Tuesday – July 26, 2022 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney (remote); Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Councilwoman Turner moved to allow Councilwoman Roney to participate remotely. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 28, 2022

B. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL'S TRAVEL POLICY ADOPTED JANUARY 26, 2016

Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its 167 ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, "The local board shall annually provide the appointing authority's written confirmation of such approval…". The ABC Board approved the current policy on January 26, 2016. In 2021, the ABC Board incorporated all the elements to changes in the City's Travel Policy, and we made no changes to the current policy.

The ABC Board formally requests the City of Asheville's written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

C. RESOLUTION NO. 22-149 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PARTNER ON A GRANT APPLICATION TO THE DEPT. OF ENERGY RENEWABLES ADVANCING COMMUNITY ENERGY RESILIENCE GRANT WITH THE N.C. CLEAN ENERGY TECHNOLOGY CENTER, NC STATE UNIVERSITY ON PLANNING RESILIENT RENEWABLE ENERGY TO DIMINISH DISASTER IMPACTS ON COMMUNITIES, AND EXECUTE ALL AGREEMENTS IF AWARDED

Action Requested: Adoption of a resolution authorizing the City Manager to partner on a grant application to the Department of Energy Renewables Advancing Community Energy Resilience grant with the North Carolina Clean Energy Technology Center, NC State University on planning resilient renewable energy to diminish disaster impacts on communities and execute all agreements if awarded.

Background:

- The Renewables Advancing Community Energy Resilience (RACER) grant focuses on the research, development and demonstration of equitable and resilient clean energy technologies.

- The objective is to increase community energy resilience to power disruptions caused by extreme weather events.
- To accomplish RACER's objective, this grant focuses on three topic areas: 1) innovative community-based energy resilience planning, 2) automation strategies for rapid energy restoration, and 3) innovative solutions to increase the resilience and hardening of PV power plants.
- The North Carolina Clean Technology Center of NC State University (NCCTC) is the lead applicant for this grant application and will do the majority of the grant implementation work, if awarded.
- NCCTC will use grant funds to lead in the development of a playbook for Emergency Managers and their communities to assess and implement enhanced energy resilience to mitigate the effects of energy loss during a disaster.
- The playbook will be the product of a collaboration with a team that includes local and state government, university based researchers, community organizations, and others.
- The City of Asheville was one of three local governments in the state invited to participate in the grant application. The other local governments participating in the grant are the City of Wilmington and Halifax County.
- The primary objectives of this project are to 1) understand existing emergency management protocols as they relate to extreme event preparedness and recovery, 2) collect data required to establish and evaluate community energy resilience, 3) provide information on the City's prioritization of critical infrastructure for extreme events, 4) provide input and identify sites where enhanced energy resilience would be most beneficial, and 5) develop a playbook for building energy resilience in local communities.
- Work associated with the grant will be a collaborative effort between Emergency Management staff in the Asheville Fire Department and the Sustainability Department.
- This is a two year grant, if awarded, work will tentatively begin February 2023.

Vendor Outreach Efforts:
- Not applicable

Council Goal(s):
- A well-planned and livable community
- A clean and healthy environment

Committee(s):
- None

Pro(s):
- Supports Council's FY2022-2023 Neighborhood Resilience and Improve and Expand Core Services Strategic Priorities
- This effort would complement Council's recently approved funding for the Emergency Preparedness Study proposed to start this year as well as the Climate Justice Initiative
- Supports Resolution 18-279 Establishing a 100% Renewable Energy Goal
- Supports Resolution 20-25 Declaration of a Climate Emergency

Con(s):
- None identified

Fiscal Impact:
- No match is required from the City.
- The grant application is for a period of 2 years and a total of $1,000,000.
- If awarded, the anticipated amount awarded to the City of Asheville is expected to receive $61,500.

Motion:

- Adoption of resolution authorizing the City Manager to partner on a grant application to the Department of Energy Renewables Advancing Community Energy Resilience grant with the North Carolina Clean Energy Technology Center, NC State University on planning resilient renewable energy to diminish disaster impacts on communities and execute all agreements if awarded

RESOLUTION BOOK NO. 43 - PAGE 190

D. RESOLUTION NO. 22-150 - RESOLUTION AUTHORIZING THE DONATION OF FITNESS EQUIPMENT TO ASHEVILLE HIGH SCHOOL

Action Requested: Adoption of a resolution authorizing the Asheville Police Department to donate used gym equipment to Asheville High School.

Background:

- The Asheville Police Department has purchased new gym equipment to replace current equipment in the Municipal Building.
- The newly purchased equipment should be arriving in September or October of 2022.
- The equipment includes 3 treadmills, 2 cardio bikes, a stair climb machine, weight machines, free weights, kettlebells, weight lifting benches, a heavy punching bag, and some metal racks that bolt to the floor.
- The equipment is well used but still functioning.
- Donation is approximately $25,000 worth of equipment
- Asheville High School has expressed a need and interest in the used equipment.
- Asheville High School desires to take all the equipment, including the cardio equipment.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Develop and grow relationships with the Asheville High School staff and students.

Con(s):

- None

Fiscal Impact:

- Donating will incur no additional fees.
- New equipment has already been purchased.

Motion:

- Motion to authorize the City of Asheville to donate used gym equipment to Asheville City Schools.

RESOLUTION BOOK NO. 43 - PAGE 191

E. RESOLUTION NO. 22-151 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION REGARDING THE CONSTRUCTION OF BICYCLE LANES AS PART OF A RESURFACING PROJECT ALONG MEADOW ROAD FROM BRIDGE #672 TO AMBOY ROAD/LYMAN STREET

Action Requested: Adoption of a resolution authorizing the City Manager to execute a maintenance agreement between the N.C. Dept. of Transportation (NCDOT) and the City of Asheville regarding the construction of bicycle lanes as a part of a resurfacing project along SR 3556 (Meadow Road) from bridge # 672 to SR 3556 (Amboy Road) / Lyman Street.

Background:

- As a part of NCDOT's annual resurfacing program, the NCDOT constructed bicycle lanes along SR 3556 (Meadow Road) from bridge # 672 to SR 3556 (Amboy Road) / Lyman Street - approximately 0.75 miles)
- The NCDOT completed the project except for the final pavement markings during the calendar year 2021 paving season.
- The NCDOT will perform the majority of the maintenance of the bicycle lanes, including signage, snow plowing, patching, resurfacing, and restriping (including symbols), per standard maintenance cycles.
- The City will be responsible for cleaning (sweeping) the bicycle lanes per the city's standard maintenance cycles.
- The NCDOT does not clean (sweep) streets that do not have curb and gutter.
- The Public Works Department has agreed to perform the cleaning (sweeping) function, and will do so at the same time sweeping of bike lanes on Lyman Street occurs.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Multi-Modal Transportation Committee - April 27, 2022 - Approved unanimously

Pro(s):

- Provides additional bicycle lanes that connect with existing bicycle lanes along Lyman Street in the River Arts District.

Con(s):

- City is responsible for the cleaning (sweeping) function.

Fiscal Impact:

- The cleaning (sweeping) function will come out of the Public Works Department annual operating budget.
- It is anticipated that the additional costs would be minimal and would be accomplished at the same time that the bicycle lanes along Lyman Street are cleaned as a part of normal maintenance cycles.

Motion:

- Adopt a resolution authorizing the City Manager to execute a maintenance agreement between the North Carolina Department of Transportation (NCDOT) and the City of Asheville regarding the construction of bicycle lanes as a part of a resurfacing project along SR 3556 (Meadow Road) from bridge # 672 to SR 3556 (Amboy Road) / Lyman Street.

RESOLUTION BOOK NO. 43 - PAGE 192

F. RESOLUTION NO. 22-152 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE SULPHUR SPRINGS ROAD RESURFACING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with French Broad Paving, Inc. in the amount of $501,335.00 plus a 15% contingency of $75,200.25 ($576,535.25 total) for the Sulphur Springs Road Resurfacing Contract.

Background:

- The main scope of the project is the resurfacing of Sulphur Springs Road (1.03 miles).
- Also included will be sidewalk ADA improvements.
- This is the last road to be paved with project funding from the 2016 General Obligation Bond.
- The road was not paved earlier to allow for the completion of a major stormwater project.
- The contract was advertised on May 9th, 2022 and bids were opened on June 9th, 2022.
- The following bids were received:

French Broad Paving, Inc. of Marshall, NC	$501,335.00
Tarheel Paving of Hendersonville, NC	$552,163.50
Bryant's Land and Development Services, Inc. of Burnsville, NC	$583,919.00
Emery Sealco, Inc. of Arden, NC	$738,110.00
JLS Company, LLC of Skyland, NC	$752,313.00
Rogers Group, Inc. of Greer, SC	$885,495.00

- The contract is expected to be available on September 15, 2022, and the contractor has until December 15, 2022 to complete the work.

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.
- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Only one company from an identified disparity group (Black American) was found in the ten-county area and staff directly contacted that company.
- The company did not bid as a prime, but is listed as a sub with one of the prime bidders.
- Two women-owned businesses were also directly contacted and both submitted a bid.
- One MWBE, woman-owned, will be operating as a subcontractor on the project.
- French Broad Paving, Inc. anticipates expending 11.0 percent of the total dollar amount of the contract with this company.

Council Goal(s):

- Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- The award of this contract will resurface Sulphur Springs Road, which is in poor condition after several subsurface utility projects.

Con(s):

- This construction work, although performed via a contractor, will also use City staff administrative time to ensure the work is properly performed.
- The work will be a further disruption to a neighborhood that has experienced a lot of construction recently.

Fiscal Impact:

- The total maximum cost of this contract, including contingency, is $576,535.25. This funding is already budgeted as part of the 2016 General Obligation (GO) Bond program in the General Capital Projects Fund.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with French Broad Paving, Inc. in the amount of $501,335.00 plus a 15% contingency of $75,200.25 for a total of $576,535.25, for the project known as Sulphur Springs Road Resurfacing.

RESOLUTION BOOK NO. 43 - PAGE 193

G. RESOLUTION NO. 22-153 - RESOLUTION AUTHORIZING THE DONATION OF THREE EXPIRED BALLISTIC SHIELDS TO THE BUNCOMBE COUNTY SHERIFF'S OFFICE FOR TRAINING PURPOSES ONLY

Action Requested: Adoption of a resolution authorizing the Asheville Police Department (APD) to donate three expired ballistic shields to the Buncombe County Sheriff's Office for training purposes only.

Background:
- The Asheville Police Department has purchased new ballistic shields to replace three expired shields that are at the end of their operational life.
- Since the shields are expired, and of no use other than for training, the estimated donated amount is approximately $300 each.
- The newly purchased shields have arrived and are being used by the APD.
- Buncombe County Sheriff's office has expressed an interest in the three expired Paraclete Phalanx shields to be used in training.
- It is the practice of the Asheville Police Department to train with the same equipment that is deployed in the field; therefore, these shields would not be used by APD for training.

Council Goal(s):
- Connected and Engaged Community

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Committee(s):
- None

Pro(s):
- Continue to work closely and partnership with the Buncombe County Sheriff's Office.

Con(s):
- None

Fiscal Impact:
- Donating will incur no additional fees.
- New equipment has already been purchased.

Motion:
- Motion to authorize the Asheville Police Department to donate three, expired Paraclete Phalanx ballistic shields to the Buncombe County Sheriff's Office.

RESOLUTION BOOK NO. 43 - PAGE 194

H. RESOLUTION NO. 22-154 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB PLAYOFF GAME ON AUGUST 6, 2022

RESOLUTION NO. 22-155 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE AIA ASHEVILLE SUMMER BBQ ON AUGUST 25, 2022

RESOLUTION NO. 22-156 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON SEPTEMBER 2, 3 AND 4, 2022

RESOLUTION NO. 22-157 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON OCTOBER 1, 2022

RESOLUTION NO. 22-158 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLOCK PARTY ON SOUTH LIBERTY STREET ON OCTOBER 1, 2022

RESOLUTION NO. 22-159 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE WICKED HALLOWEEN 5K & FUN RUN ON OCTOBER 22, 2022

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Asheville City Soccer Club Playoff Game, AIA Asheville Summer BBQ, Goombay, Asheville Oktoberfest, The Block Party Presented by Looking Glass Realty, and the Wicked Halloween 5K & Fun Run.

Background:

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

    - Asheville Buncombe Adult Soccer Association for the Asheville City Soccer Club Playoff Game to occur at Memorial Stadium on Saturday, August 6, 2022, from 4:00 p.m. - 10:00 p.m.
    - AIA Asheville for the AIA Asheville Summer BBQ, to occur at Carrier Park on Thursday, August 25, 2022, from 5:30 p.m. - 7:30 p.m.
    - YMI Cultural Center for Goombay, to occur at Pack Square Park on Friday, September 2, 2022, from 5:00 p.m. - 10:00 p.m., Saturday, September 3, 2022,

from 10:00 a.m. - 10:00 p.m. and Sunday, September 4, 2022, from 10:00 a.m. - 6:00 p.m.
    - Asheville Downtown Association for Asheville Oktoberfest, to occur at Pack Square Park on Saturday, October 1, 2022, from 2:00 p.m. - 6:00 p.m.
    - The Pisgah Conservancy for The Block Party Presented by Looking Glass Realty, to occur on S. Liberty Street on Saturday, October 1, 2022, from 2:00 p.m. - 7:00 p.m.
    - Asheville Humane Society for the Wicked Halloween 5K and Fun Run to occur at Carrier Park on Saturday, October 22, 2022, from 10:00 a.m. - 1:00 p.m.
- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):
- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):
- None

Pro(s):
- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Asheville City Soccer Club Playoff Game, AIA Asheville Summer BBQ, Goombay, Asheville Oktoberfest, The Block Party Presented by Looking Glass Realty, and the Wicked Halloween 5K & Fun Run

RESOLUTION NO. 22-154 - RESOLUTION BOOK NO. 43 - PAGE 195
RESOLUTION NO. 22-155 - RESOLUTION BOOK NO. 43 - PAGE 198
RESOLUTION NO. 22-156 - RESOLUTION BOOK NO. 43 - PAGE 201
RESOLUTION NO. 22-157 - RESOLUTION BOOK NO. 43 - PAGE 204
RESOLUTION NO. 22-158 - RESOLUTION BOOK NO. 43 - PAGE 207
RESOLUTION NO. 22-159 - RESOLUTION BOOK NO. 43 - PAGE 210

I. MOTION DIRECTING THE CITY ATTORNEY TO TAKE STEPS TO JOIN THE CITY OF ASHEVILLE TO THE LOCAL GOVERNMENTS AMICUS BRIEF IN THE CASE OF 303 CREATIVE V. ELENIS, A CASE BEFORE THE U.S. SUPREME COURT CHALLENGING A STATE NONDISCRIMINATION LAW THAT REQUIRES PUBLIC ACCOMMODATIONS TO SERVE MEMBERS OF THE PUBLIC WITHOUT REGARD TO SEXUAL ORIENTATION AND OTHER PROTECTED CHARACTERISTICS

Action Requested: Adoption of a motion giving direction to the City Attorney to join the City of Asheville in the amicus brief on behalf of local Governments and Mayors in support of the State of Colorado in this First Amendment case before the U.S. Supreme Court

Background:

- This case out of Colorado involves a business creating wedding websites, but specifically excluding same-sex weddings.
- The case arose as a challenge by the business owner to the Colorado Anti-Discrimination Act.
- This law prohibits discrimination in public accomodations without regard to sexual orientation.
- Both the Federal District Court and the Tenth Circuit Court of Appeals have ruled in favor of the State of Colorado, and the case is now pending before the U.S. Supreme Court.
- The City of San Francisco has requested local governments and Mayors to join it in an amicus brief to be filed in support of the state of Colorado.
- A ruling against this state law could affect Asheville's local Non-Discrimination Ordinance as well.

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

Committee(s):
- None

Pro(s):
- Provides additional support to the effort by local governments to support non-discrimination laws, as well as protecting our own local ordinance.

Con(s):
- None.

Fiscal Impact:
- None.

Motion:
- Motion to direct the City Attorney to take all necessary and appropriate steps to join the City of Asheville in the amicus brief being prepared by the City of San Francisco in support of the State of Colorado in the case of 303 Creative v. Elenis.

J. RESOLUTION NO. 22-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYANT LAND AND DEVELOPMENT INDUSTRIES INC. FOR THE SUMMER 2022 ASPHALT PRESERVATION CONTRACT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Bryant's Land and Development Industries, Inc. in the amount of $659,654.00 plus a 15% contingency of $98,948.10 ($758,602.10 total) for the Fiscal Year (FY) 22 Asphalt Preservation Contract.

Background:
- The scope of the project is the preservation paving of 2.32 miles of City streets.
- The contract was advertised on May 9, 2022 and bids were opened on June 23, 2022.
- The following bids were received:

Bryant's Land and Development Industries, Inc. of Burnsville, NC	$659,654.00
French Broad Paving, Inc. of Marshall, NC	$672,394.75
Rogers Group, Inc. of Greer, SC	$903,245.50

- The contract is expected to be available on September 15, 2022, and the contractor has until December 15, 2022, to complete the work.

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.
- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Only one company from an identified disparity group (Black American) was found in the ten-county area and staff directly contacted that company.
- The company did not bid as a prime, but is listed as a sub with one of the prime bidders.
- Two women-owned businesses were also directly contacted and both submitted a bid.
- One MWBE, woman-owned, will be operating as a subcontractor on the project.
- Bryant's Land and Development Industries, Inc. anticipates expending 4.5 percent of the total dollar amount of the contract with this company.

Council Goal(s):

- Well-Planned and Livable Community

Committee(s): None

Pro(s):

- The award of this contract will preserve 2.32 miles of City streets.

Con(s):

- This construction work, although performed via a contractor, will also use City staff administrative time to ensure the work is properly performed.
- The work will be disruptive to the impacted neighborhoods, but the disruption will be a shorter duration than traditional paving.

Fiscal Impact:

- Funding for this contract is already budgeted in the General Capital Projects Fund as part of the Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Bryant's Land and Development Industries, Inc. in the amount of $659,654.00 plus a 15% contingency of $98,948.10 ($758,602.10 total) for the FY22 Asphalt Preservation Contract.

RESOLUTION BOOK NO. 43 - PAGE 213

K. RESOLUTION NO. 22-161 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE EXISTING TRANSIT OPERATIONS AND MAINTENANCE CONTRACT WITH RADTPDev USA FOR FISCAL YEAR 2023

Action Requested: Adopt a resolution authorizing the City Manager to ratify and amend the existing Transit Operations and Maintenance Contract between the City of Asheville and RATPDev USA for a total of $10,107,322 for Fiscal Year (FY) 2023.

Background:

- The City of Asheville contracts out the operations and maintenance of the Asheville Rides Transit (ART) fixed-route transit system.

- In 2017, the City of Asheville issued a request for proposals (RFP) for the operations and maintenance of ART and RATPDev USA was selected to be the contractor.
    - The initial contract was for 4-years and ended June 30, 2021.
    - The contract allowed for **two** 2-year optional contract extensions (for a total of another 4 years).
    - The City opted to exercise the first of the 2-year optional contract extensions, which began July 1, 2021.
    - Therefore, this contract amendment covers ART operations and maintenance for FY 2023 (July 1, 2022 to June 30, 2023), which is the second year of the first 2-year optional contract extension.
- The proposed amendment will be the 3rd amendment to the contract.
    - Amendment 1 was approved in August of 2019 and was done to reflect the increased services (and budget) that were implemented in January 2020.
    - Amendment 2 was approved in October 2021 (FY22) and included the annual increase to the base contract to reflect increases to the revenue-hour rate and monthly fixed fees. *While the approved Transit Operation Budget for FY22 did include additional funds for the purpose of service expansion that was planned to begin in October 2021, the service expansion did not occur due to staffing shortages, and therefore the additional funds that were budgeted for that purpose were not included in Amendment 2 of the contract.*
    - Amendment 3 (proposed with this action) will include an increase over the FY 2022 contract amount of $953,835, for a total of $10,107,322.
    - This funding was included in the approved FY 2023 Transit Operations budget and represents the following:
        - $402,835 - annual increase to the base contract to reflect increases to the revenue-hour rate and monthly fixed fees.
        - $551,000 - reflects wage increase of $2.00 per hour for RATPDev ART staff in order to reduce turnover and improve recruitment.
        - The wage increase was implemented on July 1, 2022 for all ART staff (except directors and the General Manager).
- There are no proposed changes to the language of the Contract with this amendment.
- *Note: There is one remaining optional 2-year contract extension available, which if exercised, would begin July 1, 2023 and end June 30, 2025.*
    - *If the City does not wish to exercise the second 2-year option under the existing contract with RATPDev, staff would need to develop an RFP for transit operations and maintenance services within the next couple of months in order to have a contractor selected and in place prior to July 1, 2023.*

Vendor Outreach Efforts:

- N/A - This is a current contract. An extensive outreach process was conducted in 2017 when the transit operations and maintenance contract was put out for bid.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- The Transit Committee received a presentation from staff regarding the proposed transit operations budget for FY 2023 at their meeting on May 17, 2022.
- The Committee did not take action as it was an informational item only.

Pro(s):

- Support the continuation of current/existing transit service levels and provides a wage increase for ART staff of $2.00 per hour.

Con(s):

- Will result in increased transit operational costs for the current/existing service levels.

Fiscal Impact:

- Amendment 3 includes an increase of $$953,835, for a total of $10,107,322, to the annual contract for transit operations and maintenance over FY 2022.
- The increase in budget reflects the increase in cost of continuing the current/existing transit service as well as the wage increase for ART staff.
- The FY 2023 Transit Services Fund budget already includes the increase needed to continue the existing transit service.

Motion:

- Motion to adopt a resolution authorizing the City Manager to ratify and amend the existing Transit Operations and Maintenance Contract between the City of Asheville and RATPDev USA for a total of $10,107,322 for FY 2023.

RESOLUTION BOOK NO. 43 - PAGE 214

L. RESOLUTION NO. 22-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BUNCOMBE COUNTY FOR AMERICANS WITH DISABILITIES ACT PARATRANSIT SERVICES FOR FISCAL YEAR 2023

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Buncombe County for ADA Paratransit Services in the amount of $850,000 for Fiscal Year 2023.

Background:

- The City contracts with Buncombe County to provide the City's federally required ADA Paratransit Services.
- The contract cost for Fiscal Year (FY) 23 is estimated to be $850,000 and is based on the per-mile rate of $2.38 and anticipated number of service miles to be provided of approximately 357,000.
- Funding to pay for the Paratransit Services contract was budgeted in the Transit Operations Fund as part of the adopted FY 23 budget.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Ensures sufficient funding is available to pay for services as required by the contractual agreement.

Con(s):

- None

Fiscal Impact:

- Funding for the contract amount is included in the adopted Transit Services Fund budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Buncombe County for ADA Paratransit Services in the amount of $850,000 for Fiscal Year 2023.

RESOLUTION BOOK NO. 43 - PAGE 215

M. RESOLUTION NO. 22-163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH BLACK & VEATCH CORPORATION FOR NORTH FORK AND WILLIAM DEBRUHL WATER TREATMENT PLANT FILTRATION REHABILITATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional services contract with Black & Veatch for the North Fork and William DeBruhl Water Treatment Plant Filter Rehabilitation Project for an amount not to exceed $124,290 with a contingency of $30,000 for a total project cost of $154,290.

Background:

- This contract is to provide engineering services associated with the condition assessment and preliminary investigation for the North Fork and William DeBruhl Water Treatment Plant filter rehabilitation and filter media replacement, with select improvements to the North Fork post chlorination feed system and William DeBruhl finished water sample line improvements.
- The North Fork and William DeBruhl Water Treatment Plants (WTP) are located in eastern Buncombe County and collectively supply around 83% of the drinking water for the customers of the City of Asheville Water System.
- Both plants are direct filtration water treatment plants and treat water from pristine reservoirs.
- The North Fork WTP is rated for a maximum production of 31 million gallons per day, while the William DeBruhl WTP is rated for a maximum production of 5 million gallons per day.
- The North Fork and William DeBruhl WTPs rely on dual media filters that use layers of anthracite (carbon), sand, and gravel, to effectively filter particles out of the raw source water.
- This media degrades over time and has a useful life of between 10 and 15 years depending on water quality and operational conditions.
- This media was replaced at both plants in 2007 and has been in constant use since that time and has now reached the end of life.
- It is important that this media be replaced as soon as practical to maintain the high level of filtration and treatment that is required to consistently produce high quality drinking water.
- Media replacement provides the opportunity to evaluate the condition of the filter, structures, walls, airwash system, filter drains, pipe penetrations, etc..
- These repairs ensure reliability and proper long term function of each filter, which results in a resilient water system.
- The scope of work includes1) project management and administration, 2) data collection and review, 3) condition assessment, 4) preliminary engineering of solutions, and 5) documentation.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning on May 18, 2020 the City of Asheville selected 5 consulting firms to provide on-call professional services for an array of different types of water system Water Plant Projects.

- Black & Veatch was one of the selected firms due to their expertise in areas of water treatment plant construction and upgrades.
- The City of Asheville entered into a master agreement with Black & Veatch on January 18, 2021 for on-call professional services valid for three years with the option to renew for two additional years.
- If approved, the proposed engineering services described here within will be developed into a supplemental contract under the conditions of the master agreement.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for Water Treatment Plant projects was the best method to deliver this project and Black & Veatch was the most qualified of the on-call firms.

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

Committee(s):
- None

Pro(s):
- Return the North Fork and William DeBruhl WTPs to design parameters and ensure the ability for each plant to continue to produce high quality drinking water.
- Make needed repairs to filter structures to ensure long term reliability.
- Provide improved filtration at both treatment plants.
- Provide resilience for the disinfection process.
- Reduce the risk of compliance violations.

Con(s):
- None

Fiscal Impact:
- An amount not to exceed $124,290 with a contingency of $30,000 for a total project cost of $154,290.
- Funding for this project is currently allocated within the Water Resources Capital Improvements Project Fund - Water Treatment Plant account - W1806

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a professional services contract with Black & Veatch for the North Fork and William DeBruhl Water Treatment Plant Filter Rehabilitation Project for an amount not to exceed $124,290 with a contingency of $30,000 for a total project cost of $154,290.

RESOLUTION BOOK NO. 43 - PAGE 216

N. ORDINANCE NO. 4957 - ORDINANCE ENACTING (1) A 15 MILES PER HOUR SPEED LIMIT ON GAY STREET FROM PEARSON AVENUE TO MADISON STREET; AND (2) A 25 MILES PER HOUR SPEED LIMIT ON BEVERLY ROAD FROM NEW HAW CREEK ROAD TO AVON ROAD, MOODY AVENUE FROM MONTE VISTA ROAD TO BROOKSIDE CIRCLE, AND NORWOOD AVENUE FROM FARWOOD AVENUE TO MURDOCK AVENUE

Action Requested: Adoption of an ordinance enacting (1) a 15 mph speed limit on Gay Street from Pearson Avenue to Madison Street; and (2) a 25 mph speed limit on Beverly Road from New Haw Creek Road (SR 2032) to Avon Road, Moody Avenue from Monte Vista Road to Brookside Circle, and Norwood Avenue from Farrwood Avenue to Murdock Avenue.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- City staff received requests from the public to consider changes to speed limits.
- City staff performed appropriate traffic-engineering studies along four streets including traffic counts and speed data.
- The speed limit on the following street will be set at 15 miles per hour:
    - Gay Street, from Pearson Avenue to Madison Street (the existing speed limit is the statutory 35 miles per hour).
- The speed limit on the following streets will be set at 25 miles per hour:
    - Beverly Road, from Avon Road to New Haw Creek Road (SR 2032) (the existing speed limit is 30 miles per hour).
    - Moody Avenue, from Monte Vista Road to Brookside Circle (the existing speed limit is 30 miles per hour).
    - Norwood Avenue, from Murdock Avenue to Farrwood Avenue (the existing speed limit is the statutory 35 miles per hour).
- The Asheville Police Department has reviewed the subject actions and they concur with it.
- Once the subject action is approved and prior to the installation of appropriate signs, Transportation Department staff will coordinate outreach and public education with the Communication & Public Engagement Department (CAPE) and the Asheville Police Department.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- City staff have been able to respond favorably to the publics' requests and expressed safety concerns.
- Provides a more appropriate posted speed limit in a growing area that includes residential properties and City park facilities.
- Provides more appropriate posted speed limits for pedestrians and bicycle riders.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to approve an ordinance enacting (1) a 15 mph speed limit on Gay Street from Pearson Avenue to Madison Street; and (2) a 25 mph speed limit on Beverly Road from New Haw Creek Road (SR 2032) to Avon Road, Moody Avenue from Monte Vista Road to Brookside Circle, and Norwood Avenue from Farrwood Avenue to Murdock Avenue.

ORDINANCE BOOK NO. 34 - PAGE 210

O. ORDINANCE NO. 4958 - ORDINANCE CHANGING THE POSTED SPEED LIMIT ALONG SWEETEN CREEK ROAD FROM 0.17 MILES NORTH OF

CARIBOU ROAD TO FAIRVIEW ROAD FROM 45 MILES PER HOUR AND 35 MILES PER HOUR TO 30 MILES PER HOUR

Action Requested: Adoption of an ordinance changing the posted speed limits along U.S. 25-A (Sweeten Creek Road) from 0.17 miles north of Caribou Road to Fairview Road from 45 mph and 35 mph to 30 mph.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- U.S. 25-A (Sweeten Creek Road) is a state maintained street within the city limits.
- The N.C. Dept. of Transportation (NCDOT) conducted a traffic-engineering study and determined that 30 mph would be a more appropriate speed limit.
- The Asheville Police Department has reviewed the subject action and they concur with it.
- Once the subject action is approved and prior to the installation of appropriate signs, Transportation Department staff will coordinate outreach and public education with the Communication & Public Engagement Department (CAPE) and the Asheville Police Department.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Provides a more appropriate posted speed limit in a growing area that includes commercial and industrial properties.
- Provides a more appropriate posted speed limit for pedestrians as well as motorists turning activity.

Con(s):

- None

Fiscal Impact:

- There is no fiscal impact to the City of Asheville.

Motion:

- Motion to approve an ordinance changing the posted speed limit along U.S. 25-A (Sweeten Creek Road) from 0.17 miles north of Caribou Road to Fairview Road from 45 mph and 35 mph to 30 mph.

ORDINANCE BOOK NO. 34 - PAGE 211

P. ADVANCED METERING INFRASTRUCTURE PROJECT

RESOLUTION NO. 22-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ACLARA TECHNOLOGIES LLC FOR INSTALLATION OF THE ADVANCED METERING INFRASTRUCTURE PROJECT

RESOLUTION NO. 22-165 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ACLARA TECHNOLOGIES LLC FOR SOFTWARE AS A SERVICE "SaaS" AND PREVENTIVE

MAINTENANCE OF INSTALLED EQUIPMENT FOR THE ADVANCED METERING INFRASTRUCTURE PROJECT

RESOLUTION NO. 22-166 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WATERSMART SOFTWARE INC. FOR CLOUD BASED CUSTOMER ENGAGEMENT

RESOLUTION NO. 22-167 - RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF DIEHL WATER METERS FROM MILLER SUPPLY CO. FOR THE ADVANCED METERING INFRASTRUCTURE PROJECT

RESOLUTION NO. 22-168 - RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF COMMUNICATION EQUIPMENT FROM ACLARA TECHNOLOGIES LLC. FOR THE ADVANCED METERING INFRASTRUCTURE PROJECT

RESOLUTION NO. 22-169 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CAVANAUGH & ASSOCIATES P.A.. FOR PROJECT MANAGEMENT FOR THE ADVANCED METERING INFRASTRUCTURE PROJECT

ORDINANCE NO. 4959 - BUDGET AMENDMENT FROM DEBT PROCEEDS TO FULLY FUND THE INSTALLATION CONTRACT WITH ACLARA TECHNOLOGIES LLC

Action Requested: The consideration of the following six resolutions approving the sub-parts that are contingent for the completion of the AMI project - (1) Aclara - Statement of work (installation) three year contract; (2) Aclara - Software as a Service (SaaS) and Preventative Maintenance five year contract with annual option to renew; (3) WaterSmart - Customer Portal five year contract with annual option to renew; (4) Miller Supply Company sole source approval for Diehl meters; (5) Aclara - sole source approval for AMI communication equipment; and (6) Cavanaugh & Assoc. - Project Management three year contract; and a budget amendment in the amount of $8,792,605 from debt proceeds to fully fund the installation contract below with Aclara.

Background:

- The City of Asheville's water metering system currently consists of approximately 63,000 meters that are read mainly using drive-by automated meter reading (AMR) radio technology.
- The current meter reading equipment was installed from 2009-2012.
- The AMR equipment has reached the end of its lifecycle and is beginning to fail.
- This issue required staff to begin the process of implementing a long-term strategy for metering asset management.
- During 2018-2019 Water Resources collaborated with ITS to form a Customer Metering Task Force.
- The task force developed a customer metering strategic plan with technical support from Cavanaugh and Associates.
- The business case resulted in the recommendation as follows:
    - A wholesale replacement of all two inch (2") and smaller water meters with new meter assemblies.
    - Implementation of a fixed-base network Advanced Metering Infrastructure (AMI) meter reading system.
    - Retrofitting meters three inches (3") and larger with the AMI reading system.
- The recommended mechanism for product selection and installation is utilization of a third-party contract manufacturer and installer.

- A request for proposals (RFP-298) was issued on July 7, 2021.
- Aclara was selected as the preferred responsive provider through a “value for money” scoring matrix.
- Aclara will partner with Diehl meters for metering equipment and Petal Valve, Inc. for water meter installation.
- Cavanaugh and Associates will provide project management services throughout the entirety of the installation.
- Sub-parts of the resolution are as follows:

1. **<u>Aclara - Statement of work (installation) three (3) year contract.</u>**
    - This contract is for the installation of communication infrastructure, water meters, water meter retrofits, water meter enclosures, and ancillary plumbing.
    - This contract is in the amount of $19,124,262.57 for AMI system, $3,778,717.94 for meter enclosure replacements, and $1,090,856.50 for ancillary plumbing for a contract total of $23,993,837.01.
    - Staff is recommending a 20% contingency in the amount of $4,798,767.40 for a total amount of $28,792,604.41.
    - This contract will be funded through a low interest loan that will be converted to a debt issuance after completion of the project.

2. **<u>Aclara - Software as a Service (SaaS) and Preventative Maintenance five (5) year contract with annual option to renew.</u>**
    - This contract is for the Aclara software (communication) platform whereby the water meters relay information to and from the database, and also includes preventative maintenance on the data collection equipment.
    - This 5-year contract is in the amount of $827,852.11 for an average yearly cost of $165,570.42, and will be funded through the Water Resources Operational Budget.
    - The total contract amount for renewal during years 6-20 is $3,694,404.37.

3. **<u>WaterSmart - Customer Portal five (5) year contract with annual option to renew.</u>**
    - WaterSmart is a cloud-based customer engagement and analytics platform that allows customers to better monitor and manage water usage.
    - This 5-year contract is in the amount of $577,495.39 for an average yearly cost of $115,499.08, and will be funded through the Water Resources Operational Budget.
    - The total contract amount for renewal during years 6-20 is $2,011,826.94.

4. **<u>Miller Supply Company sole source approval for Diehl meters.</u>**
    - Following the completion of the three (3) year Aclara installation contract, water meters will continue to be installed throughout the water service area by the City, to accommodate system growth as well as future replacement of meters.
    - Diehl meters will continue to be installed for compatibility, and for best practice to standardize equipment. Diehl meters are only available through the local authorized distributor, Miller Supply Company.

- Pricing will be calculated at the time of purchase based on the following index: *Producer Price Index PCU334514334514 Totalizing fluid meters and counting devices mfg.*
- Sole source arrangement will be applicable for the life of the meter system.

5. **<u>Aclara - sole source approval for AMI communication equipment.</u>**
   - Following the completion of the three (3) year Aclara installation contract, there are 2 types of communication equipment that will need to be sole sourced from Aclara in the future.
   - The 1st type is a "Meter Transmission Unit" (MTU). As these future water meters are installed to accommodate growth or replacement needs, each meter will require a MTU to communicate with the AMI network.
   - The 2nd type of communication equipment is a "Data Collector Unit" (DCU). Roughly 67 DCUs will be installed across the water service area as part of the Aclara installation project, and these DCUs are the 'receivers' for the data transmitted from each water meter.
   - The City will need to purchase additional DCUs in the future, to accommodate system growth or replacement needs. Any MTUs or DCUs must be purchased from Aclara, for AMI system compatibility. Pricing will be calculated at the time of purchase based on the following index: *Producer Price Index PCU3342933429 Communications Equipment Manufacturing.*
   - Sole source arrangement will be applicable for the life of the meter system.

6. **<u>Cavanaugh & Assoc. - Project Management three (3) year contract.</u>**
   - This contract is for management of the installation of infrastructure, IT integration and end-to-end testing, communications support, process-mapping for new AMI data, field inspection support, and other project management functions.
   - This contract is in the amount of $1,796,612.85, and will be funded through the existing Water Resources Capital Improvement Budget.

Vendor Outreach

- A request for proposals (RFP-298) was issued on July 7, 2021.
- Aclara was selected as the preferred responsive provider through a "value for money" scoring matrix.
- Aclara has employed a MWBE sub-contractor, Pedal Valve Inc., as the meter installer.
- Within the request for proposals the proposers were required to provide a cloud based customer engagement that would be compatible with the City's updated metering infrastructure as part of their responsive submissions, Aclara provided WaterSmart Software, Inc. as the system that would be compatible with the updated water system.
- Diehl was selected as the vendor most compatible with the City's Water system and would provide standardization of the updated system.
- Thus the Water Resources is requesting a sole source purchase for purchase of Diehl meters
- Cavanaugh and Associates was selected through a Request for Qualifications and they are currently under contract with the City for On-Call Professional services, executed in 2020.

Council Goal(s):

- A Financially Resilient City
- A Well Planned and Livable Community

Committee(s):

- N/A

Pro(s):

- Replacement of failing infrastructure
- Reduces the need to deploy vehicles to read meters, perform re-reads, etc.
- Allows customers to interface and manage water usage, detect leaks, etc.
- Provides a smooth transition to monthly billing

Con(s):

- None

Fiscal Impact:

- The Fiscal Year 2021-22 Water Capital Improvement Program (CIP) included a $20.0 million placeholder budget for the Advanced Metering Infrastructure (AMI) Project.
- As noted above, the total cost of the installation contract with Aclara, including contingency, is $28,792,604.41.
- A budget amendment in the amount of $8,792,605 to fully fund this contract is included with this Council action.
- The installation portion of the AMI Project will be funded by the issuance of debt, with debt service payments included in future Water Resources Operating Budgets.
- The project management three (3) year contract in the amount of $1,796,612.85 will be funded with previously approved pay-go Water CIP funding.
- Any first year costs associated with the Software as a Service (SaaS) and Preventative Maintenance contract and the WaterSmart - Customer Portal contract will be absorbed within the existing Water Resources Operating Budget.
- Full annual amounts for those contracts will be included in future Water Resources Operating Budgets.

Motion:

- Motion to adopt six (6) resolutions authorizing the City Manager to enter contracts with Aclara Technologies, WaterSmart, and Cavanaugh and Associates, P.A.; approve Miller Supply Co. as the sole source provider of Diehl water meters; and approve Aclara as the sole source provider of MTU and DCU communication equipment in connection with and for completion of the Advanced Metering Infrastructure Project; and a budget amendment in the amount of $8,792,605 from debt proceeds to fully fund the installation contract below with Aclara.

RESOLUTION NO. 22-164 - RESOLUTION BOOK NO. 43 - PAGE 217
RESOLUTION NO. 22-165 - RESOLUTION BOOK NO. 43 - PAGE 218
RESOLUTION NO. 22-166 - RESOLUTION BOOK NO. 43 - PAGE 219
RESOLUTION NO. 22-167 - RESOLUTION BOOK NO. 43 - PAGE 220
RESOLUTION NO. 22-168 - RESOLUTION BOOK NO. 43 - PAGE 221
RESOLUTION NO. 22-169 - RESOLUTION BOOK NO. 43 - PAGE 222
ORDINANCE NO. 4959 - ORDINANCE BOOK NO. 34 - PAGE 212

Q. RESOLUTION NO. 22-173 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NEEDED TO RELEASE A REVERTER INTEREST IN ONE PARCEL OF REAL PROPERTY OWNED BY THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, AND ACCEPT A REVERTER INTEREST IN ANOTHER PARCEL OF REAL PROPERTY OF EQUAL OR GREATER VALUE

Action Requested: Adopt a resolution authorizing the City Manager to execute all documents needed to release a reverter interest in one parcel of real property owned by the Greater Asheville Regional Airport Authority, and accept a reverter interest in another parcel of real property of equal or greater value.

Background:

- In 2012, the North Carolina General Assembly passed Session Law 2012-121, which created the Greater Asheville Regional Airport Authority ("GARAA"), and required that the City of Asheville transfer all real property it owned in the vicinity of the Asheville airport to GARAA.
- As part of the 2012 law creating GARAA, the General Assembly included a provision stating that, if the airport ever ceased to operate, the land that the City was required to transfer to GARAA would revert back to the City.
- While Session Law 2012-121 gave GARAA the power to acquire and transfer interests in real property, the City's reverter interest in the property now owned by GARAA presents an obstacle to GARAA exercising that authority.
- GARAA has reached an agreement to transfer a +/- 2.91 acre parcel of real property it currently owns (shown on a preliminary plat as "To Be Combined with Minkles, LLC PIN # 9643-71-7570"), which is a portion of Buncombe County, North Carolina PIN # 643523284L0001, to Minkles, LLC, in exchange for a .996 acre parcel of real property located in Henderson County, North Carolina, with PIN # 9643722526 and REID Number 1006761.
- GARAA has proposed to grant the City the same reverter interest it possesses in relation to the property it seeks to obtain from Minkles, LLC, in exchange for the City releasing its reverter interest in the property to be exchanged.

Council Goal(s):

- Transportation and accessibility
- A thriving local economy

Committee(s):

- None

Pro(s):

- Will allow GARAA to pursue a property exchange it deems to be beneficial, and will result in the City obtaining a reverter interest in a piece of land of greater or equal value.

Con(s):

- None.

Fiscal Impact:

- None.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to execute all documents needed to release a reverter interest in one parcel of real property owned by the Greater Asheville Regional Airport Authority, and accept a reverter interest in another parcel of real property of equal or greater value.

RESOLUTION BOOK NO. 43 - PAGE 227

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

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

Councilwoman Turner moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. 221 LONG SHOALS ROAD

PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO MILLSTONE MANAGEMENT FOR 221 LONG SHOALS ROAD

RESOLUTION NO. 22-170 - RESOLUTION APPROVING A LAND USE INCENTIVE GRANT TO MILLSTONE MANAGEMENT FOR 221 LONG SHOALS ROAD

Mayor Manheimer said that the two public hearings - one for the land use incentive grant and the other for the conditional zoning - would be combined; however, two votes would be taken.

Affordable Housing Office Sasha Vrtunski said that this is the consideration of a resolution approving a land use incentive grant to Millstone Management for 221 Long Shoals Road. This public hearing was advertised on July 15, 2022.

Review:

- Millstone Ventures LLC has applied for a Land Use Incentive Grant (LUIG) for their development at 221 Long Shoals Road per the LUIG policy adopted by City Council on June 22, 2021.
- The development consists of 186 rental apartments and community space.
- Housing represents 100% of all rentable square footage.
- Of the +/- 186 residential units, 20% (estimated to be 37 units) will be affordable, serving individuals and families earning at or below 80% of the Area Median Income (AMI) for a minimum of 20 years.
- The project encompasses 5.36 acres of land on Long Shoals Road in South Asheville, currently divided into three parcels known as 221, 217, and 99999 Long Shoals Road and PIN's 9644-68-0892; 9644-69-0059; 9644-69-2035.
- Estimated Tax Value of the property is $31.4 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.
    - 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:
    - 20 total points for affordability,
    - 10 points for rental assistance,
    - 10 points for the location,
    - 15 points for energy efficiency,
    - 10 points for Universal Design, and
    - an additional for building in a non-Qualified Census Tract,
    - for a total score of 85 points
- Per the policy, this will equal 17 years of grants in the amount of the City Property Taxes payable on the 221 Long Shoals Road 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 18 one bedroom units and 19 studio units.
- The units accepting vouchers will be the one bedroom units and 1 studio.

Proposal:

- Affordable Rental Housing
- The proposed project will provide:
    - 20% of the total units (estimated at 37 units) as affordable units to individuals and families earning at or below 80% AMI,
    - with 50% of the affordable units (estimated at 19 units) accepting rental assistance, for an affordability period of twenty (20) years.
    - Under this category, the project qualifies for 20 points.
- Rental Assistance
    - The proposed project will accept 19 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 (Biltmore Town Square), and within a .5 mile from a Transportation Amenity (Ingles, schools).
    - Under this category, the project qualifies for 10 points.
- Energy Efficiency
    - The developer has committed to using Energy Efficiency (EE) / Energy Star Certification and solar panels.
    - Under this category, the project qualifies for 20 points.
- Universal Design: The project has committed to using Universal Design for 20% of the units, which qualifies for 10 points.
- Non-Qualified Census Tract: The project is located in a Non-Qualified Census Tract, which qualifies for 10 points.
- Staff has scored the project with 85 points, which qualifies the project for seventeen (17) years of Land Use Incentive Grant.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Housing & Community Development Committee - June 21, 2022 - approved 3-0.

- Finance Committee - July 26, 2022 Approved 3-0, with a request that the developer consider changing the unit mix of the affordable units to include some 2 bedroom units.
- Affordable Housing Advisory Committee (AHAC) - July 7, 2022. Staff presented the project to AHAC for their feedback and comments. Comments centered on the need for units with more bedrooms, and concerns around affordable units being equitable to others - finishes, unit sizes and location of units within a development.
    - The developer is not able to commit to units with additional bedrooms at this time, citing a jump in construction cost per unit from a 1 bedroom to a 2 bedroom unit.
    - The same finishes will be used in the affordable units, and they are not going to be segregated from other units.

Pro(s):

- The proposed project will provide 20% of the total units (estimated at 37 units) as affordable rental housing units to households earning 80% or less of area median income;
- The proposed project will have an affordability period of twenty (20) years;
- The proposed project should have a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy;
- The affordable units are located in South Asheville (walkability score of 48 - car dependent, bike score of 27 - somewhat bikeable, minimal bike infrastructure) and provide employment & shopping options for individuals and families who fall within the 80% AMI incomes.
- Millstone Ventures LLC 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 three parcels included in the project have a current tax value of $3,369,600 and pays city property taxes of approximately $13,579 annually.
- Under the estimated tax value of $26 Million post-completion, the annual city property tax will be approximately $104,941.
- The difference is $91,361, which would be granted to the property owner annually after payment for 17 years.
- For 17 years and 37 affordable units at or below 80% AMI, the city will grant back a total of $1,553,149 over the 17 years of the LUIG which equals $41,977 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 17, the City will receive the approximate $104,941 annually in city tax revenue (depending on future property tax increases, etc.). Please note the City will still receive property taxes of approximately $13,579 per year in years 1 -17.
- The City sets aside a budget annually for Land Use Incentive Grants.

Ms. Vrtunski said the key takeaways are (1) LUIG application is for 221 Long Shoals Apartments in South Asheville; (2) project committing 37 units (20%) to be affordable for 20 years at 80% or below; (3) the project is also bringing other benefits including rental assistance, housing for the Homeless By-Name list, solar panels and Universal design; and (4) project qualifies for 17 years of taxes paid. The project background is (1) the development consists of 186 apartments and community space; (2) housing represents 100% of all rentable square footage; (3) of the 186 residential units, 37 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 20 years; (4) the project encompasses 5.36 acres of land on Long Shoals Road; and (5) unit mix for affordable units is 1 one-bedroom units and 19 studio units. The units accepting vouchers will be the one-bedroom units and 1 studio. She showed the project location and the exterior elevations. Regarding the point summary, she said per the LUIG Scoring Matrix and based upon the policy, the project will receive: 20 total points for affordability; 10 points for rental assistance; 5 points for Housing for 1 person on the Homeless By-Name list; 10 points for the location; 20 points for energy efficiency & solar panels; 10 points for Universal Design; and 10 points for building in a non-Qualified Census Tract. Total Points: 85 points = 17 years of taxes paid back. Regarding vouchers, 50% of the affordable units (19 units) must accept Housing Choice Vouchers (1) Housing Choice Vouchers help people at or below 50% AMI. These residents come from the Housing Authority. The household pays 30% of their income, but the voucher makes up the difference; (2) Our area currently has 100 vouchers that are going unused because of a lack of units that accept them; and (3) When someone finds a unit, they leave public housing and make space for another household on the public housing waiting list. So a voucher unit actually helps 2 households. Regarding LUIG specifics, (1) The three parcels included in the project have a current tax value of $3,369,600 and pays city property taxes of approximately $13,579 annually; (2) Under the estimated tax value of $26 Million post-completion, the annual city property tax will be approximately $104,941; (3) The difference is $91,361, which would be granted to the property owner annually after payment for 17 years; (4) Total grant is estimated at $1,553,149 over the 17 years of the LUIG; (5) Subsidy then equals $41,977 per unit of subsidy which is lower than the estimate of up to $80,000 as noted in existing policy; (6) After year 17, the City will receive the approximate $104,941 annually in city tax revenue (depending on future property tax increases, etc.); and (7) The City will receive property taxes of approximately $13,579/year in years 1 -17. The Committee reviews are (1) The Housing and Community Development Committee reviewed this LUIG request at their June 21 meeting and voted 3-0 in favor of approval; (2) The Finance Committee reviewed the request at their June 28 meeting and voted 3-0 in favor of the approval; and (3) Affordable Housing Advisory Committee also gave comments on the project. Comments centered around the number of bedrooms in the affordable units and the need for some multiple bedroom units. Staff has discussed this request with the developer. She said that staff recommends approval of the Land Use Incentive Grant application for Millstone Ventures / 221 Long Shoals Road.

Councilwoman Wisler suggested that instead of saying 37 units at 80% AMI, with 20% of them accepting housing choice vouchers, we might want to say 37 units with 10% at 80% AMI and 10% at 50% AMI.

PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 221, 217 & 99999 LONG SHOALS ROAD FROM COMMUNITY BUSINESS II DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

ORDINANCE NO. 4960 - ORDINANCE TO CONDITIONALLY ZONING OF 221, 217 & 99999 LONG SHOALS ROAD FROM COMMUNITY BUSINESS II DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

Principal Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone 221, 217 & 99999 Long Shoals Road from Community Business II District to Residential Expansion/Conditional Zone. This public hearing was advertised on July 15 and 22, 2022.

Project Location and Contacts:

- The project site totals 5.36 acres located along Long Shoals Rd (PINs 9644-68-0892, 9644-69-0059, and 9644-69-2035).
- Owners: Charles Worley, David Worley, Charles R. Worley and Nancy K. Worley Charitable Remainder Unitrust.

Summary of Petition:

Project Site

- The project site consists of three parcels totalling 5.36 acres located along Long Shoals Road with access to Lake Julian.
- The site is currently zoned Community Business II (CBII).
- Given the size of the project (over 50 residential dwelling units), a conditional zoning to the Residential Expansion (RES EXP) district is required.
- The site is designated “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 186 dwelling units located across three 4/5-story multi-family buildings.
- Other site improvements include off-street parking, playground, swimming pool, and path to Lake Julian.
- 37 units (20%) will be affordable at 80% Area Median Income (AMI) for a minimum of 20 years.
- 19 of these affordable units (half) 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 41 feet.
- 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 34.7 units per 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 62%.

Landscaping and Open Space

- Landscape requirements apply, including street trees, parking lot, building impact, property line, and retaining wall screening.
- 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 will be required along the eastern property border where it abuts a RES EXP-zoned property.
    - The project notes that due to the presence of an MSD sewer easement and the proposed shared driveway, no landscape buffer can be planted along 192 linear feet of this property boundary.
- The project is classified as “urban” under the Tree Canopy Preservation standards and has a classification of “Class B”.
- The existing canopy coverage (2018) is 34%.
- The project proposes preserving 3.5% of tree canopy resulting in a required 12% of new tree plantings, which will be accommodated on-site.
- Open space is required at a rate of 500 square feet per unit, resulting in a required 93,000 square feet of open space, with at least one 18,600 square foot area that provides park or plaza-type features.
- The project is proposing a total of 65,600 square feet of open space.

Access, Sidewalks and Parking

- Access to the site will be provided by two new driveways located on Long Shoals Rd, one of which on the northeast of the site would be off of a shared access drive with a neighboring proposed development.

- A total of 282 parking spaces are proposed, 30 of which are proposed to be structured parking spaces beneath portions of buildings A and B.
- 30 parking spaces are proposed to be tandem of the structured parking spaces.
- Based on the number of bedrooms and dwelling units, the minimum/maximum number of required parking spaces is 197/383 for the RES EXP district.
- The RES EXP district requires new 10 foot-wide sidewalks be constructed, both along the primary access corridor and internally throughout the site.
    - The project is proposing a new 10 foot-wide sidewalk with a five foot-wide planting strip along the site's frontage on Long Shoals Rd.
    - The project is proposing five foot-wide sidewalks internal to the site.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
    - A total of 65,600 square feet of open space instead of the required 93,000 square feet.
    - A reduction of approximately 192 linear feet of Type A landscape buffer along two portions of the project's eastern property line due to the presence of the shared driveway connection and an MSD sewer easement.
    - Five foot-wide sidewalks internal to the site instead of the required 10 foot-wide standard.
    - No bike lanes into the development.

Comprehensive Plan Consistency:

- 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 (p. 131).
    - **Increase and Diversify the Housing Supply** - by increasing the supply of housing, including affordable housing (pp. 179 & 183) in proximity to schools, transit and parks (pp. 246 & 251).
    - **Promote Access to Well-Maintained Parks and Open Space for All** - by providing access to natural areas and programmed open spaces (213).
- The proposed development is compatible with the Future Land Use designation of "Urban Corridor" which is proposed, in part, as "redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure" p. 344).

Compatibility Analysis:

- The proposed multi-family residential project is compatible with the surrounding land uses, including:
    - Proposed 130-unit, multi-family retirement community to the north of the site along Long Shoals Rd, known as the Julian Woods Retirement Community.
    - Existing multi-family development to the north of the site, known as the Reserve at Biltmore Park Apartments.
    - Suburban commercial use to the south of the site along Long Shoals Rd.

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) - May 16, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - July 6, 2022 - approved, 6:0.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above and finds that the affordable housing being proposed offsets the technical modifications requested for a reduction in the total open space.

Mr. Palmquist reviewed the location maps and aerial photo. He then explained the site plan as three new, 4/5-story multi-family buildings; 186 dwelling units (20% affordable); two driveway access points - one new, and one on proposed driveway at Julian Woods Retirement Community (under construction); 282 parking spaces total, 30 structured/tandem; sidewalks: 10'-wide with 5'-wide planting strip on Long Shoals Rd, 5'-wide internal sidewalks; landscaping and Open Space Standards; and Tree Canopy Preservation standards met on-site through preservation and new plantings. He then showed renderings of the buildings. Conditions include (1) 37 units (20%) will be designated affordable at 80^ Area Median Income for a minimum of 20 years - 19 of these units (half) will accept housing choice vouchers; and (2) technical modifications include (a) a reduction in Open Space area from 93,000 square feet to 65,600 square feet; (b) 5'-wide sidewalks internally instead of the required 10'-wide standard; and (c) no bike lanes into the development. The explained how the project complies with the Living Asheville Comprehensive Plan and the review process. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

Councilwoman Roney said this is another example of our need to expand service hours for that route and hoped that we will amend our LUIG policy so that 100% of our units that we are subsidizing accept housing code vouchers.

Mayor Manheimer opened the combined public hearings at 5:20 p.m., and when no one spoke, she closed the combined public hearings at 5:20 p.m.

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

Councilwoman Turner moved to approve a Land Use Incentive Grant for Millstone Ventures LLC for development at 221 Long Shoals Road. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 43 – PAGE 223

Councilwoman Wisler moved to approve the conditional zoning request for the properties located at 221, 217, and 99999 Long Shoals Rd from Community Business II (CBII) 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) provides access to natural areas and programmed open spaces. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 34 – PAGE 213

B. PUBLIC HEARING RELATIVE TO ADOPTION OF THE SOUTH SLOPE: A SOUTHSIDE NEIGHBORHOOD VISION PLAN

Councilwoman Turner moved to continue the public hearing to adopt the South Slope: A Southside Neighborhood Vision Plan to August 23, 2022. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

C. PUBLIC HEARING TO CONSIDER CLOSING AN UNOPENED RIGHT-OF-WAY WEST OF PEARL STREET, BETWEEN PATTON AVENUE AND HILLIARD AVENUE

RESOLUTION NO. 22-171 - RESOLUTION PERMANENTLY CLOSING AN UNOPENED RIGHT-OF-WAY WEST OF PEARL STREET, BETWEEN PATTON AVENUE AND HILLIARD AVENUE

Assistant Transportation Director Jessica Morriss said that this is the consideration of a resolution to permanently close an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue associated with The Avery Project. This public hearing was advertised on July 1, 8, 15 and 22, 2022.

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.
- Delray Ventures has petitioned for this closure associated with the Avery Project located at 363 Hilliard.
- The City Council approved the Conditional Zoning request for the Avery Project on March 8, 2022.
- Another unopened right-of-way known as Rear Clingman Avenue associated with the Avery was previously closed by the City Council on April 26, 2022.
- The right-of-way under this request was not requested to be closed at that time because both staff and the applicant did not believe it to be necessary, however the applicant's title company, as well as the NCDEQ, which is providing Brownfield remediation funding, have indicated that it does in fact need to be closed.
- The Technical Review Committee (TRC) did not review this specific closure request due to time constraints; however, the overall project has been reviewed by TRC multiple times and the right-of-way was discussed as part of that process.
- On June 28, 2022, the City Council passed a resolution of intent and set a public hearing for July 26, 2022, to permanently close the right-of-way.
- Signs were placed at two locations along the right-of-way announcing the public hearing and potential closure.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - June 22, 2022 - unanimously recommended approval of the request.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Ms. Morriss said that Delray Ventures has petitioned for this closure, associated with the Avery Project. The Avery project was approved by Council on March 8, 2022. Another unopened right-of-way known as Rear Clingman Avenue was previously closed by the City Council on April 26, 2022. The right-of-way connecting to Pearl St. was not closed previously because both staff and the applicant did not believe it was necessary, however the applicant's title company, as well as the NCDEQ, which is providing Brownfield remediation funding, have indicated that it does in fact need to be closed. She then showed pictures of the alley location. The Technical Review Committee (TRC) did not review this specific closure request; however, the overall project has been reviewed by TRC multiple times and the right-of-way was discussed as part of that process. An MSD sewer line exists within the right-of-way, therefore an easement will remain in place and no structures will be built within it. The Development Services Department and Transportation staff see no issues with the requested closure and recommend approval. The Multimodal Transportation Commission unanimously recommended approval of the right-of-way closure request at their June 22, 2022 meeting. Staff recommends City Council adopt a resolution to permanently close an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue, associated with the Avery Project.

Mayor Manheimer opened the public hearing at 5:24 p.m., and when no one spoke, she closed the public hearing at 5:24 p.m.

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

Councilwoman Wisler moved to adopt a resolution to permanently close an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue associated with the Avery Project. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 43 – PAGE 224

D. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT AND RELATED AMENDMENTS

ORDINANCE NO. 4961- PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT AND RELATED AMENDMENTS

Urban Planner Vaidila Satvika said that this is the consideration of an ordinance to amend the Unified Development Ordinance to update open space requirements for residential and commercial development and related amendments. This public hearing was advertised on July 15 and 22 2022.

Background:

- The Planning & Urban Design Department proposes to amend the Unified Development Ordinance (UDO) to update open space requirements for residential and commercial development.
- This ordinance supports affordable housing by providing greater flexibility in the quantity of open space required, which allows for a greater number of units on smaller parcels of land while creating higher quality open spaces.
- The proposed text is implementing the City's comprehensive plan, *Living Asheville*, by 1) reducing regulatory barriers to infill housing, 2) promoting higher quality and more accessible open spaces,
  3) simplifying regulations, 4) incentivizing enhanced stormwater management for larger developments, and 5) strengthening open space protections in the River Arts District.
- The following chart compares the current open space standards with the proposed standards:

Topic	CURRENT	PROPOSED
Residential	500 SF/unit or 15% of parcel, whichever is greater	8-19 units: 5-10%; 20-49 units: 10-15%; 50+ units: 15-20%
Subdivisions	20% open space required	10-15% open space required
Commercial	5-15% open space required	5-10% open space required
Stormwater	Stormwater mitigation is not required for infill projects	Large sites (1 acre+) incentivized to provide stormwater management
Affordable Housing	No incentive	Large sites (1 acre+) with affordable housing are exempt from more restrictive open space standards
Fee in lieu	Available for <5,000 SF open space	Available for <5,000 SF open space
RAD-OSP Building Coverage (Max)	80%	7%
RAD-OSP Impervious Surfaces (Max)	0%	12% (Not including impervious paths or trails

- The draft zoning standards have been reviewed by various City of Asheville departments and boards and commissions, members of the design/build community (architects, landscape architects, designers and engineers), a volunteer Open Space Task Force consisting of representatives from eight boards and commissions, and other community members.
- The Open Space Task Force began meeting in February 2021 and included representatives from the Asheville Area Riverfront Redevelopment Commission (AARRC), Affordable Housing Advisory Committee (AHAC), Development Customers Advisory Group (DCAG), Downtown Commission (DTC), Neighborhood Advisory Committee (NAC), Planning & Zoning Commission (PZ), Sustainability Advisory Committee on Energy and the Environment (SACEE), and Urban Forestry Commission (UFC). The task force met 15 times over the course of nine months to refine the proposed open space code collaboratively.

Comprehensive Plan Consistency:

- This proposal best aligns with the *Living Asheville* Comprehensive Plan themes of a Livable Built Environment, by encouraging responsible growth that provides greater flexibility for development while balancing other needs, and Harmony with the Natural

Environment, by promoting more accessible open spaces and incentivizing green infrastructure on larger (over one acre) parcels.

- Specifically, the proposed amendments are consistent with the following comprehensive plan goals:
    - *Goal 21: Promote Access to Well Maintained Parks and Open Space for All* in that it improves upon open space design to create more accessible and usable open spaces with more amenities.
    - *Goal 22: Mitigate Flooding and Erosion* in that better stormwater management is incentivized for multifamily, non-residential and mixed-use projects.
    - *Goal 13: Increase and Diversify the Housing Supply* by removing conflicts that currently inhibit the utilization of recently-passed infill housing standards due to excessive regulatory requirements for open space that also add to housing costs.

Council Goal(s):

- A Well-Planned & Livable Community

Committees:

- Staff facilitated a City Council Work Session on March 8, 2022.
- In total, staff presented or had meetings to further develop the draft open space code 36 times.
- These meetings included various Boards, Commissions, or the Open Space Task Force.
- A chart is provided that shows the dates staff met with each group.

Pro(s):

- Reduces code conflicts that inhibit the utilization infill housing standards
- Increases stormwater mitigation for parcels over one acre in size
- Creates more functional, better-designed open spaces citywide
- Supports affordable housing by reducing land requirements for development
- Improves preservation of open space in the River Arts Form district
- Allows for a greater potential for smaller infill housing units to be built

Con(s):

- In some projects open space quantity will decrease that may lead to increased impervious surfaces that come with related stormwater runoff impacts.
- Note, however, that increased runoff is counterbalanced by new proposed requirements that will increase stormwater treatment on sites over one acre in size.

Fiscal Impact:

- None

Staff Recommendation:

- Staff recommends amending zoning text in Chapter 7 of the UDO related to open space standards as the proposal:
    - Is consistent with the *Living Asheville* Comprehensive Plan, particularly with Goals 13, 21 and 22;
    - Improves upon open space design to create more accessible and usable open spaces with amenities;
    - Removes regulatory barriers to infill housing;
    - Incentivizes stormwater management on larger parcels; and,
    - Balances development requirements to support walkable, transit-supported neighborhoods by encouraging more efficient land use.

Mr. Satvika explained the following key takeaways: (1) this is a proposed zoning text amendment to (mostly) private open space zoning regulations; (2) draft regulations intentionally

balance City goals related to housing and the environment Benefits include: (a) removing barriers to infill housing; and (b) improving the quality and accessibility of open spaces; and (3) Open Space ordinance complements the City's tree canopy efforts. From our Unified Development Ordinance, the definition of open space means an area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel. The process consisted of a creation of a task force from February to October 2021 (15 meetings). Boards/commissions represented were Asheville Area Riverfront Redevelopment Commission; Affordable Housing Advisory Committee; Development Customers Advisory Group; Downtown Commission; Neighborhood Advisory Committee; Planning & Zoning Commision; Sustainability Advisory Committee on Energy & the Environment; and Urban Forestry Commission. The primary goals are to (1) implement Living Asheville Comprehensive Plan strategies related to the need for more housing; (2) improve the quality and accessibility of open space; (3) simplify and clarify disjointed regulations; (4) incentivize better stormwater management; and (5) strengthen open space protections in the River Arts District. He reviewed several open space examples within private development. He said that trees are not required in open space. He said the Tree Canopy Preservation Ordinance was established in September 2020 - preservation or planting of trees is now required for 5-30% of applicable development parcels. Landscaping standards require applicable development parcels to provide trees and landscaping. He then explained which properties are required to provide open space - 8+ residential homes or apartments; and all commercial projects in most zoning districts. He then provided the following open space text amendment summary, with several examples:

Topic	CURRENT	PROPOSED
Residential (Apartments)	500 SF/unit or 15% of parcel, whichever is greater	8-19 units: 5-10%; 20-49 units: 10-15%; 50+ units: 15-20%
Subdivisions (Lots)	20% open space required	10-15% open space required
Commercial	5-15% open space required	5-10% open space required
Stormwater	Stormwater management is not required for infill projects	Large sites (1 acre+) incentivized to provide stormwater management
Affordable Housing	No incentive	Large sites (1 acre+) with affordable housing are exempt from more restrictive open space standards
Fee in lieu	Available for <5,000 SF open space	Available for <5,000 SF open space
RAD-OSP Building Coverage (Max)	80%	7%
RAD-OSP Impervious Surfaces (Max)	0%	12% (Not including impervious paths or trails)

He then explained the stormwater clause and gave examples, stating that large Parcels (over 1 acre) must provide 50% open space unless they choose to comply with the city's stormwater mitigation program. If the project complies with stormwater mitigation, the open space requirement is reduced.

Mr. Satvika responded to Councilwoman Kilgore when she asked if we offer any type of incentives if private developers open up their open space for public use.

In response to Councilwoman Wisler about a possible amendment to the ordinance, Mr. Satvika explained that staff have received several comments regarding the alignment of the proposed zoning text amendment to the Unified Development Ordinance's open space requirements with other City policies. The proposed text amendment language is currently aligned with other City policies, but the specific language related to permitted reductions in open space requirements associated with affordable housing as currently written would require a future amendment if the Land Use Incentive Grant (LUIG) policy is revised. Since we know the LUIG policy will be reviewed in Fiscal Year 2022-2023, staff is suggesting a potential revision to the language in section 7-11-4 (f) 1.b. to ensure continued alignment with the LUIG policy should policy revisions be approved.

Councilwoman Roney said that as liaison to the Neighborhood Advisory Committee and Urban Forestry Commission, a reminder that they have recommended *not* approving the open space amendment as drafted. Concerns included (1) Depth of affordability when incentivizing housing development; (2) Impact on neighborhoods vulnerable to gentrification; (3) Impact on tree canopy maintenance and restoration; and (4) Lack of policy for distribution of open space fees-in-lieu. In the absence of a community benefits table, incentives can be tools to ensure best practices. If we maintain high standards, developers can still get approval through conditional zoning. The stormwater incentives are sorely needed. But, before loosening development standards for open space, Council could (1) Incentivize deeper affordability at 60% of the area median income, not 80% as drafted, then get LUIG in line with this policy; and (2) Pause approval until the new Urban Forester is hired and can review for tree canopy impact. Would be unfortunate to have a new staff member and new policy in conflict as we pursue our goals.

Mayor Manheimer opened the public hearing at 5:55 p.m.

Four individuals spoke in support of the ordinance.

Six individuals spoke in opposition of the ordinance.

Mayor Manheimer closed the public hearing at 6:41 p.m.

Mr. Vaidila responded to various questions/comments raised by the public and City Council, some being, but are not limited to: which properties are required to provide open space - 8+ residential homes or apartments; why the proposed zoning text amendment is mostly for private open space zoning regulations; confirmation that the Open Space Task Force recommended the landscaping regulations be updated, which they are working on; confirmation that the Urban Tree Canopy Study is being updated, noting that the open space regulations do not conflict with that study; and why staff is not waiting until the Urban Forester is hired, letting that person review this and then consider adoption.

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

Councilwoman Turner moved to approve the proposed wording amendments to Chapter 7 of the UDO with the amendment to the affordable housing language in section 7-11-4 (f) 1.b. to

read as follows 'The project is predominantly (at least 50 percent) residential and over 30 percent of units meet the city's affordable housing standard of being affordable to those at or below the percentage of area median income specified in the city's Land Use Incentive Grant (LUIG) policy with half of the affordable units accepting rental assistance/housing choice vouchers.' ; and find that the proposed amendments are reasonable, are in the public interest, are consistent with the city's comprehensive plan in that the changes 1) improve open space regulations by creating more usable open spaces; 2) remove conflicts that inhibit a greater production of infill housing; 3) incentivize better stormwater management for larger parcels; and, 4) support walkable, transit-supported neighborhoods by encouraging more efficient land use without increasing the cost of development. This motion was seconded by Councilwoman Wisler and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 34 – PAGE 224

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 22-172 - RESOLUTION APPROVING THE RECOMMENDATION OF ALLOCATIONS OF STRATEGIC PARTNERSHIP PILOT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENTS

Assistant City Manager Rachel Wood said that this is the consideration of a resolution approving the recommendation of allocations of Strategic Partnership Pilot Program funding and authorizing the City Manager to execute the grant agreements.

Approval of the recommendations for Strategic Partnership Pilot Grant Program awards and authorization for the City Manager to execute grant agreements.

Background:

- During the June 21, 2022 Housing & Community Development Committee (HCD) meeting, staff received direction to proceed with the implementation of a pilot grant program using Strategic Partnership Funds (SPF) to address the opportunity gap for low to moderate income school-aged youth.
- A $20,000 award minimum was established to maximize community benefit
- Applications for the SPF Pilot Grant Program were accepted June 22-July 12, 2022.
- 31 applications from qualified agencies were received.
- On Thursday, July 14 the HCD Committee and Evaluation Committee heard presentations from applicant agencies to receive additional details about each of the grant proposals.
- The Evaluation Committee consisted of the following individuals:
    - Nicole Cush, Principal -School of Inquiry and Life Sciences at Asheville
    - Becki Ogles, Assistant Finance Director -City of Asheville
    - Jaime Matthews, Assistant to the City Manager -City of Asheville
    - Brenda Mills, Director of Equity & Inclusion -City of Asheville
    - Rachel Taylor, Economic Development Specialist -City of Asheville
    - Rachel Wood, Assistant City Manager -City of Asheville
- On July 19, 2022 the HCD Committee reviewed recommendations from the Evaluation Committee and recommended funding eight agencies for a total grant award of $375,500.
- The HCD Committee's recommendations are included as part of the suggested City Council motion below.
- The intent of the pilot grant program is to test recommendations that are being considered as part of a more comprehensive restructure of the SPF Program while

providing much-needed financial resources to the community at the start of the new fiscal year.
- The proposed long-term restructure of the SPF Program will be reviewed by the Housing & Community Development Committee and finalized in winter 2023, followed by the advertisement of applications and consideration of grant awards in spring 2023.

Council Goal(s):
- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):
- Housing & Community Development on 7-14-22 - Heard Presentations; 7-19-22 - approved (Vote 3:0) as described in suggested motion below.

Pro(s):
- Additional resources available in summer 2022 to help address the opportunity gap and provide programming for school-aged youth.
- Opportunity to test recommendations prior to finalizing long-term revisions to the Strategic Partnership Program.
- Reduced administrative barriers to agencies with simplified application and streamlined reporting requirements.
- Enhanced community impact with $20,000 minimum per grant award.

Con(s):
- The quick implementation of the pilot grant program resulted in less extensive outreach to make agencies aware of the application period. Despite the short window, 31 agencies applied for these funds.

Fiscal Impact:
- The pilot grant program is budgeted using a portion of the General Fund's Strategic Partnership Program balance from previous fiscal years and the $242,000 budgeted for Fiscal Year 2022-2023.
- Should the City Council authorize funding the full $375,500 recommended as part of the Strategic Partnership Pilot Grant program, the Strategic Partnership Program will have a remaining balance of $335,500 that will be used for the long-term program revisions.

Ms. Wood said that the key takeaways from this presentation will be (1) 31 applications were received between June 22 and July 12 for the Strategic Partnership Pilot Grant Program to address the opportunity gap for low to moderate income school-aged youth with simplified application and reporting requirements; (2) Presentations from applicant agencies were heard on July 14 followed by finalized funding recommendations from the Evaluation Committee; (3) On July 19, the Housing & Community Development Committee reviewed recommendations from the Evaluation Committee and made final recommendations to fund 9 agencies at a total of $375,500; (4) City Council is being asked to review and consider approval of the Housing & Community Development Committee's funding recommendations at the July 26 meeting; and (5) Staff will incorporate lessons learned from the pilot, additional research, and stakeholder engagement into final recommendations for long-term revisions to the Strategic Partnership Program. Regarding the strategic Partnership Pilot (1) Scope narrowed to address impacts of the opportunity gap by supporting low to moderate income school-aged youth in and out of the classroom; (2) Reduces administrative barriers for applicant agencies with simplified application and reporting requirements; (a) Easy to complete application form and (b) Simplified reporting requirements since no federal funding is involved; and (3) Increases award minimum to $20,000

per program. She reviewed the pilot timeline. Regarding the Housing & Community Development Committee funding recommendations, 31 applications were received. Applications were reviewed based on each program's demonstrated ability to address the opportunity gap for school aged youth, the ability to track and measure results, available resources and capacity to carry out the project, and a workable budget to support the program. The Strategic Partnership Program revision timeline is that in the fall-winter of 2022, the program development with regular status reports to HCD. In the winter of 2023, we will receive HCD direction and program revisions implemented. In the spring of 2023, will be the application and award.

When Councilwoman Mosley asked how many children are being helped with these grants, Ms. Wood replied approximately 800.

Mayor Manheimer asked for public comments, but received none.

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

Vice-Mayor Smith moved to approve the recommended allocations of the Strategic Partnership Pilot Grant Program funding as shown below and authorize the City Manager to execute the grant agreements:

Program	Agency	Recommended Funding
Vocational Skills: Kids at Work and the Connection Program Tracks	Aspire Youth & Family, Inc.	$20,000
HOPE 4 the Future	Umoja	$20,000
The Village	The Christine Avery Learning Center	$25,000
One Youth At A Time (OYAAT) -Closing the Opportunity Gap	OYAAT	$35,000
Igniting Superhero Readers -School Year Pilot	Literacy Together	$36,000
Summer/After School/Advocacy Support	YTL Training Programs	$50,500
Youthful HAND	Serve to Lead	$52,875
Community Literacy Support at Edington	Read to Succeed Asheville/ Buncombe	$56,125
Chosen Positive Opportunities Develop Success (PODS)	Western Carolina Rescue Mission (Fiscal Agent)	$80,000
Total Grant Award Recommendation		**$375,500**

This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 43 – PAGE 225

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Six individuals spoke to Council about various items, some being, but are not limited to: request for meeting with FBI or CIA to discuss problems the National Security Classification are causing; need for dedicated public pickleball courts in and around Asheville; definition of "bunkum"; request for dashboard online that tracks the outcomes of ordinances City Council adopts; and assistance with drug dealings around 25 White Pine Drive.

Vice-Mayor Smith was concerned that we have now suffered our 11th homicide this year in our community. At the Public Safety Committee, they talked about what a violence interruption program could look like for Asheville, and perhaps utilizing our Equity and Inclusion Department to work on a process to bring that program to fruition. Mayor Maheimer said that there has been a lot of internal discussion and it's important for us to bring this matter forward, suggesting a report be provided at the August 23, 2022, Council meeting by City Manager Campbell.

At the suggestion of Vice-Mayor Smith, City Manager Campbell was instructed to look into a possible partnership with the Asheville City Schools to help with their buses/bus drivers. City Manager Campbell said that we are also having the same challenges of getting bus drivers and a concern might be the consistency of the timing of the routes, but she would be happy to look into this.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:37p.m.

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CITY CLERK MAYOR