Tuesday – August 24, 2021 - 2:30 p.m.

Worksession - American Rescue Plan Funding Summary Plan

This workession was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

City Manager Campbell said that during the Council meeting, the public will have an opportunity for the public to comment on the categories of funding for the American Rescue Plan Act (ARPA).

Internal Auditor Patricia Rosenberg reviewed the different community awards; noting there are over 100 different awards. She explained the direct allocations to the City, the approved/tentative fiscal recovery funds, with a total of $9,698,388 ARPA funds remaining.

She said the ARPA fiscal recovery fund goals are to support state, local and tribal governments in (1) responding to economic and public health impacts of COVID-19; (2) containing impacts on communities, residents and businesses; and (3) laying the foundation for a strong and equitable recovery.

She said allowable uses include public health uses; negative economic impacts; additional pay for essential workers; revenue losses; investments in infrastructure; and crime response and prevention. She then reviewed the categories evaluation process.

Ms. Rosenberg said the following categories are the staff recommended categories to receive funding: (1) Affordable housing - increase access to affordable housing for low and moderate income individuals and families; (2) Homeless services - improve access to stable, affordable housing for unhoused individuals; (3) Small business recovery (a) help support businesses recover from pandemic-related losses and/or build resilience for the future; and (b) includes public infrastructure for adaptability; (4) Workforce development - help create programs that train unemployed or underemployed workers for long-term employment; (5) Food systems - promote and support a more equitable food system from farm to disposal; (6) City infrastructure - improve City buildings' safety and create resilient work environments; (7) Domestic violence prevention and assistance - projects to mitigate increases in domestic violence during the pandemic or to prevent domestic violence through supportive housing; and (8) Community communication - increase community access to decision making.

She then outlined other potential available funding for transit; childcare; utility billing; arts and cultural expression; public health, mental health and substance abuse; environmental protection/sustainability; stormwater infrastructure; transportation connectivity infrastructure; water infrastructure; youth programming; community-led capacity building; additional pay for employees; care for aging residents; emergency planning; and employee retention and recruitment.

She then explained the RFP process (1) Non-profit organizations and government entities are eligible; (2) Open for six weeks; (3) Will hold an information session for interested applicants; and (4) Done in conjunction with community outreach - Combined outreach with other City grant initiatives.

She then outlined the next key days (1) September 14, 2021 - Council to approve category allocation; (2) October 2021 - Open Request for Proposals (RFP) process to community;

(3) November 15, 2021 - due date for proposals; (4) November - December, 2021 - RFP evaluation and staff recommendation of project awards; and (5) December 14, 2021 - Council approval of final project awards.

City Manager Campbell and Ms. Rosenberg responded to various questions/comments from Council, some being, but are not limited to: does the Parking Fund have any reserves; what would be the impact to our General Fund if we used those funds to cover the Parking Fund revenue losses and use the $1.6 Million to address additional needs in the community, especially the climate justice initiatives; we need to use our General Fund balance to try to help our citizens meet their needs; confirmation that we will be asking for partners to help cover some of the costs for the hotel purchase and operating costs, and also for the emergency non-congregate homeless shelter; the pending Federal Infrastructure Bill may be funneled through the State and if so, then most will probably go towards state mandated roads and not help with top priorities; need for some assistance to lower income homeowners for repairs; other sources of funding available to help homeowners; need to have transit system assistance to go into communities hit the hardest in order for them to have transportation to jobs; support services around caring for the elderly; need to ensure our transit system can expand their hours or service before October 31, 2021; need for coordination with the County on the use of these funds; when the RFP process is developed, make sure we have a goal of equitable recovery for these ARPA funds; and when can City Council expect to see the climate justice initiative report and the stormwater task force report.

At 3:26 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – August 24, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

Mayor Manheimer was sympathetic that many people in our community and the surrounding counties experienced flooding and some loss of life. She thanked all the agencies across the state that helped provide response with the disaster of Tropical Storm Fred.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Councilwoman Roney, Consent Agenda Item “S” was removed from the Consent Agenda for discussion and/or individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 27, 2021

B. ORDINANCE NO. 4391 - ORDINANCE AMENDING THE FISCAL YEAR 2021-22 FEES & CHARGES MANUAL TO ESTABLISH TRANSIT ADVERTISING FEES

Action Requested: Adoption of an ordinance amending the Transit Advertising fees and charges for Fiscal Year (FY) 2021-22.

Background:
- In April 2021, City Council adopted new fees and charges for City services, including transit bus advertising fees, to become effective July 1, 2021.
- Staff inadvertently did not include the full range of updated fees and charges in what was adopted in April.
- The subject action will correct that oversight.
- The new fees will become effective as soon as they are adopted.

Committees:
- Finance & Human Resources Committee August 18, 2021 - Voted unanimously to forward onto Council as recommended by staff.

Pros:
- The fee updates include additional options to provide more flexibility to potential advertisers, which staff expects will attract more advertisers.
- Revenue from advertising fees supports the transit operating budget.

Con:
- A minimal increase in the cost to advertise on City buses.

Fiscal Impact:
- Proposed fees are summarized in the attachment to the staff report.

Motion:
- Adopt an ordinance updating the Transit Advertising fees and charges.

ORDINANCE BOOK NO. 33 - PAGE 357

C. RESOLUTION NO. 21-167 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN SITEWORK INC. FOR THE SULPHUR SPRINGS STORMWATER IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Appalachian Sitework Inc. in the amount of $990,022.00 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $198.004.40 (20%) for a total budget of $1,188,026.40 for the Sulphur Springs Road Stormwater Improvements Project.

Background:
- The purpose of this project is to address significant drainage issues along Sulphur Springs Road that cause flooding in the roadway at the low point of the basin (the intersection with an unnamed tributary of Hominy Creek).
- This project will install a new drainage system that addresses the issues and provides a system that can be expanded with future projects along the contributing side streets.

- The minor culvert extension and associated stream stabilization at the inlet and outlet will address existing steep slopes at the roadway and provide a more sustainable stream bank that will not be as prone to erosion as the current situation.
- Approximately 2,100 linear feet of a new stormwater system will be installed inside the rights-of-way of Sulphur Springs Road, Covington Road, Clinton Road, and Belmont Avenue to improve drainage and reduce excessive stormwater on the roadway.
- Sulphur Springs Road will be paved following the Stormwater Project as part of Bond Resurfacing.
- The project was advertised on May 28, 2021 and re-advertised on July 8, 2021.
- A total of three contractors attended the non-mandatory pre-bid meeting on June 10, 2021.
- A formal bid opening occurred on July 29, 2021 at 3:00 pm.
- Four (4) bids were received:
    - Appalachian Sitework Inc. of Waynesville, NC for $990,022.00
    - T.P. Howard's Plumbing Co. Inc. of Fairview, NC for $1,410,000.00
    - Teraflex Group, LLC with a home office in Williston, ND and a local office in Waynesville, NC for $1,482,469.50
    - B H Graning, of Sylva, NC for $1,369,628.59
- The lowest responsive, responsible bidder was Appalachian Sitework Inc.
- Construction is anticipated to start at the end of September, weather permitting. The project should be completed in approximately eleven months.

Vendor Outreach Efforts:

- The City's Goal Setting Committee has set an annual aspirational goal for construction projects at 4.6% MBE participation, in alignment with the City's Business Inclusion Policy.
- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, the City of Asheville website, the City of Asheville Twitter account, and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Stormwater staff also reached out to MWBE contractors that were identified through Yoruba Life, NCDOT HUB certified website, and The Color of Asheville directory.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Out of the four (4) bids received, none self-identified as a MWBE business owner.
- All four (4) bidders indicated that they would be utilizing a MWBE sub-contractor (three woman-owned, one Black American-owned).
- The lowest responsive, responsible bidder - Appalachian Sitework Inc - provided very thorough documentation on their outreach.
- ABI Manager, Rosanna Mulcahy, approved the good-faith effort by the contractor on August 2nd.
- Appalachian Sitework submitted documentation that they would use JLS Company, which is a WBE business, for paving.

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The Project will install a stormwater system to help alleviate flooding in the roadway, create more sustainable stream banks, and provide drainage improvements in the right-of-way.
- The Project will provide a properly designed drainage system and stormwater conveyance inside the right-of-way.
- The Project will improve public safety in the neighborhood, as well as reduce damage to infrastructure.

Con(s):
- Construction may be somewhat disruptive to nearby residences and the school.
- Efforts will be made to notify residents and other stakeholders, and to minimize disruptions.
- Outreach and coordination with Lucy S. Herring Elementary has already started.

Fiscal Impact:
- This project is funded with 2016 General Obligation (GO) Bond funds and Stormwater Capital Funds.
    - GO Bond contribution is $20,000.00 to replace existing stormwater infrastructure
    - Stormwater Capital Fund contribution is $1,168,026.40 to install new stormwater infrastructure
- Paving of side street sections of the project is funded by the Stormwater Capital Fund.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract with Appalachian Sitework Inc. in the amount of $990,022.00 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $198.004.40 (20%) for a total budget of $1,188,026.40 for the Sulphur Springs Road Stormwater Improvements Project.

RESOLUTION BOOK NO. 42 - PAGE 316

D. RESOLUTION NO. 21-168 - RESOLUTION AUTHORIZING THE CITY MANAGER TO (1) APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 201 AMERICAN RESCUE PLAN ACT SECTION 5307 URBAN TRANSIT FORMULA FUNDS, AND TO ACCEPT SAID GRANT IF AWARDED; (2) TO EXECUTE THE SUBRECIPIENT AND SUBALLOCATION AGREEMENTS

ORDINANCE NO. 4392 - BUDGET AMENDMENT IN THE TRANSIT MULTI-YEAR AND TRANSIT OPERATING FUNDS TO BUDGET THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 201 AMERICAN RESCUE PLAN ACT SECTION 5307 URBAN TRANSIT FORMULA FUNDS

Action Requested: Adopt a resolution authorizing the City Manager to apply for the FY 2021 American Rescue Plan Act (Section 5307) grant funds and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements; and a budget amendment in the amount of $4,252,528 in the FY 2022 Transit Multi-Year Fund (6510) to include the American Rescue Plan Act revenue.

Background:
- On March 11, 2021, the American Rescue Plan (ARP) Act of 2021 was signed into law, which includes $30.46 billion for Public Transportation.

- The total funds apportioned to the transit industry under the ARP Act also include $4.25 million for the Asheville Urbanized Area (UZA).
- On April 12, 2021, the FTA announced the availability of the ARP Act to support the nation's public transportation systems to continue responding to the COVID-19 pandemic and support President Biden's call to vaccinate the U.S population.
- Additionally, the FTA directed that ARP Act funds be used for payroll and operations unless recipients certify that it has not furloughed any of its employees.
- Similar to the 2020 CARES Act, operating costs of public transit during the public health emergency, including purchase of personal protective equipment, administrative leave for operations, or contractor personnel due to reductions in service are all eligible expenses for ARP funds.
- The FTA has indicated that all ARP Act funds must be obligated by September 30, 2024, and disbursed by September 30, 2029.
- At its May 27, 2021, monthly meeting, the French Broad River Metropolitan Planning Organization (FBRMPO) Board approved and adopted a resolution allocating the American Rescue Plan Act funding to eligible transit systems in the Asheville Urbanized Area (AUZA).
- The chart on page 2 highlights the amount allocated to each transit system in the AUZA region.
- ARP Act funds will provide 100% of the Federal match of the anticipated funding and do not require any local match.
- Transportation Department staff is working with all sub-recipients on how they will use the funds allocated to them and will submit an application to the FTA in the amount of $4.25 million by September 30, 2021, for approval.
- Transportation Department staff is recommending approving the ARP Act Subrecipient and Suballocation Agreement to be executed between the City of Asheville and sub-recipients.
- Transportation Department staff submitted the required Federal Split Letter to the FTA Region VI Office outlining the MPO-approved allocation of ARP Act funds on August 3, 2021.
- The budget amendment will provide expenditure authorization for the $4.25 million in grant funds.
- The City's portion of the funds will be used for transit operations including service improvements to be implemented in October 2021, and other expenses incurred in response to COVID-19.

FBRMPO ALLOCATED FY2021 ARP ACT (SECTION 5307) FUNDS		
	PROPOSED DISTRIBUTION/PERCENT	**ESTIMATED DISTRIBUTION/AMOUNT**
Clty of Asheville	**42.6%**	**$1,812,935**
Buncombe County	**28.6%**	**$1,217,130**
Henderson County	**20.4%**	**$867,774**
Haywood County	**8.3%**	**$354,689**
	TOTAL	**$4,252,528**

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- ARP Act funds will enable the City of Asheville to use federal funds to help offset operational expenses incurred on or after January 20, 2020, in response to the continued support of the COVID-19 pandemic, and respond to the President's call to vaccinate the U.S. population.

Con(s):

- None.

Fiscal Impact:

- The ARP Act funds provide 100% of the funding with no local match required.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for the FY 2021 ARP Act (Section 5307) grant funds, and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements; and a budget amendment in the amount of $4,252,528 in the FY 2022 Transit Multi-Year Fund (6510) to include the American Rescue Plan Act revenue.

RESOLUTION BOOK NO. 42 - PAGE 317
ORDINANCE BOOK NO. 33 - PAGE 361

E. RESOLUTION NO. 21-169 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-YEAR MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE WESTERN NORTH CAROLINA NATURE CENTER

ORDINANCE NO. 4393 - BUDGET AMENDMENT TO ACCEPT A ONE-TIME DONATION FROM THE WESTERN NORTH CAROLINA NATURE CENTER

Action Requested: Adoption of a three-year memorandum of understanding between the City and the Friends of the WNC Nature Center and adopt a budget amendment in the amount of $100,000 in the General Capital Projects Fund to accept and budget a one-time donation from the Friends of the WNC Nature Center.

Background:

- For the past few decades, the Friends of the WNC Nature Center, a 501c3 not-for-profit fundraising organization, has supported the work of the WNC Nature Center through cash donations, marketing and promotional activities, special events and membership.
- Since the Center embarked on its current Master Plan in 2010, the Friends have committed over $3 million in capital funding. These dollars have been used in the construction of the upgraded red wolf exhibit/arachnid adventure playground, the new front entrance and welcome plaza and the addition of the red panda exhibit to name only a few.
- The Friends will make a $100,000 restricted cash donation to be used by the Nature Center for capital repairs/improvements and upgrades in FY 21/22 and have pledged to commit at least $100,000 per year for the next two Fiscal Years.

- Additionally, a portion of the Friends' restricted cash donation each year will be used to foster Diversity Equity and Inclusion at the Nature Center through initiatives and programs that strengthen existing partnerships between the Nature Center and local programs/organizations that currently reach audiences from marginalized communities.
- The Center will focus on building relationships to enhance existing networks of people, programs, and partnerships in Western North Carolina working to advance equity and inclusion, especially as it relates to outdoor education and the environment, across the Western NC region and particularly within Asheville's communities.

Council Goal(s):
- Fostering an equitable and diverse community

Pro(s):
- Continue the strong relationship between the City of Asheville's Western North Carolina Nature Center and the Friends of the WNC Nature Center.
- $100,000 cash contribution from the Friends of the WNC Nature Center to the City of Asheville to be restricted for use at the WNC Nature Center to improve and enhance facilities as well as expand the Diversity, Equity, and Inclusion Programming at the Center in FY 21/22

Con(s):
- None.

Fiscal Impact:
- $100,000 in funds for use at the Nature Center to improve and update facilities and expand Diversity, Equity, and Inclusion programming.
- These funds will be accounted for in the City's General Capital Projects Fund. Under the previous MOU, revenue from the Friends of the WNC Nature Center went to support General Fund operations at the Nature Center.

Motion:
- Motion for a resolution authorizing the City Manager to enter into an agreement with the Friends of the WNC Nature Center; and the associated budget amendment in the City's General Capital Projects Fund in the amount of $100,000 utilizing the Friends of the WNC Nature Center funds.

RESOLUTION BOOK NO. 42 - PAGE 318
ORDINANCE BOOK NO. 33 - PAGE 362

F. RESOLUTION NO. 21-170 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JLS COMPANY, LLC, FOR THE SHILOH LOWER PARKING LOT PAVING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with JLS Company, LLC., for $98,105.13, for the Shiloh Lower Parking Lot Paving project and to execute any change orders that may arise during the project up to the contingency amount of $14,715.75 (15%).

Background:
- The lower parking lot at the Linwood Crump Shiloh Community Center is overdue for new pavement.
- The asphalt parking lot is severely cracked and curbs are misaligned.

- New curbs, asphalt pavement, nine new parking spaces, and accessible sidewalks (connecting the site to the street) are proposed.
- This project was advertised for informal bids on June 28, 2012 with bids received by July 21, 2012.
- Informal bids were received by the following contractors:
    - JLS Company, LLC. Skyland, NC $98,105.13
    - Harrison Construction Company, Asheville, NC $129,350
    - B.H. Graning Contracting Inc., Sylva, NC $149,500
- JLS was the lowest responsive, responsible bidder.
- This project is proposed to start in September and last six to eight weeks.

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.
- Bid documents indicate that Appalachian Paving and Concrete, a Women Owned business of Swannanoa, NC, will be performing work as a subcontractor on this project for $26,000.

Council Goal(s):

- A well planned and livable community

Committee(s):

- None

Pro(s):

- Resurfaced parking lot and expanded parking along with providing accessibility.

Con(s):

- One tree will be removed with this project.

Fiscal Impact:

- Funding for this contract is included in the adopted Parks and Recreation Capital Improvement Funds. Contract cost is $98,105.13 with a 15% contingency of $14,715.75 for a total of $112,820.88.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with JLS Company, LLC., for $98,105.13, for the Shiloh Lower Parking Lot Paving project; and to execute any change orders that may arise during the project up to the contingency amount of $14,715.75 (15%).

RESOLUTION BOOK NO. 42 - PAGE 319

G. RESOLUTION NO. 21-171 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH CLIMBMAX INC. FOR PROPERTY LOCATED ON 43 WALL STREET

Action Requested: Adoption of a resolution authorizing the City Manager to sign a lease agreement with Climbmax, Inc. for property located at 43 Wall Street.

Background:

- Climbmax Inc is a recreational climbing facility that has been operating for over twenty years at 43 Wall Street.
- Climbmax leases a portion of the lower level of the property known as the Wall Street Parking Garage (PIN #9649-20-9249).
- This is a unique space because the interior has been outfitted with several different practice walls with varying levels of difficulty for practice and recreation.
- There is also a large rock climbing facade on the exterior of the building for the experienced climber.
- It would require costly improvements to up-fit the space for a more conventional use such as an office.
- The interior contains approximately 2,440 square feet and the exterior consists of ground area, overhead air space and a portion of an exterior wall of the City's Parking Garage.
- This small business was hit hard during the pandemic because of closures and dramatic decreases in tourism.
- The lease ended in March of 2020 and the owner has continued in the space on a month to month basis.
- As the business attempts to recoup lost revenue, the owner will be required to sign a conventional lease agreement.
- This tenant will pay $1,490 per month or $17,890.92 per year. The rental rate will increase every year by 3%.
- He has requested a one year lease with two (2) three year renewals.
- He will continue to be required to have insurance that protects the City from any liability resulting from climbing wall users.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- The Tenant will continue to be responsible for most internal maintenance such as the care of the HVAC system.
- City is receiving compensation for this space without the costly improvements necessary to convert to a more conventional use.

Con(s):
- None

Fiscal Impact:
- Since this property was constructed as part of the Wall Street Parking Facility, the proceeds from this lease will be recorded as revenue into the Parking Services Fund.

Motion:
- Motion to approve the resolution authorizing the City Manager to sign a lease document with Climbmax Inc.

RESOLUTION BOOK NO. 42 - PAGE 320

H. 2021 WATER REVENUE REFUNDING BOND

RESOLUTION NO. 172 - RESOLUTION APPROVING THE 2021 WATER REVENUE REFUNDING BOND ORDER

RESOLUTION NO. 21-173 - RESOLUTION APPROVING THE 2021 WATER REVENUE REFUNDING BOND RESOLUTION

Action Requested:

- Approval of Bond Order for the proposed 2021 Water Revenue Refunding Bonds
- Approval of Bond Resolution for the proposed 2021 Water Revenue Refunding Bonds

Background:

- In May, 2018, Council authorized the issuance of a Water Revenue Bond Anticipation Note (Water BAN) draw program in an amount not to exceed $40 million.
- The loan was used to reimburse the City for expenses associated with the North Fork Dam project.
- The City has drawn down the full amount of the loan, $40 million.
- To pay off the Water BAN loan, the City intends to issue long-term, fixed-rate Water Revenue Refunding Bonds in late-September 2021.

Council Goal:

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Converts a short-term variable-rate loan to long-term, fixed-rate refunding bonds.
- Spreads capital costs over a longer term to better match the life of the water asset, the North Fork Dam

Con(s):

- None

Fiscal Impact:

- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt.
- This increase was included in the multi-year Water Rate Model that was discussed with Council during the budget process.
- The final amounts of the new debt service payments will be determined on the bond sale date and will be included in future Water Fund budgets.

Motion:

- Motion to approve the 2021 Water Revenue Refunding Bonds - Bond Order
- Motion to approve the 2021 Water Revenue Refunding Bonds - Bond Resolution

RESOLUTION NO. 21-172 - RESOLUTION BOOK NO. 42 - PAGE 321
RESOLUTION NO. 21-173 - RESOLUTION BOOK NO. 42 - PAGE 323

I. RESOLUTION NO. 21-174 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR RIGHT-OF-WAY ACQUISITION SERVICES WITH MATTERN AND CRAIG FOR THE 2016 BOND BUNDLE B SUITE OF SIDEWALK PROJECTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment for right-of-way acquisition services with Mattern and Craig of Asheville, N.C., for the 2016 Bond Bundle B suite of sidewalk projects in the amount of $191, 510 plus a contingency of $19,151 (10%) for a total of $210,661.

Background:

- An RFQ for the Bundle B suite of sidewalk projects design contract was advertised on March 31, 2017. The names of the design firms / engineers that submitted RFQs are listed below:

Anchor QEA, of Asheville, NC	Mattern and Craig, of Asheville, NC
McGill and Associates, of Asheville, NC	Davenport, of Winston-Salem, NC
Vaughn and Melton Inc., of Asheville, NC	Henson Foley, of Huntersville, NC
Siteworks, of Asheville, NC	Wetherill, of Raleigh, NC

- Mattern & Craig Inc., of Asheville, N.C. was chosen to perform all of the design work included in the contract.
- Work covered by the contract includes surveying, development of construction documents, permitting, environmental documents, and community outreach.
- Right-of-way and easement negotiations were optional services that could be added to the original contract with Mattern and Craig at an additional cost.
- At this stage of design the needed right of way has been determined for both of the sidewalk projects along Johnston Boulevard and New Haw Creek Rd.
- These services are required now in order to acquire the property necessary to build sidewalks and meet the timeline for completing work before the end of the seven years allowed for the completion of the general obligation bond projects.
- The amount of property that needs to be acquired for these two projects exceeds the capacity of the City real estate acquisition team to do the work internally.

Vendor Outreach Efforts:

- Mattern and Craig was selected and contracted to perform this work in 2017. At the time that this contract was awarded the firm had selected the subcontractors with whom they intended to work. In the event that Matten and Craig changes a subcontractor under this agreement, they will be required to follow the City's business inclusion practices to seek qualified Minority and Women owned businesses to perform the sub consulting work.

Council Goal(s):

- Transportation and accessibility

Committee(s):

- None

Pro(s):

- Improved connectivity and accessibility for the neighborhoods within the project areas.
- Completion of a General Obligation Bond project.

Con(s):

- Construction will be disruptive to adjacent residences.
- Efforts will be made to minimize disruptions.

Fiscal Impact:

- Funding for the Bundle B Sidewalks project is included in the General Obligation Bond Program.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment for right-of-way acquisition services with Mattern and Craig of Asheville, N.C., for the 2016 Bond Bundle B suite of sidewalk projects in the amount of $191, 510 plus a contingency of $19,151 (10%) for a total of $210,661.

RESOLUTION BOOK NO. 42 - PAGE 327

J. RESOLUTION NO. 21-175 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY FOR THE SUMMER 2021 ASPHALT PRESERVATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Harrison Construction Company in the amount of $628,485.10, plus a 15% contingency of $94,272.76 ($722,757.86 total) for the Summer 2021 Asphalt Preservation contract.

Background:

- The main scope of this contract is to provide a one inch layer of asphalt on top of existing asphalt as a preservation treatment for 2.53 miles of City streets.
- The contract was advertised on June 28, 2021 and bids were opened on July 15, 2021.
- The following bids were received:

Harrison Construction Company of Asheville, NC	$628,485.10
JLS Company of Arden, NC	$664,273.05
French Broad Paving of Marshall, NC	$835,232.25
Bryant's Land and Development Industries of Burnsville, NC	$868,875.10

- The contract is expected to begin in mid-September and to take approximately 60 days to complete.

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 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 several of the prime bidders.
- Harrison Construction proposes to use two MWBEs on the contract for a total of 17.7 percent of the funds spent on the project.
- Of these total 12.6 percent will be spent with a Black-owned company.

Council Goal(s):

- Well-Planned Livable Community.

Committee(s):

- None.

Pro(s):

- Contract will provide for the preservation of 2.53 miles of City roads.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is already budgeted in the approved Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Harrison Construction Company in the amount of $628,485.10, plus a 15% contingency of $94,272.76 ($722,757.86 total) for the Summer 2021 Asphalt Preservation contract.

RESOLUTION BOOK NO. 42 - PAGE 328

K. RESOLUTION NO. 21-176 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEAF DOWNTOWN AVL EVENT ON AUGUST 27-28, 2021

RESOLUTION NO. 21-177 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON SEPTEMBER 3-5, 2021

RESOLUTION NO. 21-178 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON SEPTEMBER 5, 2021

RESOLUTION NO. 21-179 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SYMPHONY IN THE PARK EVENT ON SEPTEMBER 19-20, 2021

RESOLUTION NO. 21-180 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON OCTOBER 2, 2021

RESOLUTION NO. 21-181 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LIBERTY STREET BLOCK PARTY ON OCTOBER 2, 2021

RESOLUTION NO. 21-182 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE WICKED HALLOWEEN 5K AND FUN RUN ON OCTOBER 16, 2021

RESOLUTION NO. 21-176 - RESOLUTION BOOK NO. 42 - PAGE 329
RESOLUTION NO. 21-177 - RESOLUTION BOOK NO. 42 - PAGE 332
RESOLUTION NO. 21-178 - RESOLUTION BOOK NO. 42 - PAGE 335
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RESOLUTION NO. 21-181 - RESOLUTION BOOK NO. 42 - PAGE 344
RESOLUTION NO. 21-182 - RESOLUTION BOOK NO. 42 - PAGE 347

L. RESOLUTION NO. 21-183 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DAIKIN APPLIED AMERICAS INC. FOR HARRAH'S CHILLER MAINTENANCE PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center Asheville's (HCCA) contract with Daikin Applied Americas, Inc. to increase the contract amount by $26,772, for a revised total maximum price amount of $128,634.00 and to extend the contract for an additional year.

Background:

- This contract has been in place since August 11, 2017, for the service & maintenance of the Chiller unit at the Harrah's Cherokee Center.
- The contract is a service contract.
- Daikin Applied Americas, Inc. performs preventative maintenance for the chiller.
- The contract includes 40 hours of repair service time to cover any emergency repairs.
- The City is responsible for parts.
- There is one more one year extension opportunity on this contract.
- City Council approved a one year extension in 2020, revising the total contract amount to a total of $101,862.

Vendor Outreach Efforts:

- When initially contracted, staff performed an informal bidding process which included outreach to
  Minority & Women-Owned Business Enterprise (MWBE) service providers for services.
- No MWBE service providers responded.

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Reduced energy consumption with well maintained equipment with intelligent controls.
- Immediate, contractual service response for potential outage repairs that are not in the skill set of current facility staff.

Con(s):

- None.

Fiscal Impact:

- Funds are budgeted within the Harrah's Cherokee Center's contracted services account ($26,772).

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Daikin Applied Americas, Inc. to increase the contract amount by $26,772, for a revised total maximum price amount of $128,634.00 and extend the contract for an additional year.

RESOLUTION BOOK NO. 42 - PAGE 350

M. RESOLUTION NO. 21-184 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A SHUTTERED VENUE OPERATORS GRANT FROM THE SMALL BUSINESS ASSOCIATION

Action Requested: Adoption of a resolution authorizing receipt of Shuttered Venue Operators (SVO) grand funding and delegating the responsibility to execute any necessary agreements related to SVO funding to the City Manager

Background:

- The COVID Relief Bill of December 2020, in part, created the Shuttered Venue Operators Grant system, administered by the Small Business Administration. This system included a total of over $15 billion of available assistance funds to be awarded after approved application.
- City staff has applied for and been awarded a total of $1,627,336.57.
- These funds will specifically be used to cover Utility and Salary costs incurred by the enterprise fund between March 1, 2020 and December 31, 2021

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides authorization for the City of Asheville to receive SVO Grant funding

Con(s):

- None.

Fiscal Impact:

- These grant funds will offset revenue losses at the Harrah's Cherokee Center of Asheville (HCCA) in prior fiscal years, specifically as noted above, for salary and utility costs normally covered by HCCA operating revenue.

Motion:

- Motion to adopt a resolution authorizing receipt of Shuttered Venue Operators (SVO) grand funding and delegating the responsibility to execute any necessary agreements related to SVO funding to the City Manager.

RESOLUTION BOOK NO. 42 - PAGE 351

N. RESOLUTION NO. 21-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT AGREEMENT ON CITY-OWNED PROPERTY AT 63 LIBERTY STREET FOR THE CONSTRUCTION OF A SEWER SERVICE LINE

Action Requested: Adoption of a resolution authorizing the City Manager to grant a sewer easement to Dandrige Giltz, the owner of the property at 63 Liberty Street.

Background:

- A local property owner has approached the Real Estate Office requesting an easement on City property in order to connect a new single family home to the only MSD sewer line in the vicinity.
- The owner intends to use the easement to connect a new home to be built on the adjacent vacant lot.
- He provided a map that showed that the connection is at the rear property line and the easement would consist of 108 square feet.
- This map is provided.
- There is no other viable sewer connection available.
- The map was shared with Al Kopf of the Parks and Recreation Department.
- The easement is in an area of Oakley Park that is not well used and it will not limit the use of the Park by local residents.
- The owner of the parcel will compensate the City fair market value for the easement.

Council Goal(s):
- A Well Planned and Livable Community

Committee(s):
- None

Pro(s):
- The City is receiving compensation for the easement.
- Support the development of a single family house for a family.

Con(s):
- There will be temporary disruption on City property during construction.

Fiscal Impact:
- City is receiving unbudgeted revenue for the easement in the amount of $ 907.20

Motion:
- Motion to approve the resolution authorizing the City Manager to grant a sewer easement to serve the property located at 63 Liberty Street.

RESOLUTION BOOK NO. 42 - PAGE 352

O. RESOLUTION NO. 21-186 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RENEWAL AID AGREEMENT WITH REEM'S CREEK FIRE DEPARTMENT

Action Requested: Adoption of the renewal of the automatic aid agreement between the City of Asheville and Reems Creek Fire Department.

Background:
- In August 2013, City Council approved a resolution authorizing a multi-year agreement with Reem's Creek Fire Department for automatic aid service.

- The City of Asheville has a need to strengthen its standard of response and cover in the Beaverdam Valley and the Reem's Creek Fire Department is the most appropriate organization to provide the service.
- The initial agreement costs were $82,656 and as stipulated in the agreement, the costs are to be adjusted every year based on the consumer price index.
- After eight years of positive consumer price index increases, the renewal for the Fiscal Year (FY) 2021-22 services cost are budgeted at $97,053.90.
- This year's Consumer Price Index for the Southern Region is +5.7% which represents the agreement increase of $5,320.54 from last year.
- The term of the renewal agreement will end June 30, 2022.

Vendor Outreach Efforts:
- No other vendors are able to provide this service
- There are no Minority & Women-Owned Business Enterprise (MWBE) firms able to provide this service

Council Goal(s):
- Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Allows standard of cover to be met greater than 90% of the time.

Con(s):
- Fiscal impact.

Fiscal Impact:
- Execution of the agreement renewal is budgeted at and costs $97,053.90.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into a renewal agreement for automatic aid service between the City of Asheville and Reems Creek Fire Department

RESOLUTION BOOK NO. 42 - PAGE 353

P. RESOLUTION NO. 21-187 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE PARASERVICES TRANSIT CONTRACT WITH BUNCOMBE COUNTY

Action Requested: Adoption of a resolution authorizing the City Manager to ratify the Paratransit Services Agreement with Buncombe County and to amend the agreement to increase the contract amount to include $1.3 million in the agreement to pay for paratransit services to be rendered during Fiscal Year (FY) 2022.

Background:
- On September 24, 2013, Council approved a resolution authorizing the City Manager to contract with Buncombe County to provide paratransit services through Mountain Mobility.
- On August 25, 2020, Council approved a resolution authorizing the City Manager to ratify, amend and increase the contract amount by $1.3 million to pay for invoices remaining in FY 2020 and pay for paratransit services rendered during FY 2021.

- Staff is requesting approval of a change order to include $1.3 million in the contract to pay for paratransit services to be rendered during FY 2022.
- The contract currently has a balance of $185,552.23 and will increase to $1,485,552.23 when the change order is processed in Munis,
- Funding for the contract is budgeted in the FY 2022 Transit Operations Budget.
- Per N.C. General Statute §160A-461, inter-local agreements must be ratified by the City Council.
- This action includes ratification of the original 2013 agreement, as well as the amendment to increase funding in the service contract for the provision of paratransit services for FY 2022.

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:
- Adopt a resolution authorizing the City Manager to ratify the Paratransit Services Agreement with Buncombe County, amend the agreement to increase the contract amount by $1.3 million, and increase the current contract amount from $185,552.23 to $1,485,552.23 in the agreement to pay for paratransit services to be rendered in FY 2022.

RESOLUTION BOOK NO. 42 - PAGE 354

Q. ORDINANCE NO. 4394 - TECHNICAL BUDGET AMENDMENT TO ACCOUNT FOR FIRE PROTECTION REVENUES AS OUTLINED IN AN AGREEMENT WITH BUNCOMBE COUNTY

Action Requested: Adoption of a technical budget amendment in the Special Revenue Fund in the amount of $440,000 to account for fire protection revenues as outlined in an agreement with Buncombe County.

Background:
- The Asheville Special Fire Protection & Ambulance and Rescue Service District of Buncombe County comprises the Biltmore Estate property, and portions of the Haw Creek District.
- It is served by the Asheville Fire Department for fire protection and rescue services.
- The County levies a special property tax in the Asheville Special Fire Protection & Ambulance and Rescue Service District and appropriates those funds to the City of Asheville.
- Sales taxes are also distributed based on the proportion of ad-valorem tax levies within the County.

- As part of the agreement with Buncombe County approved by Council on June 8, 2021, the City is required to begin accounting for the property and sales tax revenue received as part of the agreement in the Special Revenue Fund.
- The City has historically accounted for this revenue in the General Fund.
- The Adopted FY 2021-22 Budget included these revenues as part of the General Fund budget; this technical budget amendment will provide authorization to record the revenues in the Special Revenue Fund as required by the agreement.

Council Goal(s):
- Connected and Engaged Community

Pro(s):
- Brings the City into compliance with the terms of the agreement.

Con(s):
- None

Fiscal Impact:
- There is no net fiscal impact as this revenue was included in the General Fund as a part of the FY 2021-22 Adopted Budget.

Motion:
- Motion to adopt a technical budget amendment for fire protection services in the Special Revenue Fund in the amount of $440,000.

ORDINANCE BOOK NO. 33 - PAGE 363

R. RESOLUTION NO. 21-188 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NATIONAL RESOURCE DEFENSE COUNCIL FOR THE PURPOSE OF ADDRESSING THE CITY'S FOOD POLICY ACTION PLAN THROUGH INCREASED FOOD WASTE REDUCTION EDUCATION IN THE CITY OF ASHEVILLE

ORDINANCE NO. 4395 - BUDGET AMENDMENT TO ACCEPT FUNDING FROM THE NATIONAL RESOURCE DEFENSE COUNCIL FOR THE OFFICE OF SUSTAINABILITY'S FOOD WASTE REDUCTION WORK

Action Requested: Adoption of a resolution authorizing the City Manager to accept funding in the amount of $16,500 from Natural Resource Defense Council (NRDC) for the Office of Sustainability's food waste reduction work and a budget amendment in the amount of $16,500 to appropriate the funding in the City's Sustainability Budget.

Background:
- In November 2017, the Asheville City Council approved the Municipal Food Policy Goals and Action Plan by adopting Resolution 17-257.
- The adopted plan included a focus area of Resource Stewardship.
- Within the resource stewardship focus area, the plan outlines a need to create an actionable plan for city food waste recovery, composting, and redistribution.
- In FY21, the NRDC project selected the City of Asheville's Office of Sustainability to participate in a Southeast regional cohort with Atlanta, Memphis, Nashville, and Orlando to develop food waste reduction initiatives.
- In FY21, the City of Asheville's Office of Sustainability initiated pilot projects to increase food waste reduction and educate residents on opportunities for decreasing residential and commercial food waste.

    - At the January 12, 2021 City Council meeting, the City Council approved this budget ordinance and resolution 21-6 authorizing the City to accept FY21 grant funds to support the implementation of the City's Food Waste Reduction Campaign.
    - Utilizing the FY21 funds, the project:
        - produced a food waste reduction proclamation,
        - assisted the Food Waste Solutions-WNC networking entity to launch a new public education website (www.wncfoodwaste.org),
        - developed and implemented a community engagement campaign and social media campaign,
        - printed education materials for community partners, and a home food waste challenge.
    - Additionally, food waste snapshot audits were conducted at three city facilities to better understand waste reduction and diversion opportunities.
    - During FY21 internal preparations and logistics were completed to facilitate the launch of a public food scrap drop off pilot project in FY22.
- NRDC extended new funding into FY22 to deepen connections and collaboration with Buncombe County and continue strategic food waste reduction work in Asheville and Buncombe County.
- FY22 grant funds will be used for food waste reduction outreach and education efforts.
- Project efforts include:
    - Public Food Waste Reduction collaboration with Buncombe County staff,
    - Snapshot food waste audits at city and county facilities,
    - Community compost drop off pilot program launch, and
    - Public outreach and education campaign.
- NRDC Grant recipients are not required to provide a cash match.

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

Committee(s):
- None

Pro(s):
- Helps support City's Food Policy Action Plan Resolution while leveraging NRDC funding
- Engage with regional partner cities to connect, collaborate, and share best practices
- Collaborate with Buncombe County staff to develop and execute waste reduction initiatives

Con(s):
- None

Fiscal Impact:
- No City match is required.

Motion:
- Motion to approve a resolution authorizing the City Manager to accept funding from the Natural Resource Defense Council and a budget amendment in the amount of $16,500 to appropriate the funding in the City's Sustainability budget.

RESOLUTION BOOK NO. 42 - PAGE 355
ORDINANCE BOOK NO. 33 - PAGE 364

S. BUDGET AMENDMENT TO APPROPRIATE AMERICAN RESCUE PLAN ACT FUNDING IN THE SPECIAL REVENUE FUND FOR PANDEMIC-RELATED REVENUE LOSSES

This item was removed from the Consent Agenda for discussion and/or individual vote.

Mayor Manheimer announced that there was one advanced sign-in caller; however, they did not join the meeting.

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

Councilwoman Roney moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "S". This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

S. ORDINANCE NO. 4396 - BUDGET AMENDMENT TO APPROPRIATE AMERICAN RESCUE PLAN ACT FUNDING IN THE SPECIAL REVENUE FUND FOR PANDEMIC-RELATED REVENUE LOSSES

Action Requested: Adoption of a budget amendment in the amount of $1,600,000 in the City's Special Revenue Fund to appropriate American Rescue Plan Act State and Local Government Fiscal Recovery Funds for the purpose of addressing revenue losses associated with the COVID-19 pandemic.

Background:

- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As part of the ARPA State and Local Government Fiscal Recovery Funds (FRF), the City of Asheville is receiving $26,293,853.
- On July 27, 2021, City Council authorized the receipt of the $26.2 million in ARPA funding and delegated the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.
- The U.S. Treasury Department has issued guidance to describe allowable uses for the ARPA FRF funding, which centers around these major areas:
    - Public Health Uses
    - Negative Economic Impacts
    - Premium Pay for Essential Workers
    - Revenue Losses
    - Investments in Water, Sewer, and Broadband Infrastructure
    - Crime Response and Prevention.
- In regards to revenue losses, the U.S. Treasury Department guidance states that recipients may utilize ARPA funding for the provision of government services, to the extent of the reduction in revenue due to the COVID–19 public health emergency, relative to revenues collected in the most recent full fiscal year prior to the emergency.
- Budget staff has calculated the City of Asheville's revenue loss utilizing the guidance and formula provided by the U.S. Treasury Department and determined that the City is eligible to utilize ARPA funding to replace lost revenue.
- After analyzing revenue performance in the City's General Fund and its six Enterprise Funds since the beginning of the pandemic, staff is recommending that City Council

approve the use of $1.6 million in ARPA funding to offset revenue losses in the Parking Services Fund.
- No additional usage of ARPA funding for revenue loss is being recommended by staff.
- The budget amendment will appropriate ARPA funding in the Special Revenue Fund which will then be transferred to the Parking Services Fund.

Council Goal(s):
- A Financially Resilient City

Pro(s):
- Provides funding to allow the Parking Services Fund to offset the operating deficit that occurred in the fund in fiscal year 2020-21 due to the loss of on-street and garage revenue from the pandemic.

Con(s):
- Reduces the amount of ARPA funding available to address other initiatives

Fiscal Impact:
- As noted above, the City will receive $26.2 million in ARPA funding.
- If City Council approves this budget amendment for revenue loss, the City will have budgeted approximately $5.5 million in ARPA funding as detailed in the table below; leaving $20.7 million available for other initiatives.

Budgeted ARPA Funding To Date	**Amount**
Emergency Non-Congregate Homeless Shelter	$1,761,637
Public Portable Toilets	$90,000
Homeward Bound Acquisition of the Days Inn	$2,000,000
Revenue Loss	$1,600,000
TOTAL	**$5,451,637**

Councilwoman Roney repeated the questions from the work sesion regarding the current General Fund fund balance and/or its percentage, as well as the request to pull these funds from our General Fund Fund Balance so we're not competing with our partners who have urgent need for overlapping emergencies now. Finance Director Tony McDowell did not have exact numbers for the General Fund balance or percentage due to the audit taking place, and said that staff does not recommend using $1.6 Million from the General Fund fund balance as we typically use those funds for unplanned expenses or emergencies. Staff does not recommend utilizing Fund Balance at this point for this loss.

Councilwoman Roney responded that we are in a state of emergency as people in our City, County and region are experiencing the impact of climate change with the loss of lives, homes, farmland, and resources due to flooding and damage from Tropical Storm Fred. It is literally the rainy day and what our Fund Balance is designed for. She could not support the motion to use ARPA funds for this purpose.

Councilwoman Wisler moved to adopt the budget amendment in the amount of $1,600,000 in the City's Special Revenue Fund to appropriate American Rescue Plan Act State and Local Government Fiscal Recovery Funds for the purpose of addressing revenue losses

associated with the COVID-19 pandemic. This motion was seconded by Vice-Mayor Smith and carried on a 6-1 roll call vote, with Councilwoman Roney voting “no.”

ORDINANCE BOOK NO. 33 - PAGE 365

III. PRESENTATIONS & REPORTS:

A. MANAGER’S REPORT

City Manager Campbell, along with other City staff, updated City Council on the Tropical Storm Fred Response; Reparations Process update; and Legislative update.

Tropical Storm Fred Response

City Manager Campbell recognized the tremendous work of our interdepartmental/ intergovernmental team - City Departments: Fire Department; Public Works; Police Department; Development Services; Communications and Public Engagement; Parks and Recreation; and Water Resources. Partners included Buncombe County; Duke Energy; Metropolitan Sewerage District; National Weather Service; and the N.C. Dept. of Transportation (NCDOT).

Regarding the Tropical Storm Fred response, Assistant Fire Chief Chris Budzinski outlined (1) Coordination - Constant coordination with Buncombe County Emergency Management beginning Monday 8/16. Meetings and discussions included Buncombe County, City Manager’s Office, NCEM, NWS, BCFDs, NCDOT, Haywood County Emergency Management throughout the event. An actions overview includes (1) Activated City of Asheville Emergency Operations Center to Level 3, eventually upgraded to Level 2 due to potential intensity increase - Level 2 activation included PW, APD, Water Resources, Asheville Fire Department, Communication & Public Engagement; (2) Utilized AVL Alert to request evacuation of residents from the most impacted areas of the Swannanoa River - Asheville Police Department notified unhoused communities near both Swannanoa and French Broad; (3) AFD responded to 144 incidents during the 24 hour period (a) Conducted over 40 water rescues. 22 victims were rescued from a MH community on Sand Hill Road; (b) Requested and received additional Swiftwater Rescue team from BCEM/NCEM due to call volume; and (c) Deployed 9 members to Haywood County to assist and have been assisting since then which will continue over the foreseeable future; (4) Swannanoa crested @ 14.7ft @ 0345 8/18- (Moderate flood stage - 14.5 ft, 19.2 ft crest in 2004); (5) French Broad crested @ 12.7 ft @ 0238 8/18 - (Minor flood stage - 11.1 ft); (6) Conducted damage assessments to assist in disaster declaration; and (7) COA in conjunction with BC declared a state of emergency due to this event.

Regarding the Tropical Storm Fred response, Public Works Director outlined the following: (1) Beginning Tuesday August 17th Tropical Storm Fred began dumping rain on the Asheville metropolitan area (a) Total of 18 streets were closed and barricaded by Public Works crews. The public was informed of these closures through social media, the Buncombe County EOC and other media sources; (b) 20 downed tree calls. Many entangled with utility lines; (c) Slope failure adjacent to the current one on Vance Gap Road; and (d) Section of Appalachian Way in West Asheville washed out; (2) As soon as the waters began to recede, crews began cleaning the streets of silt and debris and doing safety inspections prior to reopening the streets; (3) Consequently, through their efforts, by late Wednesday afternoon nearly all these streets were reopened, with the exception of Riverside Drive at the railroad trestle in the River Arts District, which remained closed until early Saturday morning August 21st; (4) The road was reopened in time for the half-marathon event that used Riverside Drive as part of the certified course for the race; and (5) Public Works continues to remove debris from bridges, clean drainage structures, pipes and sweep streets in final clean up.

Reparations Process Update

City Manager Campbell said that on July 14, 2020 the Asheville City Council passed a resolution supporting community reparations for Black Asheville. The definitions of reparations are: "*The action of repairing something" "The making of amends for wrong or injury done" "The making of amends for a wrong one has done, by paying money to or otherwise helping those who have been wronged"* The resolution calls for the city manager to, "establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the black community." She explained the three-phase process - PHASE 1: Information Sharing and Truth Telling Speaker Series - May 2021/June 2021 (Completed); PHASE 2: Formation of the Commission - July 2021/August 2021 (Underway); and PHASE 3: Finalize and present the report - January 2022/April 2023.

Interim Equity Officer Brenda Mills explained the role of the project manager. The project management objective include, but are not limited to: (1) Assist in the development of a process to appoint members to Reparations Commission; (2) Support for the work of Reparations Commission to include: (a) Incorporation of information received during Phase 1; (b) Continued community engagement, information sharing and discussion within impacted communities; (c) Attend and facilitate commission meetings; (d) Schedule development for short, medium and long term deliverables, including adjustments based on the progress of work and specific recommendations for prioritizing and accelerating critical path items; (e) Assist the commission with final report and recommendations to the City Council; and (f) Support the formation of working groups of commission members; and (3) Provide process updates on a bi-monthly basis.

She explained the Request for Proposals (RFP) was issued July 7 and responses due August 6 - Nine (9) responses received. All respondents complied with the City's Asheville Business Inclusion Policy. A city team reviewed RFP responses and chose TEQuity - an African American-owned management consulting firm specializing in advancing equity through the use of project management services, strategic planning, technology and analytics. They have worked extensively with: Federal, State and Local government agencies; Minority and women owned businesses; and Historically Black Colleges and Universities.

She outlined TEQuity's relevant project experience in Western NC: (1) TEQuity worked with BBC Research Consultants on the City of Asheville's Disparity Study serving as the community engagement lead and interviewed minority and women-owned businesses in the region. Examined how these businesses were faring in the local marketplace and as part of the City's contracting and procurement as well as measuring participation and availability; (2) Conducted an economic leakage study for the Western NC New Economy Coalition to identify industries for minority and small business creation and expansion; and (3) Led the Small Business Capacity Enhancement project in WNC for the NC Department of Transportation working to grow the capacity of minority and women owned businesses in 31 counties of Western North Carolina. TEQuity is additionally partnering with RTI International, an independent, nonprofit research institute dedicated to improving the human condition. Provides a full range of economic analyses to support client goals. RTI International recent projects include: (1) Blueprint to Dismantle Systemic Racism in Wake County (2021) - a community-based strategy planning process for its development; and (2) North Carolina Innovation Corridor (2020) - conducted research to imagine a regional economic development concept that leverages the innovation and placemaking assets within a 100-mile radius of an established, high-performing innovation hub-the Research Triangle Park and surrounding metro areas - how to generate higher wage job opportunities and more equitable economic growth in the coming decades.

We are currently in the process of completing the contract and will bring it to City Council on September 14 for approval. The formation of the Commission will be by October/November.

Ms. Mills responded to Councilwoman Kigore when she asked about the process for appointments to the Reparations Commission.

Councilwoman Mosley was pleased that Ms. Debra Clark Jones has actual ties to Asheville.

Legislative Update

City Attorney Brad Branham said the State budget proposal was passed by the House of Representatives. Policy additions include billboards, small cell wireless, school zoning, stormwater, short-term rentals, and tree protection.

He said regarding (1) Short-Term Rental Regulation - Also exists in separate bills (HB 829, HB 911); (2) Tree Protection - Asheville because of a Local Act (Session law 1985-556); (3) Legislative Process and Timeline - Budget currently with the Senate; and Governor's approval may not be required; and (4) Opposition Efforts - His office working with other cities, NCLM, key stakeholders to oppose these policy additions in the budget.

In response to Councilwoman Kilgore, City Attorney Branham said that if the legislation regarding short-term rental regulation passes, City Council will be limited to a basic set of zoning authority.

In response to Councilwoman Wisler, City Attorney Branham said that we have asked the legislature to have the stormwater, short-term rentals and tree protection initiatives be vetted independently and not include these embedded in a budget document.

In response to Councilwoman Wisler, City Attorney Branhan encouraged our citizens to contact our state legislators and conference chairs from the house and senate and let them know these will have a detrimental effect on Asheville and other cities and our need to have the ability to self-govern. Councilwoman Roney provided a website - NC Megaphone - that with a single click you can email every state senator and house member in the North Carolina General Assembly.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONDITIONALLY REZONE PROPERTIES LOCATED AT 1617 HENDERSONVILLE ROAD FROM INSTITUTIONAL DISTRICT AND RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 14, 18, 28, 38, 39, 48, 49, 55, 58 AND 59 GLASTONBURY LANE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 9, 15, AND 17 HASTINGS COURT FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; AND 1, 2, 3, 5, 6, 7, 19, 21, 22, 32, 42, 52, 57 AND 62 LINCOLNSHIRE LOOP FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE

ORDINANCE NO. 4397 - ORDINANCE TO CONDITIONALLY REZONE PROPERTIES LOCATED AT 1617 HENDERSONVILLE ROAD FROM INSTITUTIONAL DISTRICT AND RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 14, 18, 28, 38, 39, 48, 49, 55, 58 AND 59 GLASTONBURY LANE FROM RM-16

RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 9, 15, AND 17 HASTINGS COURT FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; AND 1, 2, 3, 5, 6, 7, 19, 21, 22, 32, 42, 52, 57 AND 62 LINCOLNSHIRE LOOP FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DESIGN DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezoning properties located at 1617 Hendersonville Road from Institutional District and RM-16 Residential Multi-Family High Density District to Commercial Expansion/Conditional Zone; 14, 18, 28, 38, 39, 48, 49, 55, 58 and 59 Glastonbury Lane from RM-16 Residential Multi-Family High Density District to Commercial Expansion/Conditional Zone; 9, 15, and 17 Hastings Court from RM-16 Residential Multi-Family High Density District to Commercial Expansion/Conditional Zone; and 1, 2, 3, 5, 6, 7, 19, 21, 22, 32, 42, 52, 57 and 62 Lincolnshire Loop from from RM-16 Residential Multi-Family High Density District to Commercial Expansion/Conditional Zone. This public hearing was advertised on August 13 and 20, 2021.

Action Requested: Conditionally zone 28 parcels totalling approximately 125 acres from Residential Multi-family, High Density (RM-16) and Institutional (INST) to Commercial Expansion - Conditional Zone (COM EXP - CZ).

Project Location and Contacts:

- The project site is located on a large 120 acre parcel located at 1617 Hendersonville Rd. (PIN 9645-89-9707).
- In addition, the rezoning request includes an additional 27 parcels located within the community, as identified in the application.
- Owner: Deerfield Episcopal Retirement Community Inc.

Summary of Petition:

- This petition is to construct a large expansion of the existing Deerfield retirement community along with associated site improvements including parking, open space and sidewalk connections.
- The applicant is seeking a rezoning via conditional zoning due to the overall size and non-residential nature of some of the community facilities.
- The project area is concentrated on approximately 38 acres located in the south/southeast portion of the Deerfield campus and will include multiple new buildings and building expansions that, in sum, will be over 800,000 square feet and will include:
  - 234 independent dwelling units
  - 75 assisted living units
  - 26 additional skilled nursing and community facilities
  - 362 off-street parking spaces, and
  - expanded community facilities
- The project is proposed to be built in two phases and per the proposed master plan will include:

  Phase 1

  A - A 21,500 square foot expansion of the existing skilled nursing facility, adding two levels with 26 new units.

  B - A 9,000 square foot expansion of the existing multipurpose room (Blue Ridge Room)

  C - A new 45,000 square foot, two-story parking deck with 128 spaces

  D - A new 220,000 square foot, five-story independent living facility with 90 units and 90 parking spaces located under the building.

  E - A new 61,800 square foot, three-story building that includes a 30,200 square foot

community center on the ground floor and 24 assisted living units on the second and third levels above the shared community space (Building E will connect to Building G in the future for a total of 148,000 square feet).

F - Two new 36,000 square foot, three-level multifamily “hybrid homes” buildings that are three stories with 12 units each and 12 parking spaces located under each building.

I - A future 2,500 square foot grounds/facilities/maintenance building.

Phase 2 - future

G - A future 86,200 square foot, three-story assisted living expansion containing 51 units.

H - 10 future “hybrid homes” (identical or substantially similar to “F”).

- The tallest building will not exceed 65 feet and the architectural style of all structures will be consistent with the existing community character.
- Access into the community will remain unchanged with entrances located on Hendersonville Rd., Racquet Club Rd. and Valley Springs Rd.
- Stormwater infrastructure, roads, sidewalk and open space will continue to be privately maintained.
- Outdoor community open space is provided and scattered throughout the community, including in the areas where the new construction/expansions are occurring.
- An innovative stormwater management system is proposed that is designed to collect and direct stormwater from rooftops and yard basins into a natural looking mountain stream amenity for the residents of the community.
- This water may also be used for irrigation in the landscape.
- Tree canopy preservation and other landscaping will be provided as required.
- The proposed plan appears to meet or exceed these requirements.
- Approximately 27 acres in the northwest corner of the campus falls within the Blue Ridge Parkway Overlay; however, the subject project area is not located within the overlay and is therefore not restricted.
- The COM EXP zoning district requires 10 foot wide sidewalks throughout the community and the applicant is proposing sidewalks that range in width from five to eight feet, depending on context and location on the site.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals including encouraging responsible growth by providing infill development in targeted growth areas and along transit corridors and by enhancing the community’s walkability and access to outdoor spaces.
- The project also provides a naturalized stormwater management system thereby supporting goals for green stormwater infrastructure and improving the community’s resilience.

Compatibility Analysis:

- The project is integrated into the existing Deerfield retirement community and is, therefore, consistent and compatible with that community that already provides a full range of housing types and support services.
- Additionally, the community itself is compatible with both the surrounding zoning and land uses and transitions well from the low density single family uses to the west to the Hendersonville Rd. commercial corridor to the east.

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) - April 19, 2021 - approved with conditions.
- Planning and Zoning Commission (PZC) - June 2, 2021 (hearing) and July 7, 2021 (vote) - approved unanimously 6-0.

Staff Recommendation:

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

Ms. Tuch then outlined the conditions: (1) Technical modification (sidewalks); (2) Mix of uses (predominantly residential & uses in support of residences); (3) Mix of housing types; (4) Extensive landscaping and open spaces; and (5) Innovative stormwater management system.

When Councilwoman Roney asked what efforts are being made to reduce the environmental impact through this property, Ms. Tuch said that they have done a significant retrofit of existing facilities to reduce energy use and as they build new, they will apply the same energy strategies.

Mr. W. Louis Bissette Jr., attorney representing Deerfield, gave a brief background of Deerfield.

Mr. John Harrell, from THW Design, briefly went over the site plan. He then reviewed the existing campus map of Deerfield. Their master plan consists of a 90 unit independent living building; community center with assisted living units on upper levels (two phases); 12 unit independent living “hybrid” buildings (two or more phases); 2 level parking deck; new multi-purpose room expansion; 26 bed skilled nursing expansion; grounds maintenance building; and site amenities and new loop road. He outlined the several current energy conservation measures. He explained their energy conservation in new construction, along with several planning considerations/goals. He showed a rendering of the assisted living activity lawn and pictures of the facility and trail network.

In response to Councilwoman Kilgore regarding affordable housing and the need for more diversity, Mr. Bissette said that two years ago Deerfield, in conjunction with their residents, made a $250,000 contribution to the Asheville Affordable Housing Fund. He also explained that if one of their residents cannot pay their fee, they provide funding for those individuals. They have also done extensive work with Habitat for Humanity. They are proud of their community efforts. Councilwoman Turner also noted that Deerfield also made a $100,000 donation to hire staff for the Community Land Trust.

Mayor Manheimer opened the public hearing at 6:17 p.m. and announced that there were no advanced live call-ins for this item. She then closed the public hearing at 6:17 p.m.

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

Councilwoman Mosley moved to approve the conditional zoning request for the property located at 1617 Hendersonville Rd. from Residential Multi-family, High Density (RM-16) and Institutional (INST) to Commercial Expansion-Conditional Zone (COM 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) supports infill development in a strategically located area; 2) expands opportunity for walkability and outdoor access; and, 3) provides green stormwater infrastructure improving community resilience. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

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B. PUBLIC HEARING TO CONDITIONALLY REZONE 144 AND 159 RIVERSIDE DRIVE FROM RIVER ARTS DISTRICT - OPEN SPACE AND RIVER ARTS DISTRICT - RIVER TO RIVER ARTS DISTRICT - OPEN SPACE/ CONDITIONAL ZONE AND COMMERCIAL EXPANSION/CONDITIONAL ZONE

ORDINANCE NO. 4398 - ORDINANCE TO CONDITIONALLY REZONE 144 AND 159 RIVERSIDE DRIVE FROM RIVER ARTS DISTRICT - OPEN SPACE AND RIVER ARTS DISTRICT TO RIVER ARTS DISTRICT - OPEN SPACE/ CONDITIONAL ZONE AND COMMERCIAL EXPANSION/CONDITIONAL ZONE

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezone 144 and 159 Riverside Drive from River Arts District - Open Space and River Arts District - River to River Arts District - Open Space/Conditional Zone and Commercial Expansion/Conditional Zone to construct a 6-story mixed-use building with 160 residential dwelling units and 14,000 square feet of commercial. This public hearing was advertised on August 13 and 20, 2021.

Action Requested: Conditionally zone the property located at 144 and 159 Riverside Dr. from River Arts District - Open Space (RAD-OSP) and River Arts District - River (RAD-RIV) to River Arts District - Open Space, Conditional Zone (RAD-OSP CZ) and Commercial Expansion - Conditional Zone (COM EXP - CZ).

Project Location and Contacts:

- The project site includes a single 1.29 acre parcel located at 144 Riverside Dr. (PIN 9638-88-8040, and a single 2.95 acre parcel located at 159 Riverside Dr. (PIN 9638-88-9364).
- Owner: Riverlink Inc.

Summary of Petition:

- The proposed development project is located along Riverside Dr., just south of Interstate-240.
- The majority of the project, including all of the new building construction, will occur on 159 Riverside Dr. located on the east side of Riverside Dr., and includes a six-story, mixed-use building with 134 dwelling units, 14,000 square feet of commercial space, 182 off-street parking spaces and other related site improvements.
- The total building square footage, excluding the parking podium, is approximately 144,600 square feet.
- The 159 Riverside Dr. parcel is proposed to be conditionally rezoned to COM EXP - CZ.
- 144 Riverside Dr., which is located across the street on the west side of Riverside Dr., is included to meet Tree Canopy Preservation requirements and will be conditionally rezoned separately to RAD-OSP CZ.
- Future uses and/or development on the 144 Riverside Dr. parcel will be limited to those allowed in RAD-OSP and subject to the UDO's technical and process standards, and the design and operational standards found in the River Arts District Form District code.
- The applicant is seeking a conditional rezoning due to the number of residential units (over 50) and the overall size of the building (over 100,000 s.f.).
- 159 Riverside Dr. is under a brownfield agreement and development of the site must comply with the conditions of this agreement.
- Buildings in this area of the River Arts District (RAD) are limited to five stories or seven stories when 20% of the residential units meet affordable housing standards.
- The project includes six stories for a portion of the building and is offering 5% of the total number of units (7 units) to be affordable to those earning 80% of Area Median Income

(AMI) for a period of 20 years.

- The project also provides a number of other public benefits (see Plan Consistency below).
- While the proposed building exceeds the number of stories proposed the height is less than the 70 foot height limit.
- 159 Riverside Dr. is located within the 100 year floodplain for the French Broad River.
- 144 Riverside is located in the floodway and 100 year floodplain, limiting future use of this property.
- The applicant proposes to elevate the first floor of the building to be above the base flood elevation with structured parking below in order to comply with flood regulations.
- The existing historic mill building on the northern end of the project site is proposed to be preserved and will connect to the new construction.
- An eight foot wide sidewalk is proposed in front of the building on 159 Riverside Dr.
- A six foot wide planting strip separates the sidewalk from the Riverside Dr.
- Vehicular access to the off-street parking is proposed to be located at both ends of the site (north and south) off of Riverside Dr.
- A separate entrance to the structured parking is located at the back of the building and accessed directly from the parking lot.
- The subject property is located within the River Arts District Form Code area and while a conditional zoning is required, the design requirements of the form district will still apply.
- The applicant is seeking modifications to certain development requirements including:
    1. **Exceeds the maximum number of stories** - the River Arts Form District controls the visual impact of new construction by establishing standards that regulate a vertical height measurement and the number of stories. The proposed project meets the maximum 70 foot height requirement but exceeds the maximum story height of five stories by one story, resulting in a six-story building for approximately half of the building.
    2. **Exceeds the maximum driveway width** - the driveway entrance on the south side exceeds the maximum driveway width of 24 feet by two additional feet due to fire department access requirements.
    3. **Exceeds the maximum building length** - building facades greater than 200 feet long must be broken up with openings a minimum of 15 feet wide and 11 feet high. The primary building facade is over 400 feet long, requiring two interruptions/openings. The applicant proposes to provide two glass enclosed openings, allowing light but preventing air movement and the movement of people from the front to the back of the site.
- Staff and the Design Review Committee supported the modifications #s 1 and 2 but expressed concern about #3; however, the majority of the Planning & Zoning Commissions supported all three modifications requested.
- Landscape requirements apply and include street trees, parking lot screening and parking lot landscaping.
- Open space is not required, however, Tree Canopy Preservation (“TCP”) is, and the proposed plans indicate full compliance utilizing the parcel across the street at 144 Riverside Dr.

Plan Consistency:

Living Asheville Comprehensive Plan

The proposed development supports the following goals in the Living Asheville Comprehensive Plan:

- Encouraging responsible growth by providing infill development in targeted growth areas and near transit corridors.
- Increases the supply of housing, including affordable housing.
- Developing underutilized sites, including brownfield sites.

- Enhances bike and pedestrian infrastructure and improves overall walkability and access to open space.
- Provides a green roof and stormwater recapture system which supports goals for green stormwater infrastructure and improving the community's resiliency.
- Preserves the historic mill building and incorporates it into the new construction, meeting goals for neighborhood identity and creative placemaking.

Wilma Dykeman Riverway Masterplan

- The subject property is located in the River Arts District which is identified in the Wilma Dykeman Riverway Masterplan as an area where mixed-use, mixed income housing that preserves the industrial heritage of the mills is desired in order to contribute to the unique neighborhood identity and promote creative placemaking.
- The plan also calls for enhanced (multimodal) access to businesses, residents and recreation opportunities as well as preserved open space and green infrastructure that will help control and clean storm and flood waters.
- The project largely aligns with the aforementioned plan goals.

Compatibility Analysis:

- New building construction is located between Riverside Dr. and Norfolk Southern railroad tracks, both of which are located within wide rights-of-way (100+ feet) that effectively separate and buffer the project from adjacent uses.
- The nearest residence is over 300 feet from the back of the proposed building.
- The proposed building is oriented towards Riverside Dr. as required by the River Arts Form Code and River District Design Guidelines, and includes an enhanced pedestrian zone and streetscape that connects the project to the public use areas.
- The proposed use and design is consistent with the existing Future Land Use designation of Traditional Corridor which calls for mixed-use development with buildings located close to the street and enhanced multimodal access.

Council Goal(s):

- This project is most closely aligned with the council goals of *A Well-Planned and Livable Community* and *Quality Affordable Housing*.

Committee(s):

- Technical Review Committee (TRC) - April 19, 2021 - approved with conditions.
- Asheville Area Riverfront Redevelopment Commission (AARRC) - May 13, 2021. The Commission heard a summary of the project and expressed appreciation for the materials, design and enhanced streetscape but expressed concerns over the safe movement of pedestrians from the greenway and open space areas across the street and also offered recommendations to substitute native riparian plant species for some of the plant material proposed.
- Design Review Committee (DRC) - June 3, 2021. The Committee reviewed the proposed project and recommended approval of the design with the following conditions:
    1. The building design is adjusted to include the building pass-through in accordance with the form code at 159 Riverside Dr.;
    2. The project provides vegetated screening along the parking lot proposed at 144 Riverside Drive in accordance with the guidelines;
    3. The width of the sidewalk is adjusted to widen the planting strip at the northern end of 159 Riverside Dr., and,
    4. No signage is applied to the historic smokestack.
- **Note:** the applicant subsequently modified their plans addressing conditions #2-4.
- Planning and Zoning Commission (PZC) - July 7, 2021. The Commission reviewed the proposed project, along with the recommendation from the DRC, and recommended approval of the design without conditions, 5:1.

Staff Recommendation:

- Staff concurs with the PZC recommended approval based on the reasons stated above.

Ms. Tuch explained the following conditions: (1) Technical modifications (stories, pass-through, driveway); (2) Mix of uses (residential & commercial); (3) Affordable housing (5% or 7 units); (4) Structured parking (raising building above base flood elevation); (5) Green roof & stormwater recapture; (6) Preservation of historic structures; and (7) Brownfield site.

Ms. Tuch responded to Councilwoman Turner when she asked for the reasoning behind breaking up the facade if over 200 feet.

Mr. Wyatt Stevens, attorney representing the developer, gave a brief history of the existing property. He then showed various renderings of the mixed use development on 144 and 159 Riverside Drive. He showed the conceptual rendering, along with site plan and elevations.

In response to Councilwoman Roney, Mr. Stevens said that they have made a commitment to use good faith efforts to hire minority contractors and women-owned businesses when available and qualified. In addition, they will hold job fairs and the general contractors will be required to make that same commitment.

There was discussion, initiated by Councilwoman Roney, around whether the developer would be willing to build seven stories in order to get more than 5% affordable units. Mr. Stevens said that they did consider the City's Land Use Incentive Grant Policy; however, they didn't qualify and due to the acquisition, development and construction costs of a project of this nature, they would not be able to provide any more than 5% affordable housing.

Mayor Manheimer opened the public hearing at 7:10 p.m.

Ms. Anne Keller, RiverLink's Board Chair, spoke in support of the conditional zoning as it will bring more activity in the River Arts District.

Mayor Manheimer closed the public hearing at 7:12 p.m.

In response to Councilwoman Turner, City Attorney Branham said that any amendment to the conditions must be accepted by the applicant and the City. If the applicant agrees to the condition, then a motion to amend the conditions would be in order. He reminded Council that we do not have inclusionary zoning laws in North Carolina, which means that there is no means to require any percentage of affordable housing in new development, and therefore the number of affordable housing units should be not considered in your final vote. Council should only consider the impacts to the community and the continuity with approved area plans.

When Councilwoman Turner asked the developer if he would be willing to provide more affordable housing units. Mr. Wyatt said that the applicant has provided as much as he can with 5% and with all due respect, he cannot do anymore.

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

Councilwoman Mosley moved to approve the conditional zoning request for the property located at 144 and 159 Riverside Dr. from River Arts District - Open Space (RAD-OSP) and River Arts District - River (RAD-RIV) to River Arts District - Open Space Conditional Zone (RAS-OSP CZ) and Commercial Expansion - Conditional Zone (COM 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) supports infill development in a strategically located area; 2) sets aside units to be affordable to those earning 80% AMI; 3) expands opportunities for bike and pedestrian access to businesses, parks and open spaces; 4) provides green stormwater infrastructure improving community resilience; 5) develops an underutilized property (brownfield site); and, 6) preserves historic structures. This motion was seconded by Councilwoman Kilgore and carried on a 5-2 vote with Councilwoman Roney and Councilwoman Turner voting "no."

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C. PUBLIC HEARING TO CONDITIONALLY REZONE 22 WOODFIN PLACE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS EXPANSION DISTRICT/CONDITIONAL ZONE TO CONSTRUCT A 7-11-STORY MIXED-USE BUILDING ADDITION CONTAINING APPROXIMATELY 40 EXTENDED STAY HOTEL SUITES (80 GUEST ROOMS), 115 RESIDENTIAL UNITS AND 8,000 SQUARE FEET OF COMMERCIAL SPACE, ALONG WITH THE RENOVATION OF AN EXIATING 150-ROOM HOTEL

ORDINANCE NO. 4399 - ORDINANCE TO CONDITIONALLY REZONE 22 WOODFIN PLACE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS EXPANSION DISTRICT/CONDITIONAL ZONE TO CONSTRUCT A 7-11-STORY MIXED-USE BUILDING ADDITION CONTAINING APPROXIMATELY 40 EXTENDED STAY HOTEL SUITES (80 GUEST ROOMS), 115 RESIDENTIAL UNITS AND 8,000 SQUARE FEET OF COMMERCIAL SPACE, ALONG WITH THE RENOVATION OF AN EXIATING 150-ROOM HOTEL

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezone 22 Woodfin Place from Central Business District to Central Business Expansion District/Conditional Zone to construct a 7-11-story mixed-use building addition containing approximately 40 extended stay hotel suites (80 guest rooms), 115 residential units and 8,000 square feet of commercial space, along with the renovation of an existing 150-room hotel. This public hearing was advertised on August 13 and 20, 2021.

Action Requested: Conditionally zone the property located at 22 Woodfin St. from Central Business District (CBD) to Central Business District Expansion - Conditional Zone (CBD EXP - CZ).

Project Location and Contacts:

- The project site consists of a single 3.55 acre parcel located at 22 Woodfin St, (PIN 9649-41-6829).
- Owner: 22 Woodfin St. LLC

Summary of Petition:

- This petition is to construct a 7 to 11-story, mixed-use building that wraps around an existing 150 room hotel, along with associated site improvements including parking, open space and sidewalk/streetscape improvements.
- The project area will take up the entire three and a half acre site and will total approximately 480,000 gross square feet, including:
    - The existing 150 room hotel (87,000 square feet)
    - 8 additional standard hotel rooms
    - 49 extended stay hotel suites
    - 106 residential dwelling units (mix of apartment and condominium)

    - Approximately 8,000 square feet of non-residential/commercial space at the ground floor, (possibly including a 3,000 square foot grocery store).
- New construction includes approximately 393,000 square feet.
- The applicant is seeking a rezoning via conditional zoning due to the overall size (over 100,000 square feet) and height (over 100 feet) of the project.
- The subject property is located within the tallest height zone in height. as identified in the Unified Development Ordinance ("UDO").
- The tallest height zone allows buildings up to 265' in height.
- The maximum height of the proposed building addition is 119 feet-7 inches, as measured per the UDO.
- The subject property is also located within the Hotel Overlay zoning district which allows large and small hotels.
- The resulting hotel use will include 238 guest rooms and will be classified as a large hotel.
- As a conditional zoning application, public benefits as described in Appendix 7-A (Sec. 7-9-7(g)(2)(e) do not apply.
- The applicant may choose, however, to incorporate public benefits into their project as a way to mitigate or offset certain impacts.
- An approximately 11,500 square foot green roof is included in the design and public art is proposed along the wall(s) on Central Ave.
- The applicant is also proposing to incorporate building design consistent with two Green Globes (no commitment for certification).
- The applicant may work with the City Council on incorporating additional public benefits into the project in order to help offset the overall impact of the project.
- Affordable housing is not included in the project.
- Off-street parking for the hotel use is required; 238 guest rooms require a minimum of 119 off-street spaces.
- No parking is required for the other uses.
- The project provides 302 off-street parking spaces (174 structured spaces + 128 surface spaces).
- The project also proposes six on-street parking spaces with four spaces proposed along Woodfin St. and two spaces added to Central Ave.
- Vehicular access to the property includes two driveways into the surface parking, one each on Woodfin St. and Central Ave.
- There is an additional driveway into the parking deck proposed on Woodfin St.
- The project proposes to reduce the existing two westbound lanes on Woodfin St. to one lane for approximately 200 feet.
- This allows for the addition of four on-street parking spaces in front of the commercial ground level.
- A minimum 10 foot wide sidewalk is required along both Woodfin St. and Central Ave.
- Sidewalk ranging in width from 10 feet to 12 feet+ with courtyard space is shown.
- Most of the sidewalk will be constructed within the city rights-of-way but a portion will fall on private property requiring an easement for public use.
- Landscape requirements are minimal and limited to street trees, street buffer and parking lot landscaping.
- Open space is not required but Tree Canopy Preservation ("TCP") is required at a rate of five percent of the total site.
- The project will comply with TCP.
- The project proposes a limited "road diet" along approximately ⅔ of the Woodfin St. frontage, reducing the four travel lanes to three in order to accommodate wider sidewalks and four on-street parking spaces.
- A Traffic Impact Analysis ("TIA") was required and completed, following the North Carolina Department of Transportation (NCDOT) and City of Asheville review process.
- The study recommended standard signage and markings at the driveways and did not

require any mitigation to the surrounding intersections.

- The applicant is seeking modifications to certain design requirements including:
    - Expanses of blank wall with a horizontal width greater than 20 feet facing Central Ave. (wall measures approximately 25 feet wide).
    - Maximum setback on the Central Ave. facade shall exceed 20 feet in front of the terrace/courtyard, as shown on the building elevations and site plans (setback measures approximately 22').
    - The building exceeds the maximum horizontal wall dimension of 145 feet for the portions over 75 feet in height.
    - The lack of windows, doors and other openings along Central Ave. as the grade of the sidewalk drops below the floor level, which results in a blank wall that is over six feet in height (wall ranges in height from four to 12 feet).
    - Setting aside 50% of the street facing facade as a separate storefront on the Central Ave. facade (project sets aside 16%).

Comprehensive Plan Consistency:

- The proposed development supports a number of Plan goals including:
    - Encouraging responsible growth by providing infill development in targeted growth areas and along transit corridors that are in proximity to employment, goods, and services.
    - Enhancing pedestrian infrastructure and overall walkability.
    - Contributing to community placemaking through commitment to public art.
    - Providing a green roof system, which supports goals for green stormwater infrastructure and improving the community's resiliency.

- While the project, as proposed, is aligned with certain key goals found in Living Asheville, the Plan offers the following comment regarding lodging in the CBD, "*While there are a large number of residential units in downtown, a percentage of them are used only part of the year, a trend that should continue to be monitored, while applicable short-term vacation rental strategies and best practices are explored. Lodging is essential to the mix of uses downtown and while additional lodging uses may be appropriate, they must be considered in context with other development so that the variety and mix of uses, which give downtown its distinctive character, is not compromised*."

Compatibility Analysis:

- The project is located in the tallest height zone of the CBD (allowing up to 265' in height) where large, multi-storied buildings are anticipated.
- The proposed building would be the largest building in the area but is designed to resemble a collection of buildings that would be in keeping with the size and scale of other blocks.
- Additionally, the subject property is not directly adjacent to another parcel and is separated by road or interstate rights-of-way on all four sides, including controlled access right-of-way for Interstate 240 on both the west and north sides.
- The design and site context helps to mitigate the scale and mass of the project (see Project Renderings).
- Other comparable large/tall buildings in the area include (square footage is approximate):
    - Grove Arcade = 200,000 s.f., 3-4 stories
    - Harrah's Cherokee Center = 200,000 s.f., 3-4 stories
    - Battery Park Hotel = 170,000 s.f., 13 stories
    - Arras Hotel = 200,000 s.f., 17 stories
    - Renaissance Hotel = 190,000 s.f., 13 stories
- The proposed mix of uses are compatible and similar to the uses in the vicinity, which include lodging, residential, office, and health and fitness facilities.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - April 5 & April 19, 2021 - approved with conditions.
- Downtown Commission (DTC) - May 14, 2021. The Commission heard a summary of the project and expressed appreciation for the road diet and streetscape improvements but also expressed concerns over the Central Ave. facade and the proposed extended stay hotel units contributing to an imbalance of lodging units in the CBD.
- Design Review Committee (DRC) - June 17, 2021. The Committee reviewed the proposed project, along with the applicable materials, and recommended approval of the design with the following conditions.
    1. The applicant explore pedestrian improvements at the southwest corner of the project area;
    2. Landscaping and/or public art be applied to the wall on Central Ave. to soften the wall and provide interest for pedestrians; and,
    3. The applicant should work with the City Council on incorporating additional public benefits into the project in order to help offset the overall impact of the project.
- Planning & Zoning Commission (PZC) - July 7, 2021. The Commission reviewed the proposed project, along with the recommendations from the DRC, and recommended approval with the same conditions as those identified by the DRC, in addition to some minor revisions to project conditions as suggested by staff.

  Note: The applicant has responded to the recommendations and has added a commitment for art along the Central Ave. facade, addressing condition #2 and partially addressing condition #3. Green building elements including a green roof and Green Globe building features were already included in the project as additional public benefits. The applicant has looked at possible pedestrian improvements to the southwest corner; however, due to existing site constraints combined with the goal to preserve existing trees, they were unable to change the sidewalk and ramp design.

Staff Recommendation:

- Staff concurs with the DRC and PZC and recommends approval of the project based on the reasons stated above, also recognizing that the applicant has largely met the recommended conditions.

Ms. Tuch explained some of the conditions: (1) Technical modifications; (2) Mix of uses (hotel, extended stay hotel, residential, commercial); (3) Green roof; (4) Limited road diet; (5) Art along Central Ave.; and (6) 4 year approval period.

In response to Councilwoman Wisler, Mr. Derek Allen, attorney representing the developer, said that 49 are extended stay units are hotel rooms and they are intended to be a part of the ownership of the project. The 49 units will be owned and operated by the hotel.

Mr. Allen then highlighted some of the items Ms. Tuch reviewed, and outlined two revisions to the conditions: "(1) a new condition - Applicant will make good faith efforts to follow (and will expect its subcontractors to follow) the principles set forth in the Federal Procurement Regulations of 24 CFR 85.36(e) regarding contracting with small and minority firms and women's business enterprises, as modified as follows: (a) Applicant will take affirmative steps to assure that minority firms and women's business enterprises are used when possible; (b) Affirmative steps will include: (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (iii) Dividing total

requirements, when economically feasible, into smaller tasks or quantities to permit; (iv) maximum participation by small and minority business, and women's business enterprises; (v) Conducting job fairs in minority neighborhoods; (vi) Working with the YMI, Mountain Biz Works and other local non-profit agencies that serve the minority communities in Asheville; and (vii) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed this section; and (2) a modified condition no. 4 to read: 4. The proposed building addition (which is built around the existing Four Points hotel building), is approximately 480,000 square feet and includes the following: (a) 116 residential units that will be a mix of condominium and apartment units. A minimum of 10 units will be designated affordable at 80% AMI for a minimum of twenty years and subject to the following restrictions: (i) The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Asheville Community Development Department; and (ii) An Affordable Housing Deed Restriction will be provided by the City and will be filed and recorded by the property owner in Buncombe County Register of Deeds prior to the Project receiving final zoning permit; (b) 49 extended stay hotel suites that will be managed by the hotel per the updated City of Asheville UDO requirements; (c) 7,947 SF of total commercial space along Woodfin Street, including 3,000 square feet for a small grocery store; and (d) 308 total parking spaces, including structured, surface and a small amount of on-street parking." He explained that they used the public benefits table as a guide for the development. Using that table as a guide for the 49 extended stay hotel units, they have committed to several items, one of which is a commitment of $4,000 per room to be dedicated to either the Housing Trust Fund or the Reparations Fund.

In response to Councilwoman Mosely, City Attorney Branham said that City Council has the flexibility on where to put the $160,000 (4,000 per room of the 49 extended stay hotel units). He said we can structure this so the funds can be donated to the City and Council can make the designation unilaterally and after the fact. The benefits are purely voluntary and does not have a binding effect. It will not be made a part of the conditions.

When Councilwoman Roney asked about how many jobs will likely be at or above 80%, or $20.34/hour, Mr. Allen said that at this stage of the project they did not know the answer to that question.

Mayor Manheimer opened the public hearing at 8:09 p.m.

Three individuals urged City Council not to add any more hotels.

Mayor Manheimer closed the public hearing at 8:15 p.m.

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

City Attorney Branham said that the voluntary donation of the $160,000 is outside the scope of the conditional zonings, but the statement has been noted in the record.

Councilwoman Turner moved to approve the conditional zoning request for the property located at 22 Woodfin St. from Central Business District (CBD) to Central Business District Expansion - Conditional Zone (CBD EXP - CZ) with the addition of the one additional condition and revised No. 4 condition as outlined by Mr. Allen, 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) supports infill development in a strategically located area; 2) expands opportunity for walkability; 3) provides green stormwater infrastructure improving community resilience, and 4) provides public art contributing to community placemaking. This motion was seconded by Councilwoman Kilgore and carried a 4-3 vote with Councilwoman Mosley, Councilwoman Roney and Vice-Mayor Smith voting "no."

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D. 101 CHARLOTTE STREET

PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO RCG LLC FOR 101 CHARLOTTE STREET PROJECT

At the request of the developer, Vice-Mayor Smith moved to continue this public hearing until September 28, 2021. This motion was seconded by Councilwoman Mosley carried unanimously by roll call vote.

PUBLIC HEARING TO CONDITIONALLY REZONE 99999 CHARLOTTE STREET, 121CHARLOTTE STREET, 123 CHARLOTTE STREET, 125 CHARLOTTE STREET, 129 CHARLOTTE STREET, 135 CHARLOTTE STREET, 276 EAST CHESTNUT STREET and 99999 EAST CHESTNUT STREET FROM COMMUNITY BUSINESS I DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 3 BAIRD STREET, 15 BAIRD STREET, 19 BAIRD STREET, 23 BAIRD STREET, 25 BAIRD STREET, 132 FURMAN AVENUE and 134 FURMAN AVENUE FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE; 102 FURMAN AVENUE AND 99999 EAST CHESTNUT STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE, ALONG WITH AN AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATION OF 99999 EAST CHESTNUT STREET FROM TRADITIONAL NEIGHBORHOOD TO TRADITIONAL CORRIDOR

At the request of the developer, Councilwoman Wisler moved to continue this public hearing until September 28, 2021. This motion was seconded by Councilwoman Kilgore carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS

City Manager Campbell said that this is an opportunity for the public to give input on the American Rescue Plan Act (ARPA) State and Local Government Fiscal Recovery Funds.

Internal Auditor Patricia Rosenberg briefly reviewed the information she provided to Council in the worksession held earlier in the day.

Background:

- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As part of the ARPA State and Local Government Fiscal Recovery Funds (FRF), the City of Asheville is receiving $26,293,853.
- On July 27, 2021, City Council authorized the receipt of the $26.2 million in ARPA funding and delegated the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.

- There have been two City Council work sessions to facilitate the development of a plan for spending the $26.2 million in ARPA FRF funding.
- The U.S. Treasury Department has issued guidance to describe allowable uses for the ARPA FRF funding, which centers around these major areas:
    - Public Health Uses
    - Negative Economic Impacts
    - Premium Pay for Essential Workers
    - Revenue Losses
    - Investments in Water, Sewer, and Broadband Infrastructure
    - Crime Response and Prevention.
- The City plans to issue a community-wide Request for Proposals for specific projects that fit in the categories that Council will vote to approve at the September 14, 2021, meeting.
- These are the staff recommended categories to receive funding:
    - Affordable housing
    - City infrastructure: building safety and resilience
    - Community communication
    - Domestic violence prevention and assistance
    - Food systems
    - Homelessness services
    - Small business recovery
    - Workforce development
- In addition to the staff recommendations above, these categories are eligible for funding but have other potential funding available:
    - Arts and cultural expression
    - Care for aging residents
    - Childcare
    - Emergency planning
    - Environmental protection and sustainability
    - Premium pay for essential workers
    - Public health, mental health, and substance abuse
    - Stormwater infrastructure
    - Transit
    - Transportation connectivity infrastructure
    - Utility billing
    - Water infrastructure
    - Youth programming

Council Goal(s):
- A Financially Resilient City
- An Equitable and Diverse Community
- A Clean and Healthy Environment
- Quality Affordable Housing
- A Thriving Local Economy
- A Connected and Engaged Community

Committee(s):
- Work Sessions with City Council - July 27, 2021 and August 24, 2021

Pro(s):
- Addresses community needs to aid in the recovery from the devastating economic and health effects of the COVID-19 pandemic
- Provides equitable solutions to repair harm that was exacerbated by the pandemic and build resilience for the future

Con(s):

- None

Fiscal Impact:

- The $26.2 million in ARPA FRF funding was authorized for receipt by Council on July 27, 2021.
- Staff is bringing forward budget amendments to appropriate the funding as Council approves specific usage of the $26.2 million.

Ms. Rosenberg said the following categories are the staff recommended categories to receive funding: (1) Affordable housing - increase access to affordable housing for low and moderate income individuals and families; (2) Homeless services - improve access to stable, affordable housing for unhoused individuals; (3) Small business recovery (a) help support businesses recover from pandemic-related losses and/or build resilience for the future; and (b) includes public infrastructure for adaptability; (4) Workforce development - help create programs that train unemployed or underemployed workers for long-term employment; (5) Food systems - promote and support a more equitable food system from farm to disposal; (6) City infrastructure - improve City buildings' safety and create resilient work environments; (7) Domestic violence prevention and assistance - projects to mitigate increases in domestic violence during the pandemic or to prevent domestic violence through supportive housing; and (8) Community communication - increase community access to decision making.

Five individuals provided Council with the input on what categories they would like the ARPA funds to be used for, some being, but are not limited to: youth programming and childcare; community communication; no funds to Asheville Police Department; and 40% on fighting homelessness is out of proportion to the rest of the categories.

Councilwoman Roney strongly suggested the public review the worksession regarding ARPA funding that is archived on the City's youtube channel. She was concerned about the spending in the Federal Instructure Bill named on slide 6, that we are pinning these very important categories of Environmental Protection/Sustainability, Stormwater Infrastructure, Transportation Connectivity Infrastructure, and Water Infrastructure on funds that have not been approved yet, but if they are, they will likely go through the state and be used to fill a funding gap at the state level. She noted that the Climate Justice Outreach report could be available as soon as today. She thinks we need to set aside funds to address climate justice with a race and class analysis for the equitable recovery Council agreed to. She does not want to wait until might get some funds that may be absorbed by the state.

Councilwoman Mosley said that she attended a meeting called for by the Hillcrest residents, who asked for a stronger police presence in their community because people who do not live in their community come in to commit crimes. White people routinely comment on what is best for Black people. A rhetorical question is, to whom should we listen when what white people suggest is the polar opposite of what Black people say they need?

B. BOARDS & COMMISSIONS

Asheville City Board of Education

Vice-Mayor Smith moved to amend the agenda to include the appointment of George Sieburg as a member to the Asheville City Board of Education. This motion was seconded by Councilwoman Mosley.

Councilwoman Roney was concerned that this appointment was not on the City Council agenda. She said that the vacancy to the Asheville City Board of Education will not be until November so we have time to make the appointment. She suggested we wait until the September 14 meeting before considering the appointment.

Vice-Mayor Smith said that the Boards & Commissions Committee recommended to appoint from the candidate pool already approved by City Council back in April, when the other Asheville City Board of Education members were appointed. There is also a bill pending to move this to a fully elected process. If the bill passes, the Asheville City Board of Education members will only be serving about one year and will have to go through the election process if they wish to remain a member.

In response to Councilwoman Turner, Councilwoman Mosley said she has spoken with Mr. Sieburg and he would be willing to serve the unexpired term of Ms. Jacqueline McHargue.

The motion made by Vice-Mayor Smith to amend the agenda, and seconded by Councilwoman Mosley carried on a 6-1 vote, with Councilwoman Roney voting “no.”

RESOLUTION NO 21-193 - RESOLUTION APPOINTING GEORGE SIEBURG TO THE ASHEVILLE CITY BOARD OF EDUCATION EFFECTIVE NOVEMBER 8, 2021

Vice-Mayor Smith moved to appoint George Seiburg as a member of the Asheville City Board of Education, to serve the unexpired term of Jacqueline McHargue, term to begin November 8, 2021, and expire April 1, 2025, or until his successor is appointed. This motion was seconded by Councilwoman Mosley and carried on a 6-1 roll call vote, with Councilwoman Roney voting “no.”

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Other Appointments

Regarding the African American Heritage Commission, the following individuals applied for the vacancy: Thomas Ryan and Dewayne McAfee. It was the consensus of the Boards & Commissions Commission to re-advertise for the seat.

Regarding the Buncombe County Tourism Development Authority, the following individuals applied for the vacancies: Matthew Lelman, Pratik Bhakta and Michael Lusick for the 100+ units; and Scott Kerchner and Larry Crosby for the 100 units or less. It was the consensus of the Boards & Commissions Committee and City Council to interview: Matthew Lelman, Pratik Bhakta and Michael Lusick for the 100+ units; and Scott Kerchner and Larry Crosby for the 100 units or less.

RESOLUTION NO. 21-189 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Board of Electrical Examiners.

The term of Charlie Wheeler (journeyman electrician) expires on July 1, 2021.

The following individuals applied for the vacancies: Jonathan Knox and Rick Sluder.

The Boards & Commissions Committee recommended appointing Rick Sluder.

Vice-Mayor Smith moved to appoint Rick Sluder (journeyman electrician) to serve a three-year term, term to expire July 1, 2024, or until Rick Sluder's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

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RESOLUTION NO. 21-190 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville-Buncombe Historic Resources Commission.

The term of Maggie Brousaides expired on July 1, 2021.

The following individual applied for the vacancies: Amanda Vollrath.

It was the consensus of the Boards & Commissions Committee to appoint Amanda Vollrath.

Vice-Mayor Smith moved to appoint Amanda Vollrath to serve a three-year term, term to expire July 1, 2024, or until Amanda Vollrath's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 357

RESOLUTION NO. 21-191 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

Will Overfelt and Davidson Jones have resigned from the Human Relations Commission, thus leaving two unexpired terms until June 1, 2022.

The following individuals applied for the vacancies: Ricky McGrath, Tim Collins, Amanda Benson-Bremseth, Michael Brown and Alex Nava.

It was the consensus of the Boards & Commissions Committee to appoint Tim Collins and Alex Nava.

Vice-Mayor Smith moved to (1) appoint Tim Collins to the Human Relations Commission to serve the unexpired term of Will Overfelt, term to expire June 1, 2022, or until Tim Collin's successor has been appointed; and (2) appoint Alex Nava to the Human Relations Commission to serve the unexpired term of Davidson Jones, term to expire June 1, 2022, or until Alex Nana's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 358

RESOLUTION NO. 21-192 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Multimodal Transportation Commission.

The terms of John Bausone (transit seat) and Kenneth Armstrong (greenway seat) expired on July 1, 2021. In addition, Michael Waddell (transit seat) resigned, thus leaving an unexpired term until July 1, 2022. Lastly, Lydia Buehrer (greenway seat) has resigned, thus leaving an unexpired term until July 1, 2022.

The following individuals applied for the vacancies: Marty Shults, Joseph Chesler, Bill Loftis, Christine Harris, Micah McLain, Karla Furnari and Leanna Joyner.

At the request of the Chair, it was the consensus of the Boards & Commissions Committee to reappoint John Bausone and Kenneth Armstrong. At the request of the Commission, it was the consensus of the Boards & Commissions to appoint Bill Loftis to the transit seat and Micah McLain to the greenway seat.

Vice-Mayor Smith moved to (1) reappoint John Bausone (transit seat) and Kenneth Armstrong (greenway seat) to each serve a three-year term , terms to expire July 1, 2024, or until their successors have been appointed; (2) appoint Karla Furnari (transit seat) to serve the unexpired term of Michael Waddle, term to expire July 1, 2022, or until Karla Furnari's successor has been appointed; and (3) appoint Bill Loftis (greenway seat) to serve the unexpired term of Lydia Buehrer, term to expire July 1, 2022, or until Bill Loftis' successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, seven individuals spoke to Council, including, but not limited to the following comments: consider YMI Cultural Center for funding; statistics of census data; need to adopt Lights Out Program to protect migrating birds; and need to make the public more aware of the mask mandate.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:28 p.m.

_____ _____

CITY CLERK MAYOR