Tuesday – February 14, 2023 - 3:30 p.m.

McCormick Field Worksession

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 Manager Campbell reviewed the following key takeaways from this worksession: (1) McCormick Field is an important regional asset, currently owned by the City that over the years has not been adequately maintained; (2) Facility has been leased out and principally used by a Minor League Baseball team, the Tourists; (3) This facility should and can be used for many other purposes to derive broader community benefit; (4) To retain Major League Baseball (MLB) affiliation in Asheville, significant renovation is required in order to meet the impending deadline to submit a commitment letter to MLB - April 1, 2023; (5) A funding plan will require assistance from the Team, County, Tourism Development Authority (TDA) and possibly the state; and (6) To absorb this project in our existing Capital Improvement Program (CIP), either additional resources are needed or existing items will possibly need to be reprogrammed.

Director of Community & Regional Entertainment Facilities Chris Corl reviewed statistics of the asset, along with a short history of how we got here. In 2020, the MLB issues new facility standards and rubric scoring system, which will apply beginning in 2023. McCormick Field is at the bottom 10% of all minor league facilities.

He then reviewed the highlight failures include: Lack of female facilities - Umpires, coaches & support staff; Security command post & secure player parking; Exercise/workout room, hitting tunnels; Commissary & dining areas; Lacks infrastructure to support modern technology; Training room & laundry facilities; Foul poles, field grading, field drainage; Field lighting, batter's eye, wall padding; and Media facilities. The 2015 Facility Assessment Report identified that like many of the City's facilities, McCormick Field's systems are at or past their life expectancy or in need of significance maintenance - Stormwater Piping; Vomitory Archways; Water Intrusion & Joint Penetration; Masonry throughout; Handrails & step supports; Roof; HVAC; Exhaust systems; Stadium water heating; Grease interceptors; and Field lighting. He noted this is not an exhaustive list.

Using the chart below, he compared the full project renovations ($37,500,000) vs. the minimum project ($29,200,000):

	Full Project		Minimum Project	
Major League Baseball Mandates	**$ 19,600,000**		**$ 19,600,000**	
Facility Operational Minimum Needs	**$ 5,600,000**	**Civil, Structural, MPE**	**$ 5,600,000**	**Civil, Structural, MPE**
Strongly Recommended Pro Sports	**$ 7,050,000**	**Video Displays, Ingress/egress, Suite,**	**$ 1,500,000**	**picnic areas**

		Picnic areas		
Fan Amenities	$ 5,250,000	Interactive display assets, wrap around concourse	$ 2,500,000	interactive display assets
Total Project Budget	$ 37,500,000	Includes Contingency	$ 29,200,000	Includes Contingency

He explained the comparable markets. The economic impact to Buncombe County is $9.8 Million. The average attendance is 179,582. He then reviewed the statistics of the work the Tourists have with the community - community & non-profit concession programs, some being, but are not limited to - 191 different WNC local vendors utilized in the past 12 years (12% of total 2022 vendor spend with Minority-Women Business Enterprise); 149 full and part-time positions; 40 “first jobs” provided, 73,466 locally brewed beer/ciders sold; $630,000 community contributions; $50,000 need based scholarships; 10,000 students in reading program, etc. The impact of not funding the project is (1) facility remains inadequately maintained; (2) Club loses license with MLB - Unaffiliated; (3) continued lack of female facilities within the property for other uses; (4) possible to recruit an Independent Team; and (5) data from 35 markets which lost affiliation (a) total games per season don from 66 to 35; (b) 25% in total attendance reduction; (c) assumed similar reduction in economic impact; and (d) multiple teams completely folded.

Mr. Corl then reviewed in detail the financial details for the full project, minimum project, and the following projected contributions:

	Full	Minimum
Total Project Cost	$37,500,000	$29,200,000
Less Coxe Ave Reallocation	$1,950,000	$1,950,000
Amount to Borrow	$35,550,000	$27,050,000
COA Avg. Annual Contribution	$950,000	$1,000,000
COA % of Project	34%	46%
TDA Annual Contribution*	$1,400,000	$700,000
TDA % of Project (includes Coxe Reallocation)	41%	29%
Club Avg. Annual Contribution	$468,750	$287,500
Club % of Project	17%	13%
County Annual Contribution*	$250,000	$250,000
County % of Project	9%	12%

Finance Director Tony McDowell reviewed the impact on future City CIP, project delay/reduction in current CIP; and additional CIP resources.

Mr. Corl then reviewed some possible future uses as a multi-purpose facility, which has the potential for City of Asheville year 5 net revenue share non-baseball events totalling $550,000.

He then reviewed the pros/cons of a minimal project; the pros/cons of a full project; and the pros/cons of no project.

Moving forward, reviewing the pros and cons of each option (1) Minimum project is $1M more expensive to the City over the term of debt service; (2) Full project has the greatest long term flexibility for community & economic development; and (3) Minimum project invests primarily in back of house and on field improvements only. *IF* Council were to elect to move forward with a project at McCormick field, then staff would recommend that Council consider funding the full $37.5 project contingent upon the following (a) Financial commitment to the project by Buncombe County of at minimum $X; (b) Successful full award of a grant request from the Tourism Development Authority's Tourism Product Development Fund; and (c) Execution of a lease agreement with Dewine Seeds Silver Dollar Baseball Inc. He then presented a proposed timetable for actions.

Throughout the presentation, City Manager Campbell, along with Mr. Corl and Mr. McDowell, responded to various questions/comments from Council, some being, but are not limited to: requested breakdown of strongly recommended pro sports figure of $7,050,000 for full project vs. $1,500,000 for minimum project; what community engagement has occurred with the surrounding neighborhoods and will there be a community meeting prior to any City Council formal action; need to have some focused outreach to the surrounding neighborhoods to see what their needs and desires are for this space; food trucks and/or food markets would be a good fit for the parking lot; will the issue of cars be addressed in the lease; are there other renovations for McCormick Field that did not come out of the mandates by the MLB; what is the approximate cost of the utilities annually; what happens if the TDA or the County to not participate in funding; interested in hearing the benefits to the surrounding community; possibility that revenue from multiple uses on the field could be used to benefit the neighborhoods; if a multi-use facility, request for more family-friendly events, with perhaps graduations and festivals/art shows focus; need better understanding that the Tourists would pay $3.2 Million up to year 7; but then the City would have to contribute $4 Million in years 7 and 14; are there other economic development opportunities for more local businesses; concern that the City's contribution for the full project is $950,000 annually, when the City is only contributing $500,000 annually to the Housing Trust Fund and $500,000 annually to reparations; and suggestion a plan in the off-season time of events that will benefits the larger community, but with an emphasis on black and brown.

When City Manager Campbell said that City Council will be asked to make a recommendation at their March 14, 2023, formal meeting, the majority of Council felt they needed more information in order to make an informed decision at that meeting.

At 4:57 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – February 14, 2023 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman 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. INTRODUCTION OF NEW SUPERINTENDENT OF BUNCOMBE COUNTY SCHOOLS DR. ROB JACKSON

Mayor Manheimer introduced the new Superintendent of Buncombe County Schools Dr. Rob Jackson. Dr. Jackson did a quick introduction of himself and briefly talked about his vision.

B. PROCLAMATION PROCLAIMING 2023 AS "YEAR OF THE TRAIL"

Mayor Manheimer read the proclamation proclaiming 2023, as "Year of the Trail" in the City of Asheville. She presented the proclamation to Claudix Nix, Chair of the Greenway Committee, and others, who briefed City Council on some activities taking place during the year.

C. PROCLAMATION PROCLAIMING FEBRUARY 20-26, 2023 AS "INVASIVE SPECIES AWARENESS WEEK"

Councilwoman Turner read the proclamation proclaiming February 20-26, 2023, as "Invasive Species Awareness Week" in the City of Asheville. She presented the proclamation to Dawn Chavez, Executive Director of AshevilleGreenworks, Susan Sertain, Karen MacNeill and Raven Sterling, who briefed City Council on some activities taking place during the year.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 24, 2023

B. RESOLUTION NO. 23-21 - RESOLUTION ADOPTING THE REVISED WATER SHORTAGE RESPONSE PLAN 2022 (DROUGHT PLAN)

Action Requested: Approval of the revised Water Shortage Response Plan 2022 (WSRP)

Background:

- Environmental permits for the North Fork Spillway and Embankment Improvements project required the City to review and update the WSRP. ***(Drought Plan)***
- The Water Shortage Response Plan is typically enacted when drought conditions exist, and is triggered by specific levels in the source water reservoir(s).
- NC Department of Environmental Quality Division of Water Infrastructure and NC Wildlife Commission have both reviewed and approved this updated version.
- 15A NC Admin. Code 02E .0606 requires the water systems to update the WSRP every five years.
- It has been the practice to seek Council approval if significant changes in the plan have occurred.

- Public Comment was sought through social media posts, Public Input app, and the department's website.
- Significant Changes to WSRP 2022:
    - Rebalancing of the water treatment plant production levels during the three levels of drought management. Maximizing the water from the Mills River Water Treatment Plant (WTP) to reduce the demand on the Wm. DeBruhl WTP.
    - Phase III - Rate Surcharge (Emergency): Due to highly efficient appliances and plumbing fixture improvements during the past 20 years, the total percentage of water that customers were asked to cut back was reduced from 25% to 15%.
    - Implementation of drought triggers were updated.
    - Changes to the action levels regarding the probability of drought at a certain time period in the future were made.
    - Clarification of the process for less restrictive conservation levels based on lake level increases.
    - More stringent penalties for the use of irrigation meters during mandatory and emergency drought conditions.
    - Addition of a seamless doc form to request a variance.
    - The document clarified that the Director or designees is responsible for all subsequent revisions and the process to follow for full approval and implementation.

Vendor Outreach Efforts:
- n/a

Council Goal(s):
- Improve/Expand Core Services

Committee(s):
- n/a

Pro(s):
- Increases the resilience to provide potable water to our customer in times of drought

Con(s):
- n/a

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

Motion:
- Motion to approve the Water Shortage Response Plan (2022)

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C. RESOLUTION NO. 23-22 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. HISTORIC PRESERVATION OFFICE TO ACCEPT A GRANT TO FACILITATE NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS TRAINING FOR PRESERVATION COMMISSION VOLUNTEERS AND STAFF IN THE WESTERN NORTH CAROLINA REGION

ORDINANCE NO. 4996 - BUDGET AMENDMENT FROM THE N.C. HISTORIC PRESERVATION OFFICE TO HOST A NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS TRAINING IN SPRING 2023

Action Requested: Adoption of a resolution to authorize the City Manager to enter into an agreement with the N.C. Historic Preservation Office to accept a $9,000 Historic Preservation Fund grant for the purpose of contracting with the National Alliance of Preservation Commissions to facilitate a CAMP Core training day for preservation commission volunteers and staff in the Western NC region; and the associated budget amendment in the Special Revenue Fund.

Background:

- The Historic Resources Commission/City of Asheville has been awarded a Historic Preservation Fund grant in the amount of $9,000.
- Funds will be utilized to fund a National Alliance of Preservation Commissions full-day CAMP Core training session in Asheville in Spring 2023 for preservation staff and commission volunteers in Western NC.
- The CAMP Core training day will include up to six sessions on a variety of relevant topics, including quasi-judicial proceedings, applying design standards, education and outreach, and equity and inclusion in historic preservation practice, among others.

Council Goal(s):

- A Connected and Engaged Community

Pro(s):

- Funding will be made available for conducting a regional training session for preservation commission volunteers and staff in the Western NC region.

Con(s):

- None.

Fiscal Impact:

- Matching funds are not required for this grant.

Motion:

- Motion to adopt a resolution to authorize the City Manager to enter into an agreement with the N.C. Historic Preservation Office to accept a $9,000 Historic Preservation Fund grant for the purpose of contracting with the National Alliance of Preservation Commissions to facilitate a CAMP Core training day for preservation commission volunteers and staff in the Western NC region; and the associated budget amendment in the Special Revenue Fund.

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ORDINANCE BOOK NO. 34 - PAGE 343

D. RESOLUTION NO. 23-23 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO SELECT A VENDOR TO MANAGE AND IMPLEMENT THE BLUE RIDGE HORIZONS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to select a vendor to manage and implement the Blue Horizons Project (BHP).

Background:

- Resolution 16-64 established a joint City, County, and Utility Energy Innovation Task Force (EITF) to address 1.) prevention of Duke Energy's Peaker Plant, and 2.) provide clean renewable energy for Western North Carolina.

- In 2020 the EITF accomplished the initial goal to prevent the Duke Energy Peaker Plant and through Resolution 20-18 dissolved as a City/County Task Force and established the Blue Horizons Project Community Council (BHPCC).
- The City and County have representation on this council.
- The Blue Horizons Project Community Council advises the Blue Horizons Project for the purpose of achieving the community-wide renewable energy goal established in Resolution 18-279.
- In 2020 the City and County utilized an interlocal agreement to co-fund and select a vendor, the Green Built Alliance, to manage and implement The Blue Horizons Project and the Blue Horizons Project Community Council.
- The City and County have both equally funded this project for the past three years and now need to re-advertise for these services.
- The City of Asheville will enter into an interlocal agreement with Buncombe County to give the authority to issue a joint RFP and select a vendor to implement the deliverables of the Blue Horizons Project.
- The City will have a role in selecting and negotiating with the responsive bidder.
- This new interlocal agreement will be in place until 2042 since that is the year referenced for the community-wide renewable energy goal established in Resolution 18-279 and Resolution 17-12-06.
- Requests for approvals of contracts with, or payments to, selected vendors will be brought to City Council separately

Council Goal(s):
- A Clean and Healthy Environment

Committee(s):
- Environment and Safety Council Committee, January 24, 2023, voted 2-0 to recommend to the full City Council adoption of a resolution authorizing the City Manager to enter into an Interlocal Agreement with Buncombe County to select a vendor to manage and implement the BHP.

Pro(s):
- Re-commits the City and County to support the implementation of the Blue Horizons Project
- Puts resources in the community to drive progress on the community-wide renewable energy goal
- Supports Council's strategic priority to for equitable & affordable housing & stability

Con(s):
- None

Fiscal Impact:
- None.
- The Interlocal Agreement only concerns the joint City-County process for selecting vendors for the Blue Horizons Project going forward.
- Requests for approval of funding for selected vendors will be brought to City Council at a separate time, after selection by the City-County.
- The Sustainability adopted operating budget for the current fiscal year includes $100,000 to contract with the Green Built Alliance to manage and implement the Blue Horizons Project. Sustainability Staff have requested that same budget amount for Fiscal Year 2024.
- If a responsive bidder is selected, a contract will be issued in FIscal Year 2023-24.

Motion:

- Motion to approve a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to select a vendor to manage and implement the Blue Horizons Project.

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E. RESOLUTION NO. 23-24 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE JOHN R. MCADAMS COMPANY INC. FOR STORMWATER DESIGN SERVICES AT THE MUNICIPAL GOLF COURSE

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment of the existing professional services contract with The John R. McAdams Company INC. DBA McAdams in the amount of $96,180 for a total contract total amount of $123,480 for stormwater design services at the Municipal Golf Course; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $12,348.

Background:

- This contract has been in place since August of 2019,
- The original RFQ for selection of a qualified engineering firm to provide professional engineering services including stormwater design services, construction administration and material testing for the Asheville Municipal Golf Course was issued in August of 2019 by the Parks & Recreation Department.
- After assessment, if funds were made available for a construction project the intent had been to amend the agreement with the selected firm to complete construction design documents and project oversight.
- The selected firm was McAdams.
- Funds are now available for a capital project at the Municipal Golf Course, including stormwater.
- Although the City's agreement with Commonwealth Golf Partners II - Asheville (CGPA) dictates that CGPA is to manage all aspects of the capital improvement project at the course, staff has decided that the City's Capital Projects department should oversee the stormwater portion of the capital project at the course.
- The construction arm of CGPA intends to bid on the stormwater construction contract, therefore to prevent any perception (real or perceived) of a conflict of interest, if CGPA issued the bid and possibly won the bid, (if CGPA is the lowest responsive/responsible) staff believes the City should manage this portion of the project internally.
- This contract amendment will allow for construction design documents and project oversight to be completed for the stormwater portion of the Municipal Golf Course project.

Vendor Outreach Efforts:

- When initially contracted, staff followed the City's MWBE outreach policies which included specific outreach by the City's Business Inclusion Manager.
- McAdams was deemed the most qualified responder to the RFQ; however, they are not minority owned, and no subcontracting services are anticipated.

Council Goal(s):

- A Thriving Local Economy
- A Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Continues the process of improvements at the Asheville Municipal Golf Course
- Saves potential expense as a new design firm would be required to complete field assessments which have already been completed by McAdams

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment of the existing professional services contract with The John R. McAdams Company INC. DBA McAdams in the amount of $96,180 for a total contract total amount of $123,480 for stormwater design services at the Municipal Golf Course;and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $12,348.

RESOLUTION BOOK NO. 43 - PAGE 428

F. RESOLUTION NO. 23-25 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH ASHEVILLE AREA HABITAT FOR HUMANITY AND THE ASHEVILLE-BUNCOMBE COMMUNITY CHRISTIAN MINISTRIES TO PROVIDE THEE AGENCIES GRANT FUNDING THE CITY RECEIVED FROM THE DOGWOOD HEALTH TRUST AMERICAN RESCUE PLAN ACT ADVANTAGE AFFORDABLE HOUSING FUNDING

Action Requested: Adoption of a resolution authorizing the City Manager to sign contracts with Asheville Area Habitat for Humanity and Asheville Buncombe Community Christian Ministries to provide these agencies grant funding the city received from the Dogwood Health Trust's ARPA Advantage Affordable Housing funding.

Background:

- In May 2022 the City of Asheville responded to a request for proposals from the Dogwood Health Trust to leverage the American Rescue Plan Act (ARPA) funds that the City is investing in affordable housing.
- Asheville Area Habitat for Humanity (AAHH) and Asheville Buncombe Community Christian Ministries (ABCCM) applied for City of Asheville ARPA funding for affordable housing projects.
- At its May 10, 2022 meeting, Asheville City Council adopted a resolution authorizing the City to execute the agreements for the fulfillment of the American Rescue Plan Act funding recommendations.
- The City Council's ARPA allocations awarded partial funding to the affordable housing projects submitted by Asheville Habitat for Humanity and ABCCM.
- These grant funds from Dogwood will provide additional funding for both programs to leverage affordable housing.
- At the September 13, 2022 Council meeting, City Council authorized the City Manager to enter into a grant agreement with Dogwood Health Trust; and approved the associated budget amendment from the Dogwood Health Trust ARPA Advantage Affordable Housing funding in the amount of $1,600,000.
- Approval of these contracts will allow the city to provide the additional funding to AAHH and ABCCM.

- Total federal ARPA funding and Dogwood Health Trust ARPA Advantage Affordable Housing Funding for ABCCM and AAHH is described below:

Agency	Total ARPA Requested	City ARPA Allocation	Dogwood Funding	Total Funding
ABCCM	$3,000,000	$999,000	$1,300,000	$2,299,000
Habitat	$900,000	$600,000	$300,000	$900,000

Council Goal(s):
- A financially resilient city
- A thriving local economy
- Affordable Housing

Committee(s):
- City Council approved ARPA funding

Pro(s):
- Additional funds for programs related to covid recovery.
- Additional funds for projects for affordable housing.
- Allows the City to focus on partnerships in the community, along with capacity building, support and networking to build towards a collaborative future.

Con(s):
- None

Fiscal Impact:
- Matching funds are not required for this grant, funding will be passed through to AAHH and ABCCM.

Motion:
- Motion to authorize the City Manager to sign contracts with Asheville Area Habitat for Humanity and Asheville Buncombe Community Christian Ministries to provide these agencies grant funding the city received from the Dogwood Health Trust's ARPA Advantage Affordable Housing funding in the amount of $300,000 to Asheville Area Habitat for Humanity and $1,300,000 to Asheville Buncombe Community Christian Ministries

RESOLUTION BOOK NO. 43 - PAGE 429

G. RESOLUTION NO. 23-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CREECH AND ASSOCIATES FOR THE COMPREHENSIVE FACILITIES STUDY

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with Creech & Associates, PLLC up to a revised amount of $391,070 for the Comprehensive Facilities Study.

Background:

- On June 14, 2022, City Council authorized a contract with Creech & Associates, PLLC in the amount of $348,370.00 for a Comprehensive Facility Study.
- The requested amendment provides further clarification and standardization in the assessment of the prior Operations and Maintenance (O&M) Study provided by IBI Group in 2020. The previous O&M study included the proposed relocation of the Public Works Department.
- The requested amendment will provide the City with sufficient detail to propose phasing options for future master planning and capital planning as part of the study.
- The requested amendment will also provide the City with the option to include additional master planning sites, and capital planning scenarios, which are needed to provide the City with a more detailed picture of future capital needs.
- Sites that are currently slated for master planning include:
    - Oakley Multi Use Facility - Evaluate this space that is in need of replacement to accommodate existing uses and potentially including other compatible uses. Provides the opportunity to partner for shared site uses with the County and other community uses.
    - City Hall - Evaluate current uses considering different and modernized space utilization.
    - Municipal Building - Evaluate space utilization and future renovation ideas to maximize utility of the facility.
    - Parkside Master Plan - Consider development of existing City parking lots for expansion of City administrative spaces, parking, multi use development and/or other creative uses.
    - Public Works Relocation - Previously studied, this master plan will consider phasing intending to make a transition from this site more cost effective.
- Additional sites that are being considered for master planning under this amendment are described below. The list of sites will be finalized based on the project budget, facility condition index, space needs deficits, and ability of the site master planning to meet project deadlines:
    - West Asheville Multi-Use Facility - Similar to the Oakley facility in the evaluation of a replacement building which will include multiple partners.
    - Transit Garage - This evaluation will consider the expansion and relocation of the facility in order to provide transit service expansion opportunities in the future.
    - Harrah's/Thomas Wolfe Auditorium - Develop a specific maintenance and improvement plan to support the facility until a major renovation project can be developed.
    - Public Works Transition Plan - Evaluate the current use of this facility and help to identify options that will relieve challenges associated with the current use of the space.
- The proposed amendment total shall not exceed $42,700.00.
- The City owns more than 1.6 million square feet of facilities, of which about 900,000 square feet are occupied or operational.
- The majority of City facilities are greater than 50 years old, and are in various states of their expected useful life.
- The purpose of this study is to provide the City with a more complete picture of the current state of city facilities, and to provide a roadmap for future capital investments in City facilities to meet the City's needs and goals.
- The study includes a facilities condition assessment, future space needs and space utilization, and capital planning and prioritization.

- Additionally, the study will include an assessment of sustainability goals as they relate to facilities, master planning for select sites, employee parking, remote work, and a location based analysis of fire and police facilities.
- The study's expected completion is June of 2023.

Vendor Outreach Efforts:
- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Creech & Associates, PLLC is subcontracting with Palacio Collaborative, Inc. of Atlanta, GA, which is a minority-owned enterprise, and Stewart Engineering, Inc. of Raleigh, NC, which is a woman-owned enterprise.

Council Goal(s):
- A financially resilient city, a clean and healthy environment, and a well-planned and livable community.

Committee(s):
- None

Pro(s):
- Provides the City with needed information regarding the condition of its facilities, space needs for current and future growth, and which will help in the prioritization and planning of future capital investments in City facilities.
- Long-term facility management will be aided through the addition of capital forecasting software.

Con(s):
- None

Fiscal Impact:
- Savings from a completed facility maintenance project (City Hall elevator replacement) in the General Capital Projects Fund have been identified to fund this contract amendment.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with Creech & Associates, PLLC in the amount of $42,700 for a revised contract amount not to exceed $391,070 for the Comprehensive Facilities Study.

RESOLUTION BOOK NO. 43 - PAGE 430

H. RESOLUTION NO. 23-27 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH AZTECA SYSTEMS, LLC FOR THE ENTERPRISE ASSET MANAGEMENT SYSTEM SOFTWARE LICENSE, MAINTENANCE AND SUPPORT

Action Requested: Adoption of a resolution authorizing the City Manager to renew an agreement with Azteca Systems, LLC for the enterprise asset management system software license, maintenance, and support.

Background:

- Azteca Systems, LLC's Cityworks asset management software provides a platform for Water Resources and Public Works asset management, work orders, and reporting.
- This software is utilized to track the use and costs of assets through preventative maintenance of assets.
- It is used to track the costs of work performed by field personnel and allow for tracking of performance and reaction times in calls coming into customer service.
- It also allows for a paperless workflow within departments and across departments using the system.
- This is an annual software renewal to allow for continued use of Cityworks software.
- Cityworks is highly integrated with the City's GIS program and includes all major physical assets maintained by Water Resources and Public Works (water mains, valves, hydrants, streets, etc.).
- One component added in 2021, the Citizen Engagement Application Programming Interface (API), allows for integration between Cityworks and the Asheville App.
- This streamlines data entry, public notifications, and automates the creation of work orders and reports.

Vendor Outreach Efforts:
- The City of Asheville conducted a competitive procurement process for an asset management software system for both Public Works and Water in 2016 and 2017.
- There are a limited number of vendors providing comprehensive enterprise asset management software, and after reviewing all available options, Cityworks was selected as the best overall value for the City of Asheville.

Council Goal(s):
- Improve and Expand Core Services

Committee(s):
- N/A.

Pro(s):
- More efficient management of Water Resources and Public Works physical assets and infrastructure.
- Automation of work orders and reporting.

Con(s):
- Without this system, Water Resources and Public Works will not be able to proactively manage and maintain critical infrastructure.

Fiscal Impact:
- Funding for this contract, which totals $74,623.50, is available in the Water Resources and Public Works departmental operating budgets.

Motion:
- Motion to adopt a resolution authorizing the City Manager to renew an agreement with Azteca Systems, LLC for the enterprise asset management system software license, maintenance, and support.

RESOLUTION BOOK NO. 43 - PAGE 431

I. RESOLUTION NO. 23-32 - RESOLUTION AUTHORIZING THE PURCHASING DIVISION TO EXECUTE PURCHASE ORDERS WITH GILLIG FOR 4 NEW 30-FOOT DIESEL BUSES FOR THE ASHEVILLE RIDES TRANSIT SYSTEM THAT INCLUDES TRANSIT ACCESSORIES AND FEATURES, UTILIZING THE WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES

COOPERATIVE PURCHASING AGREEMENT; AND AUTHORIZING THE CITY MANAGER TO UTILIZE SOLE SOURCE PROCUREMENT ON THE BASIS OF STANDARDIZATION AND TO EXECUTE A PURCHASE ORDER WITH CLEVER DEVICES FOR TECHNOLOGY EQUIPMENT FOR THE BUSES

Action Requested: Adoption of a resolution authorizing the Purchasing Division to purchase a total of four (4) new buses for the Asheville Rides Transit System that includes transit accessories and features totaling $2,264,722. This includes authorization to:

1. Execute purchase orders in the amount of $2,139,722, for four (4) 30-foot diesel Gillig buses utilizing the Washington State Department of Enterprise Services Cooperative Purchasing Agreement approved by the Washington State Department of Enterprise on October 20, 2021.

2. Utilize sole source procurement on the basis of standardization and to execute a purchase order not to exceed $125,000 with Clever Devices for technology equipment for the buses.

Background:

- The requested action will authorize the purchase of four new diesel buses from Gillig and will “replace” the original order of four buses from Vicinity Motors.
- Funds that were previously encumbered for the purchase order with Vicinity Motors will be used instead for the purchase of the Gillig buses.
- Staff recommends purchasing diesel buses at this time because there are currently no transit bus manufacturers making hybrid vehicles in the length that is most suitable for Asheville’s terrain and operational needs (≤ 30 feet).
- In order to maintain existing service levels, the City needs to replace between 3 and 5 buses annually. At this time, the City has 5 buses past the recommended useful life of a bus, given that they have over 500,000 miles and have been in service for 13 years. There are another 9 buses in the transit fleet nearing the end of their useful life that will need to be replaced in the next two years.
- Until new buses are received and we are able to retire old buses, the City will continue to incur additional expenses that would not otherwise have been necessary, including funding major repairs such as engine replacements, and propulsion system rebuilds. As buses come out of service for repairs, or have to be removed from service should they become irreparable, it is possible that service could be impacted/interrupted.
- The City currently uses biodiesel to fuel and enhance the sustainability of the transit fleet.
- While Gillig and other manufacturers are producing 30-foot compressed natural gas (CNG) buses, Fleet and Sustainability staff do not recommend the purchase of CNG vehicles at this time.
- The primary reasons for not recommending the CNG option is there are limited fueling options for CNG in the community and the market is now focused primarily on electric vehicle technology.
- Staff will submit a budget request for FY 2024 to develop a Zero-Emission Transition Plan for Transit.
- The Zero-Emission Transition Plan would consist of a comprehensive analysis of the various options for transitioning the ART fleet to zero-emissions over time. The plan would analyze routes, ridership demands, various fleet sizes and fuel sources, necessary infrastructure investments, emissions and carbon production, and the short and long term financial investments (capital and operating) required for each.
- Additionally, the requested Council action will approve a sole source procurement from the vendor “Clever Devices,” to allow the City to purchase the same equipment already used in ART buses that provides audible passenger announcements and that syncs with the interior LED signage to keep riders informed about upcoming stops.

Below is a timeline of staff's interaction with and ultimate decision not to accept the Vicinity Motor buses:

- In August 2019, the City Council authorized the purchase of four (4) diesel transit buses and necessary equipment from Vicinity Motor (previously known as Grande West), for $1,691,164. Additional authorization was approved by Council in May 2020 to purchase and install protective barriers for drivers, bringing the total to $1,793,324.
- The purchase order for the buses was issued September 2019 and included a 1-year production deadline.
- Bus manufacture was significantly delayed well into 2021 due to COVID-19 and global supply chain disruptions. Throughout 2021 and early 2022, staff continued to work with the vendor as the challenges being experienced were not uncommon and progress continued to be made, including staff and the vendor completing the necessary pre-production meetings and sign-offs on the bus specifications in February 2022.
- The vendor indicated that the buses would enter the production line in March 2022 and be completed in June 2022. However, the completion date continued to be pushed back until September 2022.
- For all bus purchases, the City hires a third-party inspection firm to perform comprehensive inspection of all bus components during the final phase of completion to ensure the quality of the City's purchase. Between September and December 2022, the inspection firm inspected the vehicles three times and found significant issues, resulting in failed inspections.
- On December 21, 2022, staff met with the vendor. The vendor stated that they would need another 6 months to fix the issues identified in the inspections and deliver the buses to the City.
- In consultation with the City Attorney's Office and Finance Department, Transportation staff has determined that it is in the City's best interest to cancel the existing purchase order with Vicinity Motor and is taking steps to do so at this time, as well as unencumber the associated funds. Transportation staff and representatives from the City Attorney's Office will work together to determine the next steps to account for the impacts caused to the City by the vendor's non-performance.

Vendor Outreach Efforts:
- Washington State Cooperative Agreement is being used.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None.

Pro(s):
- This action will enable staff to purchase replacement buses needed to continue to provide current transit services.
- Grant funding allocated to the Vicinity Motors purchase will still be leveraged for bus purchases.

Con(s):
- Overall, this action will require an additional $471,398 to purchase and equip the same number of buses (4) that were included in the original order.
- This is due in part to inflation since the original order was placed in September 2019 and the difference in cost between a Gillig bus and a Vicinity Motor bus.

- Additional funding in the Capital Improvement Program would be needed to maintain the existing fleet replacement plan.
- The purchase of diesel buses instead of hybrid, or another alternative fuel source, negatively impacts the City's policy goal with regard to carbon reduction.
- Preliminary analysis estimates that a diesel bus fueled by biodiesel produces approximately 14% more emissions than a hybrid bus fueled by biodiesel.

Fiscal Impact:

- Funding from the original purchase order budgeted in the Transit Services Multi-Year Fund will be reallocated to the new purchase of buses and equipment.
- The additional funding required to purchase the same number of buses as originally planned (4) can be reallocated from existing budget in the Transit Services Multi-Year Fund.
- Revenues identified to support the requested action will come from a combination of Federal Transit Administration (FTA) grants and City funds as outlined below:

Funding sources	**Amount**
FTA (Section 5339 Grant) - budgeted in prior fiscal year	$ 357,538
FTA (2018 MPO Section 5307 Grant) - budgeted in prior fiscal year	$ 146,092
City Funding - budgeted in prior fiscal year	$ 1,289,694
Additional City Funding - budgeted in current fiscal year	$ 471,398
Total	**$ 2,264,722**

Motion:

- Motion to adopt a resolution authorizing the City Manager to purchase a total of four (4) new buses for the Asheville Rides Transit System including transit accessories and features totaling $2,264,722. This includes authorization to:

1. Execute purchase orders in the amount of $2,139,722, for four (4) 30-foot diesel Gillig buses utilizing the Washington State Department of Enterprise Services Cooperative Purchasing Agreement approved by the Washington State Department of Enterprise on October 20, 2021.

2. Utilize sole source procurement on the basis of standardization and to execute a purchase order not to exceed $125,000 with Clever Devices for technology equipment for the buses.

Councilwoman Ullman noted we are planning to make a zero emissions plan for our transit and hopefully we will be able to say no to diesel forever.

Councilwoman Roney hears that we can't find hybrid buses due to our mountainous terrain. She pointed out that hybrids can reduce carbon emissions up to 70%. She would support this action, but wanted to make sure that we match our purchasing to our long-term goals.

Jonathan Wainscott explained how electric buses come with a very high slavery fingerprint.

J. ORDINANCE NO.4997 - ORDINANCE AMENDING SEC. 3, ART. I, CH. 3 OF THE ASHEVILLE CITY CODE TO ENHANCE THE REGULATION CONCERNING HUMAN INTERACTION WITH WILD ANIMALS TO INCREASE THE SAFETY OF BOTH

Action Requested: Adoption of an ordinance amendment to Sec. 3, Art. I, Ch. 3 of the Asheville City Code to enhance regulations concerning human interaction with wild animals to increase the safety of each.

Background:

- The North Carolina Wildlife Resources Commission has identified a significant escalation in human-bear interaction in Asheville and Buncombe County.
- This includes increasing reports of purposeful feeding of wildlife, including bears.
- Increased feeding, and similar attractants, create a dangerous, and potentially deadly, environment for both wildlife and humans
- As part of its education and outreach strategy to address this growing problem, the NC Wildlife Resources Commission recommends that the City strengthen its existing ordinance related to wildlife feeding.
- The proposed amendment includes the following updates:
    - Reducing the time frame for correcting violations from 60 to 14 days,
    - Expanding the definition of prohibited activity to include actions that would ATTRACT wild animals which would create a danger to the public or the wildlife,
    - Defining dangerous activities as those that may result in injury or death and increased disease transmission for humans and wildlife,
    - Expanding the enforcement authority to additional members of City staff as appropriate.
- Penalties for non-compliance remain unchanged (non-criminal civil penalty).
- Fines shall be $50 for the first offense, $100 for the second offense, and $150 for the third offense.

Council Goal(s):

- Neighborhood Resilience, Reimagining Public Safety

Committee(s):

- Environment and Safety - January 24, 2023 - 2-0 to move forward to City Council

Pro(s):

- Expands regulation of actions that contribute to the attraction and feeding of wildlife, including bears; and improves enforcement processes to provide better protection to the public and wildlife.

Con(s):

- None.

Fiscal Impact:

- None.

Motion:

- Motion to adopt an ordinance amendment to Sec. 3, Art. I, Ch. 3 of the Asheville City Code to expand and clarify the regulation of activities that attract bears and other wildlife, and improve enforcement processes to better address and correct violations.

ORDINANCE BOOK NO. 34 - PAGE 344

K. RESOLUTION NO. 23-28 - RESOLUTION AMENDING THE 2023 CITY COUNCIL MEETING SCHEDULE TO ADD CITY COUNCIL AGENDA BRIEFING WORKSESSIONS, BEGINNING AT 11:00 A.M. ON THE 1ST AND 3RD THURSDAYS OF EACH MONTH (EXCEPT FOR THE MONTHS OF MARCH, JUNE AND NOVEMBER WHICH AGENDA BRIEFING WORKSESSIONS WILL BE HELD ON THE 2ND AND 4TH THURSDAY OF EACH MONTH; AND EXCEPT FOR JULY 6, AUGUST 3 AND DECEMBER 21 DUE TO FORMAL MEETING CANCELLATIONS) IN THE FIRST FLOOR NORTH CONFERENCE ROOM OF CITY HALL, 70 COURT PLAZA, ASHEVILLE, N.C.

Councilwoman Ullman was pleased to see us trying new things and bringing the public along as we experience this new format.

Councilwoman Roney said this is a step to doing more of the people's work in public, ensuring tax-payer funded, regularly-scheduled meetings of Council can be an opportunity to engage and educate the public while we educate ourselves. Legal parts of the check-ins will now be covered in closed session or in memos, both include public documentation. There wasn't public documentation of our check-ins because they weren't public meetings. Opportunity to capture the story of the hard work we're doing, addressing challenging issues and sharing success. Thanks to staff for supporting process.

Nina Tovish thanked City Council for taking this step as it opens the door for community members to make informed public comment either directly to City Council or by other means before a vote is taken. This move is a great opportunity for public accountability and transparency. She suggested City Council vote on this item separately so that the public knows City Council is embracing this change with full participation by all Council.

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

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

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Second Quarter Fiscal Year 2023 Financial Report

Budget Manager Taylor Floyd provided Council with a brief review of revenues, personnel expenses, operating expenses, and next steps. The key takeaways are (1) revenues are expected to meet or exceed budget; (2) sales tax revenues continue to exceed estimates; and (3) spending is occurring as expected.

He then provided the 2nd Quarter revenues overview. The City received official Fiscal Year 2023 tax base data from Buncombe County at the end of January which confirmed that property tax revenue will end the year near budget estimates. Sales tax revenue continues to perform better than budget - up 12.1% compared to the first four months of the prior fiscal year. Regarding the Parking Fund Revenue update, revenue from parking garages and meters

performing as expected and in line with budget (1) significantly better than prior fiscal year; and (2) garage revenues are in line with pre-pandemic budget performance, and are much closer to pre-pandemic actuals. The 2nd Quarter General Fund revenues are at 17% of budget since most property tax revenue will be recorded in January and shown in the 3rd Quarter report. The 2nd Quarter Enterprise Funds revenues 37-68% of budget - Harrah's Fund performing better than budget with a budget amendment planned for February 28.

He then provided the 1st Quarter expenses overview. Regarding personnel expenses, (1) actual expenses tracking budget as anticipated; (2) July 2022 adjustments (a) increase the minimum salary for full-time employees to $35,360 annually; and (b) provide all other staff a 5.0% or 2.5% increase; (2) November 2022 adjustments (a) increase the minimum salary for full-time employees to $36,816 annually; and (b) compression adjustments based on consultant analysis; and (3) Police recruitment and retention incentives put in place earlier this fiscal year; funded within the Asheville Police Department budget. Regarding operating expenses, (1) inflation is still a concern, but expenses trending within budget so far; (2) transit service (a) one service interruption still in effect due to driver shortage (frequency reduced on WE1); and (b) management company charges tracking budget as expected; and (3) Municipal Golf Course under new management, fiscal impact in current year is uncertain, current estimate is $225,000 impact.

In summary, (1) revenue and expenses tracking as expected - will continue to monitor to see if appropriation of ARPA funds in General Fund and Transit will be needed; (2) personnel costs will likely be significant factor in next budget development process; and (3) 3rd Quarter Financial Report will be presented with the Fiscal Year 2024 proposed budget in May.

Councilwoman Roney said that the Policy, Finance and Human Resources Committee had this presentation earlier in the day, and she posed some questions and will await the responses. Some questions related to living wages, parking revenue and vacancies.

In response to Councilwoman Roney's note about the new living wage, Mayor Manheimer said that Council will be able to discuss that in their annual retreat.

Capital Improvement Program Update

Capital Projects Director Jade Dundas outlined the following key takeaways: (1) Public engagement remains a top priority for capital construction projects; (2) Project budgets have increased due to rising construction costs and scope changes; (3) Projects highlighted in today's presentation will require future Council action to authorize contracts in order to maintain project budgets and schedules; (4) There are currently over 40 projects that are in design or construction; and (5) 2016 GO Bond projects need to be encumbered by summer 2023.

He reviewed the following projects, outlining their scope, project schedule, project budget, and public engagement: Vermont Avenue Sidewalk Replacement; Downtown Public Restroom; Memorial Stadium; Grant Center; and Broadway Public Safety Station.

Assistant Transportation Director Jessica Morris reviewed the College & Patton Downtown Bike Lanes Project. Additional public engagement will happen in March/April 2023. She then provided a brief summary of the public engagement to date.

Mr. Dundas then outlined upcoming City Council action items in March, April and May.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CLOSE AN UNOPENED RIGHT-OF-WAY CONNECTING TO THE EAST SIDE OF BUNCOMBE STREET BETWEEN COMMERCE STREET AND ASTON STREET

RESOLUTION NO. 23-29 - RESOLUTION TO CLOSE AN UNOPENED RIGHT-OF-WAY CONNECTING TO THE EAST SIDE OF BUNCOMBE STREET BETWEEN COMMERCE STREET AND ASTON STREET

Assistant Transportation Director Jessica Morriss said that this is the consideration of a resolution to close an unopened right-of-way connecting to the east side of Buncombe Street between Commerce Street and Aston Street. This public hearing was advertised on January 13, 20, 27 and February 3, 2023.

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 impede access to parcels, utilities, and other public infrastructure.
- Central United Methodist Church of Asheville has submitted an application requesting to permanently close an unopened right-of-way connecting to the east side of Buncombe Street between Commerce Street and Aston Street.
- The subject right-of-way serves as the driveway in/out of the church's private parking lot.
- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.

Council Goal(s):

- A Well-Planned and Livable Community.

Committee(s):

- Technical Review Committee, November 7, 2022, unanimously recommended approval with conditions.
- Multimodal Transportation Commission, December 7, 2022, unanimously recommended approval.

Pro(s):

- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.

Con(s):

- None.

Fiscal Impact:

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

Ms. Morriss said Central United Methodist Church of Asheville has petitioned for this closure. The Church owns the properties at 27 Church Street (PIN 9648-39-7865) and 32 Buncombe Street (PIN 9648-39-6776). The unopened right-of-way connects to the east side of Buncombe Street and currently functions as the driveway into the church's private parking lot. The length of the proposed closure is approximately 152 ft long by 25 ft wide. She said the Technical Review Committee and the Multimodal Transportation Commission reviewed this request and both approved the closure.

Mayor Manheimer opened the public hearing at 6:01 p.m., and when no one spoke, she closed the public hearing at 6:01 p.m.

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

Councilwoman Turner moved to adopt a resolution to permanently close an unopened right-of-way connecting to the east side of Buncombe Street between Commerce Street and Aston Street, associated with the Central United Methodist Church. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 433

B. 157 NEW LEICESTER HIGHWAY

RESOLUTION NO. 23-30 - RESOLUTION APPROVING A LAND USE INCENTIVE GRANT TO COHEN-ESREY DEVELOPMENT GROUP FOR A DEVELOPMENT AT 157 NEW LEICESTER HIGHWAY

Affordable Housing Officer Sasha Vrtunski said this is the consideration of adopting a resolution approving a land use incentive grant to Cohen-Esrey Development Group for 141 residential units 157 New Leicester Highway. A legal ad was published on February 3, 2023.

Review:

- Cohen-Esrey Development Group has applied for a Land Use Incentive Grant (LUIG) for their development at 157 New Leicester Highway per the LUIG policy adopted by City Council on June 22, 2021.
- The development consists of 141 rental apartments and community space.
- Housing represents 100% of all rentable square footage.
- Of the +/- 141 residential units, 29 rental apartments (20%) will be affordable, serving individuals and families earning at or below 80% of the Area Median Income (AMI) for a minimum of 30 years.
- The project encompasses 4.7 acres of land on New Leicester Highway in West Asheville, currently divided into two parcels known as 157 and 99999 New Leicester Highway and PIN's 9629-70-3496 and 9629-70-0376.
- Estimated Tax Value of the property is $26.5 Million post-completion..
- The project, as presented to staff, meets the following Eligibility Requirements:
    - The proposed development consists of two or more dwelling units for rent;
    - At least 20% of the units will meet the affordability standards set by the City of Asheville for households earning at or below 80% of the Area Median Income (AMI).
    - The affordable units will be affordable to and leased to income-eligible households for at least 20 years. [Applicant has agreed to a longer period of 30 years]
    - The proposed development is located inside the city limits.
    - The proposed development provides residents convenient access to jobs, schools, and services.
    - The proposed development is over the 70% residential threshold in use based on square footage not to include a parking structure if applicable.
- Per the LUIG Scoring Matrix and based upon the policy, the project will receive
    - 30 total points for affordability,
    - 10 points for rental assistance,
    - 5 points for housing someone from the Homeless by Name list,
    - 10 points for the location,

    - 15 points for energy efficiency and green building, and
    - 10 points for Universal Design
    - for a total score of 80 points.
- Per the policy, this will equal 16 years of grants in the amount of the City Property Taxes payable on the 157 New Leicester Highway Development.
- As a part of the LUIG program, 50% of the affordable units will accept vouchers, which generally benefit households at 50% AMI or below. When Housing Choice vouchers are utilized, this also opens up a unit in Public Housing where there are waiting lists.
- Unit mix for affordable units is 15 one bedroom units and 14 two bedroom units.

Proposal:
- Affordable Rental Housing
    - The proposed project will provide twenty-nine (29) affordable units (20% of the total units) to individuals and families earning at or below 80% AMI, with 19 (50% of the affordable units) accepting rental assistance, for an affordability period of thirty (30) years.
    - Under this category, the project qualifies for 30 points.
- Rental Assistance
    - The proposed project will accept 15 Housing Choice Vouchers / Rental Assistance in the community, and possibly consider more. The proposed project will house one person from the Homeless By-Name List for 5 points.
    - Under this category, the project qualifies for 15 points.
- Superior locational efficiency
    - The proposed project is located within 1 mile from a job or urban center (Patton Ave at Haywood Rd.), and within a .5 mile from a Transportation Amenity (grocery store).
    - Under this category, the project qualifies for 10 points.
- Energy Efficiency
    - The developer has committed to using Energy Efficiency (EE) / Energy Star Certification and a green building certification.
    - Under this category, the project qualifies for 15 points.
- Universal Design: The project has committed to using Universal Design for 20% of the units, which qualifies for 10 points.
- Staff has scored the project with 80 points, which qualifies the project for sixteen (16) years of Land Use Incentive Grant.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committees:
- The Housing and Community Development Committee reviewed this item on February 8, 2023 and voted 3-0 in support of the request.
- The Finance and Human Resources Committee will review this item on February 14, 2023.

Pro(s):
- The proposed project will provide 29 affordable rental housing units to households earning 80% or less of area median income;
- The proposed project will have an affordability period of thirty (30) years;
- The proposed project should have a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy;
- The 29 affordable units are located in West Asheville (walkability score of 44 - car dependent, bike score of 30 - somewhat bikeable, minimal bike infrastructure) and

provide employment & shopping options for individuals and families who fall within the 80% AMI incomes.
- Cohen-Esrey Development Group will communicate with the Asheville Housing Authority and others that they are accepting Housing Choice Vouchers and Rental Assistance as the development prepares to come online.

Con(s):
- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.

Fiscal Impact:
- The two parcels included in the project have a current tax value of $316,700 and pays city property taxes of approximately $1,276 annually.
- Under the estimated tax value of $26.5 M post-completion, the annual city property tax will be approximately $106,795.
- The difference is $105,519 which would be granted to the property owner annually after payment for 16 years.
- For 16 years and 29 affordable units at or below 80% AMI, the city will grant back a total of $1,688,299 over the 16 years of the LUIG which equals $58,217 per unit of subsidy which is lower than the estimate of up to $80,000 in subsidy for 80% AMI homes as noted in the LUIG Policy.
- After year 16, the City will receive the approximate $106,795 annually in city tax revenue (depending on future property tax increases, etc.).
- Please note the City will still receive property taxes of approximately $1,276 per year in years 1 -16.
- The City sets aside a budget annually for Land Use Incentive Grants.

Staff Recommendation:
- Staff recommends approval of the request.

Ms. Vrtunski said the key takeaways from this presentation are (1) LUIG application is for 157 New Leicester Highway; (2) project is committing 29 units (20%) to be affordable for 30 years at 80% AMI or below; (3) the project is also bringing other benefits including rental assistance, housing for the Homeless By-Name list, energy efficiency and green gilding certification and Universal Design; and (4) project qualifies for 16 years of taxes paid. She reviewed the project background as follows: (1) The development consists of 141 apartments and community space; (2) Housing represents 100% of all rentable square footage; (3) The project encompasses 4.7 acres of land on New Leicester Highway; (4) The developer estimates a taxable value after construction at $26.5 Million; (5) The development is intended to serve residents 55 or older as defined by the Fair Housing Act; (6) The prospective residents will need to be capable of living independently and planned on-site activities will cater to this age group; (7) Of the 141 residential units, 29 rental apartments (20%) will be affordable, serving individuals and families earning at or below 80% of the Area Median Income (AMI) for a minimum of **30 years**; (8) Unit mix for affordable units is 15 one bedroom units and 14 two bedroom units; (9) For the 112 market-rate units, tenants will need to earn 2.5x scheduled rents or demonstrate sufficient assets so that they are not “rent burdened.”; and (10) The 29 affordable units will restrict occupancy and rents at 80% AMI levels. She then reviewed the project location, along with the exterior elevations. The following is the point summary: 20% of units affordable at 80% AMI (20 points); 30 years of affordability (10 points); 10% Rental Assistance (5 points); Housing for 1 person on the Homeless By-Name list (5 points); Location: (a) 1 mile from a job or urban center (5 points); and (b) .5 mile from a transit amenity (5 points)l Energy Efficiency / Energy Star (5 points); Energy Efficiency / green building (10 points); and Universal Design- 20% of units (10 points). Total Points: 80 points = 16 years of taxes granted to owner. The following LUIG specifics are (1) The two parcels included in the project have a current tax value of $316,700 and pays city property taxes of

approximately $1,276 annually; (2) Under the estimated tax value of $26.5 million post-completion, the annual city property tax will be approximately $106,795; (3) The difference is $**105,519 annually** which would be granted to the property owner annually after payment for **16 years**; (4) For 16 years and 29 affordable units at or below 80% AMI, the city will grant back a total of $**1,688,299** which equals $58,217 per unit of subsidy which is lower than the estimate of up to $80,000 in subsidy as noted in the LUIG Policy; and (5) After year 16, the City will receive the approximate $106,795 annually in city tax revenue (depending on future property tax increases, etc.). Please note the City will still receive property taxes of approximately $1,276 per year in years 1 -16. The Housing and Community Development Committee reviewed the request on Wednesday, February 8, 2023, and voted 3-0 in favor of the Land Use Incentive Grant request. The Policy, Finance & Human Resources Committees is reviewing the request on February 14, 2023. Staff recommends approval of a motion to approve the Land Use Incentive Grant application for Cohen-Esrey Development Group / 157 New Leicester Highway.

Councilwoman Roney asked what the plan is for renewable energy for the neighbors in this development and how does the design prohibit or allow future use for solar.

Councilwoman Turner (Chair of the Housing & Community Development Committee "HCD") said that the HCD Committee is exploring revisions to the land use incentive policy to address things like questions raised by Councilwoman Roney.

Mayor Manheimer opened the public hearing at 6:17 p.m.

David Moritz felt this is probably the most cost effective way the City can help to house people.

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

Councilwoman Turner moved to approve the Land Use Incentive Grant application for for Cohen-Esrey Development Group at 157 New Leicester Highway. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 43 - PAGE 434

PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 157 & 99999 NEW LEICESTER HIGHWAY FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT AND HIGHWAY BUSINESS DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

ORDINANCE NO. 4998 - ORDINANCE TO CONDITIONALLY ZONE 157 & 99999 NEW LEICESTER HIGHWAY FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT AND HIGHWAY BUSINESS DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

Principal Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone properties located at 157 & 99999 New Leicester Highway from RM-16 Residential Multi-Family High Density District and Highway Business District o Residential Expansion/Conditional Zone for the construction of a 153-unit multi-family building. This public hearing was advertised on February 3 and 10, 2023.

Project Location and Contacts:

- The project site totals 4.92 acres located at 157 and 99999 New Leicester Hwy (PINs 9629-70-3496 & 9629-70-0376)

- Owner: Kodagem LLC

Summary of Petition:

Project Site

- The project site consists of two properties totalling 4.92 acres located at 157 and 99999 New Leicester Hwy.
- The site is currently zoned Residential Multi-Family High Density (RM-16) & Highway Business (HB).
- Given the size of the project (over 50 residential dwelling units) a conditional zoning to the Residential Expansion - Conditional Zone (RES EXP - CZ) district is required.
- The project site is currently a wooded, vacant lot.
- The site is designated "Residential Neighborhood" and "Urban Corridor" on the city's Future Land Use (FLU) Map. A change in the FLU designation will not be required.

Overall Project Proposal

- New building construction includes a 141-unit senior-living, four to five story multi-family building.
- Other site improvements include expanded off-street parking, new sidewalks, and amenities such as a pool and gazebo.
- 28 units (20%) will be affordable at 80% Area Median Income (AMI) for a minimum of 20 years.
- 14 of these affordable units (50%) will accept housing choice vouchers.

Site Layout and Design

- Maximum building height for multifamily buildings in the RES EXP district is 60 feet. The maximum building height of the proposed project is approximately 52 feet, as measured to the ceiling of the highest occupiable floor.
- Maximum density in the RES EXP district is 50 units/acre for this project, since at least 20% of the dwelling units are affordable at 80% AMI.
- The proposed project's density is 28.7 units/acre.
- Front yard, rear yard and side yard setbacks of 15 feet are proposed as is required in the RES EXP district.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%.
- The proposed project would result in a total impervious area of 51%.

Landscaping and Open Space

- Landscape requirements apply, including street tree, parking lot, building impact, and property line buffers.
- The RES EXP district requires a 20 foot-wide "Type A" landscape buffer where the subject property is adjacent to any other residentially zoned property, which is required along the western property boundary where the site is adjacent to the RM-16 zoning district.
    - The project is seeking a technical modification for this required buffer.
- The project is classified as a combination of "urban" and "suburban" under the Tree Canopy Preservation standards and has classifications of "Class B" and "Class C".
- Based on the proportion of these classifications and the existing tree canopy, a total of 26,240 square feet of tree canopy preservation is required, which the project is meeting through preservation on-site.
- Open Space is required at a rate of 20% of the site as the project meets the incentive requirements for enhanced stormwater management, resulting in 42,863 square feet of required open space, which the project is providing.

Access, Sidewalks and Parking

- Access to the site will be provided by an existing driveway located on Leicester Hwy.

- The project will include a total of approximately 150 parking spaces, which may vary based on the required buffers of streams and wetlands on-site.
- The minimum number of parking spaces provided will be 141 spaces. Based on the number of bedrooms and dwelling units, the minimum/maximum number of required parking spaces is 141/282 for the RES EXP district.
- Bicycle parking is required at a rate of five percent of the total number of vehicle parking spaces.
- The RES EXP district requires new 10 foot-wide sidewalks be constructed, both along the primary access corridor and internally throughout the site.
    - A future sidewalk located along New Leicester Hwy is already planned by the City of Asheville, so no new sidewalk is required by the project along this portion of roadway. However, the project will be required to pay a fee-in-lieu.
    - The project is proposing new five-foot wide sidewalks internal to the site and along the western side of the project's driveway.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - No landscape buffer along the western property boundary where a “Type A” 20-foot wide landscape buffer is required.
    - Five foot-wide sidewalks internal to the site instead of the required 10 foot-wide standard.
    - No bike lanes into the development.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:
    - **Encourage Responsible Growth** - by providing infill development in targeted growth areas.
    - **Increase and Diversify the Housing Supply** - by increasing the supply of housing, including affordable housing in proximity to schools, transit and parks.
    - **Promote the Development and Availability of Affordable and Workforce Housing** - by leveraging city resources for the development and maintenance of subsidized housing, including senior housing.
- The proposed development is compatible with the Future Land Use designations of “Residential Neighborhood” and "Urban Corridor", which are proposed, respectively and in part, that “residential neighborhoods can benefit from having more housing diversity such as accessory apartments, duplexes and other types of small scale infill housing” (p. 346) and, that “redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure”.

Compatibility Analysis:

- The proposed multi-family residential project is compatible with the surrounding land uses, including:
    - The Meadows Apartments, located directly west of the project site along Ascension Dr.
    - Suburban commercial uses located generally to the west and east of the project site along New Leicester Hwy.
    - Single-family houses located further to the west and south of the project site.

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) - November 21, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - December 7, 2022 - approved (Vote 6:0) with the following conditions: 1) That the minimum number of parking spaces be removed from the Project Conditions; and, 2) That the Project Conditions be updated to state that fee-in-lieu will be required for sidewalk along New Leicester Hwy.

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

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the site plan, he outlined the following: New 4/5 story multi-family building; 141 residential dwelling units for seniors; 28 units (20%) affordable at 80% AMI for 20 years; ~150 parking spaces (141 minimum); Access from existing curb cut on New Leicester Hwy; No new sidewalks on New Leicester (City project planned, fee in-lieu); 5'-wide sidewalks internal to site; Landscaping standards: street tree, parking lot, building impact, and property line buffers; Open space at 20% of site; and Tree Canopy Preservation standards met on-site through preservation. He then reviewed the landscape plan along with the building elevations. Regarding conditions, he said 28 units (20%) will be designated affordable at 80% Area Median Income (AMI) for a minimum of 20 years - 14 of these affordable units (50%) will accept housing choice vouchers. Technical modifications include (1) No landscape buffer along the western property boundary where a "Type A" 20-foot wide landscape buffer is required; (2) Five foot-wide sidewalks internal to the site instead of the required 10 foot-wide standard; and (3) No bike lanes into the development. He said the Technical Review Committee approved the project with conditions. The Planning & Zoning Commission voted unanimously to approve the project with conditions. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

When Councilwoman Roney asked what the plan is for renewable energy for the neighbors in this development and how does the design prohibit or allow future use for solar, Mr. Derek Allen, attorney representing the developer, said that they have a renewable energy package that includes electric charging stations and solar on the lights in the parking lot. They are waiting to see if other grants are received so they can provide other renewable energy items.

Councilwoman Turner asked what the average installation cost is for a bus stop and if the developer would be willing to amend the conditions to include construction of a bus stop. Mr. Palmquist replied that there is a bus stop about ¼ mile in either direction. Mr. Allen responded that they are paying a fee in lieu for the sidewalks but wasn't sure if those funds could be used by the City to construct a bus stop. Since Transportation Director Ken Putnam could not immediately provide an answer to how much a bus stop installation would cost, Mr. Allen said that without knowing what the amount is, they could not commit to a bus stop installation.

Mayor Manheimer opened the public hearing at 6:35 p.m.

Bill Loftis spoke about the need for transit to be a topic of discussion early on in the reviews.

Mayor Manheimer closed the public hearing at 6:36 p.m.

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

Councilwoman Mosley moved to approve the conditional zoning request for the property located at 157 and 99999 New Leicester Hwy from Residential Multi-Family High Density (RM-16) and Highway Business (HB) to Residential Expansion - Conditional Zone (RES EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) provides infill development in targeted growth areas; 2) increases the supply of affordable housing in proximity to schools, transit and parks; and, 3) promotes the development and availability of affordable and workforce housing. This motion was seconded by Councilwoman Turner and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 348

C. RESOLUTION APPROVING A LAND USE INCENTIVE GRANT TO ASTON FLATS LLC FOR 46 ASTON STREET

Councilwoman Turner moved to continue this public hearing until May 23, 2023. This motion was seconded by Councilwoman Ullman and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 23-31 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A FUNDING LETTER TO THE N.C. DEPT. OF TRANSPORTATION REGARDING THE CITY'S BETTERMENTS AND AESTHETICS TREATMENTS FOR THE I-26 CONNECTOR PROJECT SECTIONS B & D

Director of Transportation Ken Putnam said that is the consideration of a resolution authorizing the City Manager to sign a funding letter of commitment to the N.C. Dept. of Transportation (NCDOT) regarding the city betterments and aesthetics treatments for Project I-2513B and I-2513D.

The following is the City's Staff Report:
"Background:

- The I-26 Connector Project I-26 begins at I-40 and ends at US 19-23 (Future I-26) near Broadway Street for a total length of 4.7 miles.
- The I-26 Connector Project is included in the NCDOT 2020-2029 State Transportation Improvement Program (STIP) at a total estimated project cost of $1,348,880,000.
- The scope of work includes constructing a multi-lane freeway partly on new alignment.
- Sections AA and AB of this project include improvements at
    - the I-26/I-40/I-240 interchange and along I-40 between US 19-23 (Smokey Park Highway) and
    - the I-26/I-40/I-240 interchange.
- These sections are in the right-of-way phase and the anticipated construction contract letting date is November 23, 2023.
- Section AC begins at I-40 and ends at a point south of Haywood Road.

- This section is in the right-of-way phase and the anticipated construction contract letting date is February 24, 2024.
- Section C includes improvements to the I-40 interchanges with US 19-23 (Smokey Park Highway), I-26/I-240, and NC 191 (Brevard Road).
- This section will be awarded using the design-build process and the anticipated award date is during Federal Fiscal Year 2029.
- Section B of the I-26 Connector Project (NCDOT Project ID: I-2513B) begins at a point south of the Haywood Road bridge and ends at US 19-23 (Future I-26) near Broadway Street.
- Section D of the I-26 Connector Project (NCDOT Project ID: I-2513D (Riverside Drive)) begins at a point south of Hill Street and ends at Broadway Street.
- Section B and Section D of the I-26 Connector Project will be awarded together using the design-build process and the anticipated award date is October 17, 2023.
- The design-build team selection process should begin in early calendar year 2023 and takes about nine months to complete.
- City Council appointed an Aesthetics Committee in 2018 to advise the City regarding recommendations for aesthetic improvements to the I-26 Connector Project.
- The Aesthetics Committee has worked diligently during the past four years to review and recommend various aesthetic treatments that would enhance the overall experience of the I-26 Connector corridor for all users.
- For purposes of this report, a City betterment is defined as a bicycle, pedestrian, or public transportation improvement that exceeds NCDOT's standard improvements.
- An aesthetic treatment is defined as any treatment including aesthetic materials, landscaping, and lighting that exceeds NCDOT's standard treatments.
- The Aesthetics Committee recommendations are estimated at $5,889,024 and are described in detail in their report.
    - The $5,889,024 in aesthetic improvements are in addition to the previously budgeted $1,412,900 in bicycle and pedestrian improvements that are currently in the CIP.
- Staff is recommending a more narrow list of aesthetic improvements based on the priorities submitted by the Aesthetics Committee.
- Staff's recommendation prioritizes the top 3 aesthetic improvements; specifically, Bowen Bridge enhancements, the Haywood Bridge and Interchange, and the Hill Street and I-240 pedestrian bridges as well as 5 other priorities.
- The staff recommended total cost to the City is $5,400,495 and is itemized as follows:
    1. City betterments - $1,412,900 (currently planned and budgeted in the five-year capital improvement program (CIP) budget).
    2. Aesthetic treatments - $3,987,595 (not budgeted at this time).
- In order to maintain the project schedule, NCDOT needs a funding letter of commitment from the City by February 15, 2023. This letter is the first step in the approval process.
- A formal agreement will follow later this calendar year.
- The formal agreement will be for the total cost of $5,400,495 and is financially advantageous to the City as any additional costs, including cost escalations, incurred for the associated improvements will be borne by NCDOT.
- If approved by City Council, staff will program the $3,987,595 in aesthetic treatments into a future CIP and will work with funding partners including Buncombe County, the Tourism Development Agency, and the Metropolitan Planning Organization to identify potential alternative funding sources.
- According to State law, the reimbursement procedure begins on the date the construction phase begins and the City has a period of not less than three years to reimburse NCDOT the agreed upon costs (interest free).
- Based on this information, the Finance and Legal Departments have confirmed that a budget amendment is not needed at this time.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Enhances the overall experience of the I-26 corridor for all users.
- Enhances the pedestrian and bicycle experience along the multi-use transportation paths and sidewalks along the side streets.
- Financially advantageous to the City as any additional costs, including cost escalations, incurred for the associated improvements will be borne by NCDOT.

Con(s):

- Cost sharing fiscal impact to the City.

Fiscal Impact:

- The anticipated total cost to the city is $5,400,495 and is itemized as follows:
    1. City betterments - $1,412,900 (currently planned in the five-year capital improvement program (CIP) budget).
    2. Aesthetic treatments - $3,987,595 (not budgeted at this time)."

Mr. Ted Figura, Chair of the I-26 Connector Project Aesthetics Committee, said this Committee was appointed by City Council in 2018 to work with the N.C. Dept. of Transportation (NCDOT) and their consultants and make recommendations back to City Council for aesthetic improvements to the project. This is the Committee's second request for a funding commitment. Their first request, in June 2022, was for a section of improvements, and we thank you for that funding. Today's request is for the City's commitment to fund the improvements to the I-26 connector Sections B and D that are recommended by the I-26 Aesthetics Committee.

The NCDOT requires that the City pay the difference in cost for those features it considers above standard grade. The commitment to fund these improvements must be made this month by the city in order to be included in the request for proposals that will be issued by the NCDOT to design and build sections B and D of the I-26 connector—this is everything north of and including the Haywood Road interchange. Importantly, the City will have until October 2029 to pay for the improvements—this is more than six years away. There will be no interest charged by the NCDOT on this payment until 2026.

The largest commitment, more than $3.7 million, is for enhancements to the Bowen Bridge, which include improved lighting, pedestrian safety railing, multi-use path surfaces, and gateway monument pillars at each end of the bridge. This is the committee's highest priority and has also been a priority for the City.

Next, the cost is almost $1.5 million for the Haywood Road Bridge and interchange. More than half of this cost funds tiered retaining walls approaching the bridge, which open up the feel of the bridge and allow box abutments with a place for artistic medallions to be placed on the bridge's box abutments. The rest of our request funds improved lighting, pedestrian safety railing, bridge sidewalk treatment, and enhanced medians along Haywood Road. Enhancements to the bridge itself, costing a little over $600,000, are the committee's second priority.

The Committee's third priority is improvements to the proposed Hill Street Bridge and two pedestrian bridges crossing I-240 is the committee's third priority, costing about $300,000. The remaining priorities, each costing under $100,000, include improvements to downtown Patton Avenue, lighting for greenways and the riverside drive multi-use path, and the green colored

interstate lighting that you approved for section a of the project. Their recommendations also include enhancing the medians on Patton Avenue west of the Bowen Bridge to match those already installed west of Florida Avenue and they are less than $100,000. They are also asking City Council to commit to landscape improvements installed at no cost to the city but which the City will need to maintain it after the interstate is completed. The City would also have an annual lease cost for the recommended lighting improvements as these are incorporated into the City's existing lease arrangements with Duke Energy.

He emphasized that this is a once in a lifetime opportunity for the City to protect Asheville's unique character and to enhance the experience of its citizens, as well as the many visitors to our community. They hope; however, that Council will see the value of their recommendations and take this opportunity to provide the funds to make them a reality.

When the aesthetics committee surveyed the public for their input, they found that the highest areas of concern and the highest level of support for improvements to the I-26 connector revolved around walkability and bikeability. They have made that a focus of their recommendations. The items requiring City funding that improve pedestrian and bike safety and enhance the pedestrian and bicyclist experience include: distinctive surface treatments distinguishing pedestrian and bicycle lanes on the Bowen Bridge; aesthetically enhanced safety railings on the Bowen Bridge, Haywood Road and Hill Street bridges to improve the pedestrian experience; planters along the multi-use path on the Bowen Bridge to provide interest and shade along the long walk across that bridge (installed at no cost to the City but requiring city maintenance).

They also include street lights on the Haywood Road and Hill Street bridges and better placement of street lights on the Bowen Bridge. (City Council has already funded bridge lighting on the Brevard Road Bridge in section a of the project), and pedestrian LED lighting embedded into the safety railing on the Bowen Bridge and the two I-240 pedestrian bridges. Along with the City's greenways committee, the aesthetics committee also recommends that the City funds lighting along the greenways that will be incorporated into the project (City Council also has agreed to fund these in section a of the project)

The aesthetics committee has also been keenly aware of the need to address past negative outcomes resulting from the construction of the original I-240. Their focus here has been on the Hillcrest/Hill Street community and on west Asheville, including the Burton Street community. While the aesthetics committee has worked with the NCDOT to make engineering design improvements that benefit these communities, several items recommended by the committee require a city funding commitment. the aesthetic improvements recommended for the Hill Street Bridge, the 1-240 pedestrian bridges and the Haywood Road Bridge that will directly contribute to a greater sense of community experienced by these neighborhoods and will help reunite neighborhoods divided by the interstate.

One of the city's chief goals for the I-26 connector, as expressed in the Schwartz Consulting Group report commissioned by the City, is to reclaim the land between the Bowen Bridge and Clingman Avenue for redevelopment as an extension of downtown Asheville. The committee's recommendations for Patton Avenue east of the river support this vision while being sensitive to not spending money on improvements that are likely to be redone as redevelopment occurs. Improvements recommended for Patton Avenue west of the river also support this vision, considering that this will become the new gateway entrance to the downtown from the west.

The Haywood Road Bridge lies at the gateway to and from urban Asheville for travelers along the interstate. Opening up the feel of the bridge and allowing for iconic medallions placed on bridge abutments comes at a cost. The committee is asking city council to agree to fund that

cost so that this gateway experience can be maximized for both commuters and tourists.

They realize that the price tag for all of the improvements recommended by this committee is not insignificant. They have tried to be prudent in our recommendations and we feel that funding these improvements can be done in a fiscally responsible way. Because Sections B and D will be built using a design-build contract, the cost to the city for improvements that will become part of the project contract will not change due to inflation once the city has committed to fund this fixed amount. They are not asking that money be spent in this year's budget or even next year's. The City will have time to develop a plan of finance that can spread out its payments to the NCDOT over a multi-year period. This plan of finance should include securing contributions from Buncombe County and the Tourism Development Authority (TDA) , both of which will benefit from the recommended improvements. The aesthetic improvements that they are asking the city to fund will not only improve the pedestrian and bicyclist experience and their safety, help remediate previous injustices inflicted on vulnerable neighborhoods, and further the city's vision for extending the downtown westward. They believe that they are also valuable place-making initiatives that will enrich Asheville's character. This will not only contribute to the quality of life enjoyed by Asheville's citizens; it will add to the attractiveness of our community for tourists. This is particularly true for west Asheville and for the downtown area, including the Bowen Bridge. Therefore, they think that a significant contribution from the TDA to help fund these improvements is entirely appropriate.

They realize that there are many competing needs the city is facing. If it is not possible for Council to fund the entire recommendation of this committee, they ask that Council fund as much of it as possible. However, if Council only commits to fund City staff's recommendation, the more open design approaching Haywood Road Bridge sidewalks and Bowen Bridge multi-use paths will not be made. Also, the City will need to undertake installation of the Bowen Bridge monument pillars and Riverside Drive greenway lighting after I-26 is completed, likely at a higher cost. They hope Council will see the wisdom in committing to funding the entire amount of nearly $5.9 Million requested by the aesthetics committee.

Councilwoman Roney wanted to make sure that the Burton Street, Hillcrest and Montford recommendations were not lost.

Transportation Director Ken Putnam said the key takeaways from this presentation are (1) The I-26 Connector is a transformational $1.35 billion NCDOT construction project that will improve and realign 4.7 miles of I-26; (2) Sections B & D of the I-26 Connector Project will be constructed using a design-build process; (3) The design-build process is advantageous to the City as costs for betterments and aesthetic treatments will not be adjusted after the commitment letter is signed and associated future agreement is executed; (4) The Council-established Aesthetics Committee is recommending that the City invest $5,889,024 in aesthetic improvements for the I-26 Connector Project; (5) Staff is recommending a subset of the Aesthetics Committee's recommendations, totaling $3,987,595. Staff's recommendation prioritizes projects with the greatest community impact including: (a) Bowen Bridge Enhancements; (b) Haywood Bridge and Interchange; and (c) Hill Street and I-240 Pedestrian Bridges; and (6) City Council is being asked to authorize signature of a $5,400,495 commitment letter that includes: (a) $1,412,900 in previously budgeted bicycle and pedestrian betterments; and (b) $3,987,595 in aesthetic improvements (funding to be identified). He gave a quick background of the I-26 Connector Project (1) Project I-2513 - NCDOT State Transportation Improvement Program (STIP) - $1.35 Billion; (2) Commonly referred to as the I-26 Connector Project; (3) Begins at I-40 and ends at US 19-23 (Future I-26) near Broadway Street; and (4) Total length = 4.7 miles. Regarding Sections B & D, (1) Section B begins south of the Haywood Road bridge and ends at US 19-23 (Future I-26) near Broadway Street; (2) Section D (Riverside Drive) begins south of Hill Street and ends at Broadway Street; (3) Both sections will be delivered using the Design-Build delivery method; (4) The Design-Build selection process will begin in early

calendar year 2023 - estimated to take nine months to complete; and (5) Funding commitment letter needed by February 15, 2023 (Formal municipal agreement will occur at a later date). He provided the following definitions (1) **Design-Build Process** - Method of project delivery in which one entity (the design-build team) works under a single contract to provide design, right-of-way acquisition, utility relocation, and construction services for one lump sum price; (2) **City Betterment** - Public transportation improvement that exceeds NCDOT's standard improvements (For example; a 14-foot vs a 10-foot multi-use transportation path); and (3) **Aesthetic Treatment** - Any treatment including aesthetic materials, landscaping, and lighting that exceeds NCDOT's standard treatments. The following are financial implications (1) Numerous competitive needs; (2) Limited funding sources; (3) Costs will not be adjusted once agreement is executed; (4) Bicycle and pedestrian betterments are programmed in the current Capital Improvement Program; (5) Reimbursement procedure begins on award date; (6) Reimbursement time period - 6 years (first 3 years interest free); and (7) Staff is recommending 8 of the priorities submitted by the Aesthetics Committee including the top 3.

Mr. Putnam then provided the following side-by-side comparisons of what the Aesthetics Committee is requesting vs. what City staff is recommending:

Rank	Description	Aesthetics Committee Recommendation	Staff Recommendation
1	Bowen Bridges	$3,790,415	$2,896,361
2	Haywood Road Bridge & Interchange	$617,020	$499,554
3	Hill Street & I-240 Pedestrian Bridges	$306,533	$306,533
4	Patton Avenue East of Bowen Bridges	$23,015	$23,015
5	Greenways - West Asheville & Smith Mill Creek	$67,599	$67,599
6	Riverside Drive	$71,929	$0
8	Interstate Corridor	$88,428	$88,428
9	Patton Avenue West of Bowen Bridges	$88,936	$88,936
10	Haywood Road Bridge & Interchange	$817,980	$0
11	Haywood Road Bridge & Interchange	$17,169	$17,169
	Aesthetics Treatments Total Cost =	**$5,889,024**	**$3,987,595**
	City Betterments (Currently Programmed in CIP)	$1,412,900	$1,412,900
	Total Cost =	**$7,301,924**	**$5,400,495**

Regarding staff's recommendations (1) Total revised cost - $5,400,495; (2) Program as part of the Fiscal Year 2024 five year Capital Improvement Program ($1,412,900 already programmed); (3) Staff will coordinate with community partners including Buncombe County,

Tourism Development Authority, and Metropolitan Planning Organization to identify outside funding; and (4) Items removed could be considered once the project is completed. Staff recommends Council adopt a resolution authorizing the City Manager to sign a funding letter of commitment to the NCDOT regarding the City betterments and aesthetics treatments for Project I-2513B and Project I-2513D.

Because Councilwoman Turner wanted to support the full aesthetics committee recommendations funding at $7,301,924, she asked if staff was confident that we will have other organizations to help fund this project, Mayor Manheimer responded that there is strong TDA interest in the aesthetics piece and it qualifies for funding.

Mr. Putnam responded to Councilwoman Roney when she asked if there had been conversations with the Hillcrest neighborhood regarding their recommendations.

Four individuals spoke in support of funding the recommendations of the aesthetics committee, two of which opposed traditional bike lanes alongside motorized vehicle lanes on Riverside Drive, but suggested a design configuration on Riverside Drive which is a protected cycle-track adjacent to the multi-use path.

In response to Councilwoman Tuner, Mr. Putnam said that he has already sent the NCDOT the Riverside Drive bike lane re-configuration request, and it will also be placed on the Aesthetics Committee's next agenda.

Mr. Putnam responded to Councilwoman Ullman when she asked for staff's rationale on reducing the stamped concrete surfaces.

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

After a brief discussion, Councilwoman Turner moved to authorize adoption of a resolution authorizing the City Manager to sign a funding letter of commitment to the N.C. Dept. of Transportation regarding the City betterments and aesthetics treatments for Project I-2513B and I-2514D in the amount of $7,301,924. This motion was seconded by Councilwoman Ullman and carried unanimously.

Councilwoman Roney moved to instruct City staff to prepare a letter to the N.C. Dept. of Transportation acknowledging Council's support of the I-26 aesthetic recommendations by impacted neighborhoods of Burton Street, Montford and Hillcrest. This motion was seconded by Councilwoman Turner and carried on a 5-1 vote, with Councilwoman Ullman voting "no." Councilwoman Ullman wanted to support Councilwoman Roney's request, but without seeing what the impacted neighborhood recommendations were, she would not be able to support the motion.

RESOLUTION BOOK NO. 43 - PAGE 435

B. BOARDS & COMMISSIONS

Regarding the Audit Committee, since no one applied for the vacancies, it was the consensus of the Boards and Commissions Committee and City Council to have the Clerk's Office readvertise for the seats.

Regarding the Downtown Commission, the following individuals applied for the vacancy: Ben Gladstone, Tom Hunter and Billy Cooney. The Chair and staff liaison of the Downtown

Commission recommended, and the Boards & Commissions committee concurred, to re-advertise for the two seats.

Regarding the Homeless Initiative Advisory Committee (HIAC), the following individuals applied for the vacancy: Elena Mansour, William Hansen, Cristy Streeter, Luke Rose, Jason Pickering, Sarah Frances Edgens and Michael Reardon. It was the recommendation of the Board Chair and liaison, and the consensus of the Boards & Commissions Committee and City Council to postpone appointment in order for HIAC to work on a proposed transition plan (recommendation from the National Alliance to End Homelessness) which will include who's on the board and how they are appointed.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Lance Ball, Abigail Griffin, Tom Hunter, Elyse Marder and Shelley McKechnie. The Chair and staff liaison of the Multimodal Transportation Commission recommended, and the Boards & Commissions committee concurred, to postpone the appointment to the bike/ped seat.

RESOLUTION NO. 23-33 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville Area Riverfront Redevelopment Commission (AARRC).

The terms of Darren Green and Tim Schaller (both district business or district property owner seats) expired on January 1, 2023.

The following individuals applied for the vacancy: Daniel Ratner and Joe Balcken.

The Chair of the AARRC recommended, and the Boards & Commissions Committee concurred, to appoint Joe Balcken (district business or property owner seat); and re-advertise for the other district business or property owner seat.

Vice-Mayor Kilgore moved to appoint Joe Balcken (district business or property owner seat) to serve as a member of the AARRC, to serve a three-year term, term to expire January 1, 2026, or until Joe Balcken's success has been appointed; and readvertise for the other district business or property owner seat. This motion was seconded by Councilwoman Turner and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 438

RESOLUTION NO. 23-34 - RESOLUTION APPOINTING A MEMBER TO THE DESIGN REVIEW COMMITTEE

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Design Review Committee.

Kimberly Hunter (at-large seat) has resigned from the Design Review Committee, thus leaving an unexpired term until December 31, 2023.

The following individuals applied for the vacancy: Michael McDonough, Adam Torrey, Lauren McKinney, Emily Richter, Maria DeIsasi, Thomas Frank, Christopher Mansfield and N. Astrid Hoffman.

The Chair of the Design Review Committee recommended, and the Boards & Commissions Committee concur, to appoint Michael McDonough.

Vice-Mayor Kilgore moved to appoint Michael McDonough as an at-large member of the Design Review Committee, to serve the unexpired term of Kimberly Hunter, term to expire December 31, 2023, or until Michael McDonough's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 439

RESOLUTION NO. 23-35 - RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Neighborhood Advisory Committee.

Karl Knight (28801 representative) and Mike Wasmer (at-large representative) have resigned from the Neighborhood Advisory Committee , thus leaving two unexpired terms until July 1, 2024.

The following individuals applied for the vacancy: Tracy Fagan Brown, Michael Fulbright, Dane Barrager and Jaik Smith.

The Chair of the Neighborhood Advisory Committee recommended, and the Boards & Commissions Committee concurred, to appoint Michael Fulbright and Jaik Smith.

Vice-Mayor Kilgore moved to (1) appoint Michael Fulbright (28801 representative) to fill the unexpired term of Karl Knight, term to expire July 1, 2024, or until Michael Fulbright's successor has been appointed; and (2) appoint Jaik Smith (at-large representative) to fill the unexpired term of Mike Wasmer, term to expire July 1 2024, or until Jaik Smith's successor has been appointed. This motion was seconded by Councilwoman Turner and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Councilwoman Roney said "As a North Carolinian, an educator, and Asheville's first known out-elected as a member of Asheville's LGBTQ+ community, I am deeply concerned about the narrative coming out of Raleigh. North Carolinians need legislators from local to state level to address disparities in our education and health outcomes, to attract, retain, and grow good-paying jobs, to ensure quality, equitable public safety response, and increase teacher pay, what I see instead is attacks on human and civil rights in legislation coming out of our General Assembly. Along with other electeds across the state, I have drafted a resolution affirming the full civil rights, health, safety and well-being of our LGBTQ+ community members that is prepared for Council consideration. Until then, I speak for myself in saying on the record for our LGBGTQ+ residents including our youth, elders, workers, visitors, and individuals who contribute to the vibrant culture of Asheville: I see you and affirm your sacred humanity, I hear your concerns around safety and erasure, I know a hopeful future for North Carolina hinges on our ability to advance human and civil rights."

Several individuals spoke to City Council about various matters, some being, but are not limited to: concern around funding McCormick Field renovations; suggestion to build theaters in the downtown area; concern of Plugged-In Productions holding amplified musical events at Hazel Robinson Theatre; support for change in our current election system; disconnect in conversations

between citizens and City Council; support for housing; need to spread the creativity in Asheville; and request to allow food trucks in downtown between 11:00 p.m. and 2:30 a.m.

Closed Session

At 8:10 p.m., Councilwoman Ullman moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To discuss matters relating to the location or expansion of industries or other businesses in the City of Asheville, including on a list of potential economic development incentives. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4). This motion was seconded by Councilwoman Turner and carried unanimously.

At 8:32 p.m., Councilwoman Ullman moved to come out of closed session. This motion was seconded by Councilwoman Turner and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:32 p.m.

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CITY CLERK MAYOR