design Workshop, Inc. was selected based on experience, qualifications, understanding of the scope of services, cost, and availability.
- The planning project took approximately 12-months and consisted of the following key milestones: 1.) Data Collection, 2.) Assessment, 3.) Community Needs, 4.) Plan Recommendations, and 5.) Strategic Action Plan.
- Staff and the consultant team in partnership with the departments of CAPE, Equity & Inclusion, and the City Manager's Office developed an outreach strategy to ensure accessible engagement opportunities with the diverse Asheville community.
- Residents' desired parks and recreation priority projects and programs have been identified and incorporated into a strategic implementation plan.
- The plan outlines five key focus areas for strategic investment for APR to achieve the goals outlined in the 10-year plan; Steward & Maintain Parks for All; Access & Connectivity; Community Health & Wellness; Gathering & Placemaking; and Resilient Natural Environments.
- Investment Zones are identified based on the geographic areas most in need based on factors such as equity, current condition, size, people served, and park experiences.
- The plan includes short, medium and long term goals encompassing various programs and projects, including:
 - Programming: Prioritizing recreational activities and events.
 - Maintenance: Addressing existing park infrastructure needs.
 - Upgrades: Renovating current parks.
 - Redevelopment: Transforming existing community and recreation centers.
 - New Parks: Building new neighborhood parks.
 - Special Amenities: Developing major, unique park features.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included direct vendor outreach and posting on the State's Interactive Purchasing System to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers.
- Six firms responded to the Request for Proposals (RFP), none identified as a Minority or Women-Owned Business Enterprise (MWBE) service provider.
 1. BerryDunn; Portland, ME
 2. CPL; Charlotte, NC
 3. DesignWorkshop; Raleigh, NC
 4. Gensler; Charlotte, NC
 5. Maypop Collaborative; Commerce, GA
 6. McAdams, Charlotte, NC

Council Goal(s):

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

Committee(s):

- Environment & Safety, February 27, 2024
- Environment & Safety, June 25, 2024
- Environment & Safety, July 23, 2024

Pro(s):

- Building credibility, support, and consensus from current community members and stakeholders.
- Informing citizens about a park's needs and its community assets to maintain desired level of service.
- Identifying capital and operating improvement goals that are needed to assess fiscal requirements and fundraising needs.
- Equitably guiding critical decisions about Parks and Recreation facilities, infrastructure, programs, and services.
- Developing recommendations and an implementation strategy that will transform a community's vision into tangible plans to create outstanding recreation opportunities, well-maintained facilities, desired programming, and a customer-focused and responsive park and recreation system.
- Supports the future efforts of the City to seek grant opportunities or partner funding to implement the plan

Con(s):

- None

Fiscal Impact:

- Funding for implementation of this plan would be approved through the City's annual operating budget & Capital Improvement Planning processes.

Mr. McGirt said the following key takeaways are: (1) The plan outlines five key focus areas for strategic investment to achieve the goals outlined in the 10-year vision; (2) Investment zones are identified based on geographic areas most in need based on factors such as equity, current condition, size, people served, and park experiences; (3) The plan includes short, mid, and long-term goals encompassing various programs and projects: Programming: Prioritizing recreational activities and events; Maintenance: Addressing existing park infrastructure needs; Upgrades: Renovating current parks; Redevelopment: Transforming existing community and recreation centers; New Parks: Building new neighborhood parks; Special Amenities: Developing major, unique park features; and (4) Environment and Safety Committee approved the plan on July 23, 2024. He said that Recreate Asheville will be used as a guide book to move Asheville's historic park system over the next 10 years and into the future. The plan has been created with public input and best practices to ensure that it reflects the community's aspirations, concerns, and desires for the future of Asheville's park and recreation system. He then outlined the 1,700+ survey respondents and the 19 workshops and pop-up events hosted throughout the City.

Brenna Laffey, landscape architect and project manager with DesignWorkshop, said that the plan focuses on five key themes—Steward and Maintain Parks for All, Access and Connectivity, Community Health and Wellness, Gathering and Placemaking, and Resilient Natural Environment. These themes encompass all of the goals for parks, recreation and

programming improvements and help organize the strategies and actions of the plan. The plan themes and goals were informed by an analysis of the park and recreation system and a coordinated community engagement process. A robust equity analysis is a critical component of this plan that will drive not only the plan strategies but also the CIP prioritization process. The planning team worked with City staff and stakeholders to build on previous work in Asheville to develop a mapping methodology that identifies those parts of the city with a history of underinvestment and a greater need for the benefit of parks and recreation. The equity mapping methodology considers factors through the lens of five Social Determinants of Health Categories. The physical projects and investments captured in the vision plan are filtered through a prioritization model to rank the projects and divide them into phases based on priorities expressed during the community engagement process and needs assessment. This helps the City and partners make fiscally and socially responsible decisions, focus resources and first steps on projects that are best positioned to advance public interests and the goals of the Plan.

Mr. McGirt said that the overall vision plan identifies 36 major park and 8 community/recreation center reinvestment projects throughout the system, 8 new neighborhood parks, and 9 new major or special use facilities. In addition, it seeks to address deferred maintenance across the system. The overall plan is ambitious, but phasing has been aligned with expected funding streams beginning with a short term plan over the next 4 years to invest in 6 major park upgrades, 1 new neighborhood park development for Sweeten Creek Road Park, 2 major or special use facilities identified as high priority from the community, and funding deferred maintenance across the system. In the second phase, years 5 to 8, we'll focus on 5 more major park upgrades and 2 more major center reinvestments, a new major use facility for senior and therapeutic programming and continued maintenance across the system. In order to suit the needs of the community within the resource and financial capacity of APR, a recreation program assessment should be completed when developing or enhancing new programs. In the next steps, we are in phase three, where feedback from phase 1 and 2 has been incorporated into a draft plan document with recommended projects, programs and actions to achieve the plan vision and goals.

Councilwoman Roney said her favorite, new Parks & Recreation programming is skate night in Carrier Park, with people of all ages and skill levels sharing time, laughter, music, and hopefully not too many skint knees along the way. Asheville is lucky to have Parks & Recreation Director D. Tyrell McGirt here leading his team and our organization through this planning process and preparing the Parks & Recreation bond for voters to consider in November. Public third spaces like public parks, pools, community centers, and gardens are where our community builds relationships, connecting with each other and nature. Ready to enthusiastically move to approve the plan.

Susan Dixon spoke in support of the Plan, and was happy to see the inclusion of dedicated pickleball courts.

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

Councilwoman Roney moved to adopt Recreate Asheville: Shaping Our City's Parks, a systemwide 10-year plan for Asheville Parks & Recreation. This motion was seconded by Councilwoman Ullman and carried unanimously.

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B. PLANNING & ZONING COMMISSION

There currently exists three vacancies to the Planning & Zoning Commission. The terms of Geoffrey Barton and Susan Bean, as members of the Planning & Zoning Commission, expired on August 14, 2024. Mr. Barton is interested in reappointment; however, Ms. Bean is not. In addition, Kimberly Levi has resigned, thus leaving an unexpired term until August 14, 2026.

The following individuals applied for the vacancies and were residents of the City of Asheville, which is a requirement for the Planning & Zoning Commission: Russell Scott Adams, Jane Margaret Bell, Tracy Fagan Brown, Joseph John Chesler, Andrew Fletcher, Suzanne Vernon Godsey, John-Michael Henson, Jameka Shante' Johnson, Cade Justad-Sandberg, Moses Bear Landon, Robert A. Mays, Louis David Moritz, William Luke Quillen, Micah Rogers, David M. Russell, Beth C. Silverman, Hunter Spitzer, Doniel Winter and Anna Zuevskaya.

The Planning & Zoning Commission Chair Geoffrey Barton recommends appointment of Jane Margaret Bell, Jameka Shante Johnson, and his own reappointment. If interested in selecting from a pool of the top 5, he suggested that Council also interview Beth Silverman, Scott Adams, and Hunter Spitzer. One other commissioner passed along a recommendation for Anna Zuevskaya.

After determining that five interviews would take place, after each Council member expressed their top three candidates, the following candidates were determined to be interviewed on September 10, 2024: Jane Margaret Bell, Andrew Fletcher, Jameka Shante' Johnson, Beth Silverman and Anna Zuevskaya.

Councilwoman Mosley moved to reappoint Geoffrey Barton to serve an additional three-term, term to expire August 14, 2027, or until his successor has been appointed. This motion was seconded by Councilwoman Ullman and carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council about various matters, some being, but are not limited to: request support for International Peace Day; business survivability; purpose of Islamic people in the United States; and support for the Recreate Plan (especially the inclusion of much needed dedicated pickleball courts).

Councilwoman Roney said City staff are our organization's greatest asset and necessary to provide the quality, public services our community expects and deserves. Acknowledging concerns expressed by current and former City staff about pay equity and disparate outcomes of our Human Resources (HR) Department, she was embarrassed that she missed the Raftelis report auditing our HR Department, which was mentioned in the Council retreat and completed in February of this year but never followed up on and not yet publicly accessible. As it recently came to attention, and she's a member of the Policy, Finance, and HR Committee, she has requested formal reviews of the audit and the recommendations within it including making the document available as part of a public meeting. She appreciated that the report will not come to the Policy, Finance and HR Committee at our meeting this Thursday as she requested because the full Council is going to hear a report at our September 10th Council meeting. We also have recommendations from our Cease the Harm Audit as recommended by our Community Reparations Commission, including following up with improved data collection, which might provide more equitable outcomes of our HR Department, ensuring the City of Asheville is a great place to work and build a career.

Councilwoman Mosley said that she was looking forward to hearing that report at the next Council meeting. And, some point have a public discussion to let the black women in our City

who come forward expressing concerns that we let them know that we hear them and that we are going to prioritize them. And she, at least for one, cares about the responses.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:53 p.m.

CITY CLERK

MAYOR