

Tuesday - March 13, 2018 - 3:00 p.m.  
200 College Street

Joint Meeting with the Buncombe County Board of Commissioners

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Present: Chairman Brownie Newman, Presiding; Commissioner Jasmine Beach-Ferrara; Commissioner Al Whitesides; Commissioner Mike Fryar; Commissioner Ellen Frost; Commissioner Joe Belcher; Commissioner Robert Pressley; County Manager Mandy Stone; Senior Staff County Attorney Michael Frue; and Clerk to the Board Kathy Hughes

Mayor Manheimer and Chairman Newman called their respective meetings to order.

Chairman Newman explained the following County's six overall strategic priorities goals for key policy issues: affordable housing, diverse community workforce, early childhood education, justice resource support, opioid addiction, and renewable energy.

Mayor Manheimer briefly updated the group on the City's eight overall strategic priorities: transportation and accessibility; a thriving local economy; a well connected and engaged community; a financially resilient city; an equitable and diverse community; a well-planned and livable community; a clean and healthy environment; and quality affordable housing.

City Manager Jackson and County Manager Stone reviewed the current partnership initiatives and projects, which included, but were not limited to: (1) capital projects (a) downtown parking; and (b) East Asheville library; (2) equity efforts (a) workforce diversity; (b) community engagement and Isaac Coleman/tipping grants; (c) African American Art Project; and (d) participatory government (Let's Talk and other efforts); (3) carbon reduction/clean energy (a) internal operations; and (b) Energy Innovations Task Force; and (4) affordable housing (a) Eagle-Market; (b) Lee Walker Heights; and (c) Affordable Housing Coalition.

Discussion for potential future partnerships/joint planning was held. Topics included, but are not limited to, joint development and land use planning; cross agency protocols on use of force issues; Human Relations Commission of Asheville; extension of transit into the county; corridor projects in and out of the city; amount the County charges the City to collect property taxes; alcoholic beverage distribution equation; and African American Heritage District.

At 4:36 p.m. Chairman Newman asked for a motion for the Buncombe County Commissioners to go into closed session.

At 4:36 p.m., Mayor Manheimer adjourned the City Council meeting.

Tuesday – March 13, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield;

Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

## **PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

## **I. PROCLAMATIONS:**

### **A. PROCLAMATION PROCLAIMING MARCH 24, 2018, FROM 8:30 P.M. - 9:30 P.M. AS "EARTH HOUR"**

Councilwoman Mayfield read the proclamation proclaiming March 24, 2018, from 8:30 p.m. - 9:30 p.m. as "Earth Hour" in the City of Asheville. She presented the proclamation to Ms. Anne Keller, member of the Sustainability Advisory Committee on Energy & the Environment, and other members, who briefed City Council on some activities taking place during the day.

### **B. PROCLAMATION PROCLAIMING APRIL 3, 2018, AS "NATIONAL SERVICE RECOGNITION DAY"**

Councilman Young read the proclamation proclaiming April 3, 2018, as "National Service Recognition Day" in the City of Asheville. He presented the proclamation to Ms. Ann Whisenhunt, who briefed City Council on some activities taking place during the day.

## **II. CONSENT AGENDA:**

### **A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 27, 2018; AND THE SPECIAL MEETING HELD ON MARCH 5, 2018**

### **B. RESOLUTION NO. 18-59 - RESOLUTION SUPPORTING THE N.C. DEPT. OF TRANSPORTATION IN FUNDING, DESIGNING, AND CONSTRUCTING IMPROVEMENTS AT THE INTERSECTION OF US 25 (HENDERSONVILLE ROAD) AND SR 3503 (OVERLOOK ROAD) IN SOUTH ASHEVILLE**

Summary: The consideration of a resolution supporting the N.C. Dept. of Transportation (NCDOT) in funding, designing, and constructing improvements at the intersection of US 25 (Hendersonville Road) and SR 3503 (Overlook Road) in South Asheville.

NCDOT staff from Division 13 identified a need to improve the subject intersection and they have worked with the residents that live along SR 3503 (Overlook Road) to make appropriate improvements. Specifically, the project includes constructing a right-turn lane with a length of 550 feet along the southbound approach of Hendersonville Road, constructing an additional left-turn lane along the eastbound approach of Overlook Road, constructing a sidewalk along the southbound approach of Hendersonville Road between Overlook Road and HomeTrust Bank, and installing a pedestrian crossing at the intersection of US 25 (Hendersonville Road) and Gold's Gym / Pinnacle Point (Publix).

The NCDOT is planning to use High Impact / Low Cost Funds for this project. This program was established in 2017 to provide funds to complete low cost projects with high impacts to the transportation system including intersection improvements, minor widening, and operational improvements. The funds are allocated equally to the 14 Divisions throughout the

state and the projects are expected to be under contract within 12 months of funding approval by the Board of Transportation. Projects that have a total cost greater than \$250,000 require a resolution of support from the appropriate city, town, or county. In lieu of a resolution, a 45-day notification period is required prior to placing the project on the Board of Transportation's agenda.

Staff has requested that NCDOT incorporate a bus pad into the sidewalks on Hendersonville Road, 40 feet south of the proposed Hendersonville Road crosswalk so that the Transit Planning Division may install a southbound bus stop and have room for a future shelter.

This action will be reviewed by the Planning and Economic Development Committee (PED) on March 12, 2018, and if anything other than a unanimous approval is received, the details of the decision will be made clear to City Council at their meeting on March 13, 2018.

At the Multi-Modal Transportation Commission's meeting on February 28, they recommended this NCDOT project to move forward contingent upon the inclusion of bicycle and pedestrian infrastructure along the west side of Hendersonville Road to ensure safety and convenience for those modes.

Pros:

- The NCDOT is funding, designing, and constructing the project.
- Increases the City's inventory of completed sidewalk connections.
- Improves the pedestrian and motorist experience along Hendersonville Road.

Con:

- The City will be responsible to maintain the sidewalk after it is constructed.

There will be no initial financial impact to the City, although the responsibility of maintaining sidewalks belongs to the Public Works Department. Funds are budgeted every fiscal year for sidewalk maintenance.

Staff recommends that City Council adopt a resolution supporting the N.C. Dept. of Transportation in funding, designing, and constructing improvements at the intersection of US 25 (Hendersonville Road) and SR 3503 (Overlook Road) in South Asheville.

#### **RESOLUTION BOOK NO. 39 - PAGE 313**

#### **C. RESOLUTION NO. 18-60 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND IF AWARDED, ACCEPT FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR FISCAL YEAR 2019 THROUGH FISCAL YEAR 2021 FOR APPROXIMATELY \$18 MILLION IN TRANSPORTATION FUNDING**

Summary: The consideration of a resolution authorizing the City Manager to apply for and if awarded, accept funding from the French Broad River Metropolitan Planning Organization (MPO) for Fiscal Year (FY) 2019 through FY 2021 for approximately \$18,000,000 in transportation funding.

This grant will fund three significant sidewalk projects, two greenway projects, six replacement buses, and four expansion buses. This item was reviewed and approved by the Planning and Economic Development Committee on February 12th and the Finance Committee on February 27th.

In January 2018 the MPO issued a call for projects as part of the Surface Transportation Block Grant Direct Attributable (STBG-DA) program. These federal funds are awarded on a competitive basis through a call for projects that is typically held every two years.

The total available amount of funding in this grant cycle for the three-county MPO area is \$21,400,000, to be available in FY 2019 through FY 2021. This amount is higher than the typical call for projects, which is usually about \$7,000,000. The increased amount for this year is based on cash balances at the state level.

The call for projects is open to all jurisdictions in Buncombe, Henderson, and Haywood Counties. In addition, the NCDOT Division Offices may apply for the funds with the support of the affected jurisdiction.

Types of projects that are eligible for these funds include most types of transportation capital improvements. The grant requires a minimum 20% local match.

In selecting projects to be submitted for consideration, staff performed an evaluation and internal review that considered the following factors:

**Community Priorities** - Are the projects part of adopted plans? Have they received community support? Have they been prioritized by City Council and do they support council goals?

**Transportation Benefit and Competitiveness** - Do the projects advance multimodal transportation goals? Are the projects a good match for the funding source? Will the projects be competitive based on the MPO's scoring criteria?

**Project Readiness** - Have the projects completed significant planning, design and project development steps? Can the funds be spent within the proposed time frame? Will the projects be able to meet all federal requirements?

**Fiscal Impact** - Do the projects align with the City's Capital Improvement Program current budget or planning? What is the most effective way to leverage available matching funds?

Based on the above evaluation criteria, staff selected the following projects for consideration in this call for projects:

**Three Major Sidewalk Projects** - Sidewalk projects on Johnston Boulevard, New Haw Creek Road, and Oteora Road complete significant pedestrian connections between neighborhoods, commercial areas, schools, and services. These projects are in the Pedestrian Thoroughfare Plan and have been prioritized and promised as part of the bond program. These are some of the most complex sidewalk projects in the City's capital program. Federal funding for these projects will leverage existing funds to free up city funds and ensure that the full extent of the project can be constructed.

**Two Shovel-Ready Greenway Projects** - The Town Branch and French Broad River West Greenways are fully designed and permitted greenway projects that complete important links in the greenway system. The Town Branch Greenway is three quarters of a mile and will connect the river district, southside neighborhood and downtown and become part of the planned river-to-ridge greenway network. The French Broad River West Greenway is a little over a mile and connects two existing greenways. Both of these projects ranked highly in the recent community prioritization survey.

**Ten New Buses** - A number of ART buses are in need of replacement and these federal funds will provide the necessary federal share that is currently unfunded for FY 2019 and FY 2020 to ensure that ART is able to provide the buses needed in the replacement schedule. Consistent with city carbon reduction and climate mitigation goals, this proposal will provide six replacement buses that are zero-emission battery-electric vehicles. The request also includes four additional buses needed as expansion vehicles to implement service recommendations that are expected as part of the Transit Master Plan deliverables.

<b>Project Name</b>	<b>Proposed Federal Ask</b>	<b>Local Match</b>	<b>Total Cost</b>
Johnston Blvd Sidewalk	\$1,880,000	\$470,000	\$2,350,000
New Haw Creek Sidewalk	\$1,900,000	\$475,000	\$2,375,000
Onteora Rd Sidewalk	\$912,000	\$228,000	\$1,140,000
French Broad River West Greenway	\$3,840,000	\$960,000	\$4,800,000
Town Branch Greenway	\$3,280,000	\$820,000	\$4,100,000
Bus Replacement (6 electric)	\$4,069,180	\$1,017,295	\$5,086,475
Bus Expansion (4 diesel)	\$1,635,860	\$408,965	\$2,044,825
<b>TOTAL</b>	<b>\$17,517,040</b>	<b>\$4,379,260</b>	<b>\$21,896,300</b>

This item was reviewed and approved by the Planning and Economic Development Committee on February 12th, the Finance Committee on February 27th, and the Multimodal Transportation Commission on February 28th.

Pros:

- If awarded, these projects represent approximately \$22,000,000 dollars of total investment into multimodal transportation infrastructure within the next three years.
- All of the proposed projects are identified capital needs that are part of existing programs and budgeting processes.
- Funds that are currently programmed or proposed will be leveraged for the best return on city investment: a \$4.4M investment for \$17.5M in grant funds.

Con:

- The total required matching funds are \$4,379,260 and will need to be programmed in the FY 2019, FY 2020, and FY 2021.

The total required local match is \$4,379,260 over a three year period. Some of these expenditures are already budgeted in the adopted Capital Improvements Program. In particular, the three sidewalk projects have funding allocated as part of the bond program. The match for the bus replacement and bus expansion have already been anticipated and are currently being considered in the FY 2019 budgeting process. The two greenway projects do not currently have any programmed city funding.

It should be noted that the MPO may choose to fund only some of the proposed projects. The specific fiscal impact will be different for each potential subset of projects.

Staff recommends that City Council adopt a resolution authorizing the City Manager to apply for and, if awarded, accept funding from the French Broad River Metropolitan Planning Organization for FY 2019 through FY 2021 for approximately \$18,000,000 in transportation funding.

**RESOLUTION BOOK NO. 39 - PAGE 314**

**D. ORDINANCE NO. 4657 - BUDGET AMENDMENT FOR THE U.S. CELLULAR CENTER TO REFLECT UPDATED FISCAL YEAR 2017-18 REVENUE AND EXPENSE PROJECTIONS**

Summary: The consideration of a budget amendment, in the amount of \$725,000 from U.S. Cellular Center Operating Revenue, to increase the U.S. Cellular Center Fund budget to reflect updated Fiscal Year 2017-18 revenue and expenditure projections.

The U.S. Cellular Center event load in Fiscal Year 2017-18 has been significantly higher than initially forecasted during last year's budget process as numerous large scale events have been added to the schedule since budget planning was completed. Both revenues and expenses are now on pace to exceed budget with collected revenues expected to exceed budgeted revenues by the end of the third quarter of the fiscal year. Staff is recommending that the U.S. Cellular Center Fund budget be increased by \$725,000. It is anticipated that concessions and other show related revenues will cover all additional expenses; therefore, no additional transfer from the General Fund is required at this time. The U.S. Cellular Center has several events scheduled before June 30, 2018 that are expected to generate significant revenues.

This item was approved by the Finance Committee on February 27, 2018, and they recommended it be moved forward to City Council for consideration.

Pros:

- Provides sufficient budget authorization for anticipated expenditures in the U.S. Cellular Center Fund without increasing the General Fund transfer.

Cons:

- There is a slight chance that year-end revenues could fall short of current estimates if ticket sales are less than expected or concession revenues are lower, however in this case expenses needs will be reduced as well.

As noted above, this budget amendment is funded with U.S. Cellular Center operating revenues that will exceed original budget estimates. Therefore, there is no expected impact to the City's General Fund budget.

Staff recommends City Council adopt a budget amendment to increase the U.S. Cellular Center Fund Budget by \$725,000 to reflect updated Fiscal year 2017-18 revenue and expenditure projections.

**ORDINANCE BOOK NO. 32 - PAGE 17**

**E. RESOLUTION NO. 18-61 - RESOLUTION SUPPORTING THE SOLE SOURCE PURCHASE OF BUSES AND RELATED CHARGING EQUIPMENT FROM PROTERRA INC. TO COMPLY WITH FEDERAL TRANSIT ADMINISTRATION-APPROVED LOW OR NO EMISSION VEHICLE GRANT PROGRAM PROVISIONS**

Summary: The consideration of a resolution supporting the sole source purchase of

buses and related charging equipment from South Carolina-based, Proterra Inc to comply with Federal Transit Administration-approved Low or No Emission Vehicle Grant program provisions.

In September 2017, the City's Transportation Department won a highly-competitive grant to purchase zero-emission buses through the Federal Transit Administration's (FTA) Low or No Emission Vehicle Program. The City of Asheville was selected as the only award recipient in North Carolina and was granted \$633,333. This grant, combined with others intended for transit capital purchases, will allow the City to purchase five zero-emission, battery-electric buses.

The FTA guidelines for the grant allow for agencies to submit an application in partnership with other entities that intend to participate in the implementation of the project, including, but not limited to, specific vehicle manufacturers, equipment vendors, owners or operators of related facilities, or project consultants. Further, FTA states that if an application that involves such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement for a competitive procurement under 49 U.S.C. 5325(a) for the named entities.

In the grant application, Asheville partnered with Proterra Inc, and is therefore moving forward with administrative requirements to be able to contract with Proterra Inc for five electric buses and associated chargers.

Pros:

- Proterra is a leading manufacturer of battery-electric buses
- This action ensures compliance with FTA-approved grant award for zero-emission buses

Con:

- None

On January 9, 2018, City Council approved a budget amendment for the purchase of five electric buses and related charging equipment. The current action is administrative and does not affect the budget.

Staff recommends that City Council adopt a resolution supporting the sole source purchase of buses and related charging equipment from Proterra Inc to comply with FTA-approved Low or No Emission Vehicle Grant program provisions.

#### **RESOLUTION BOOK NO. 39 - PAGE 315**

#### **F. RESOLUTION NO. 18-62 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A UTILITY CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE UPPER GRASSY BRANCH EXTENSION BRIDGE NO. 686 WATERLINE RELOCATION PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute a Utility Construction Agreement with the N.C. Dept. of Transportation (NCDOT) for the estimated amount of \$81,580 plus a 10% contingency for a total project budget of \$89,738 for the Upper Grassy Branch Ext. Bridge No. 686 Waterline Relocation Project.

The NCDOT is moving forward in an effort to make street and highway improvements to Bridge No. 686 over Upper Grassy Branch Ext. in Buncombe County. The City of Asheville owns and maintains municipal water lines within the right-of-way of the project area. As a condition of the installation, operation and maintenance of said waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is responsible for 100% of the cost associated with adjustment or relocation of said waterlines should the need arise. For the purpose of

construction coordination and efficiencies, the City of Asheville Water Resources Department wishes to enter into this Utility Construction Agreement with NCDOT, which allows the waterline utility work to be performed as part of the NCDOT's construction contract. NCDOT has estimated that the cost of the relocation and adjustment of municipally owned water lines for this project will be \$81,580. Although the amount is within the City Manager's authority to execute without City Council approval, the NCDOT requires board approval for all municipal projects.

Pros:

- Execution of the agreement allows the City of Asheville Water Resources Department to meet its obligations to NCDOT for the adjustment or relocation of municipal water lines within the NCDOT right-of-way.
- Execution of the agreement allows the required adjustment or relocation of municipal water lines to be performed under the NCDOT construction contract, which will provide construction efficiencies producing cost savings and allow construction schedules to be met.

Cons:

- Failure to execute the agreement hinders the City of Asheville Water Resources Department's ability to meet obligations to NCDOT for the adjustment or relocation of municipal water lines within the NCDOT right-of-way.
- Failure to execute the agreement prevents the required adjustment or relocation of municipal water lines from being performed under the NCDOT construction contract. This will create difficulties with construction coordination, create a lack of efficiencies and add to the overall cost of the construction.

The funding needed for this agreement is currently allocated within the NCDOT Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Utility Construction Agreement with the N.C. Dept. of Transportation for the estimated amount of \$81,580 plus a 10% contingency for a total project budget of \$89,738 for the Upper Grassy Branch Ext. Bridge No. 686 Waterline Relocation Project.

**RESOLUTION BOOK NO. 39 - PAGE 316**

**G. RESOLUTION NO. 18-63 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGERS GROUP INC. FOR THE YEAR 2 BOND RESURFACING PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of \$1,831,450.45 plus a contingency of 20% (\$366,290.09) with Rogers Group, Inc. for the project called Year 2 Bond Resurfacing, City of Asheville Project Number X-1711.

The streets were identified as a bond improvement projects and this contract will address pavement and sidewalk issues. The project was advertised on December 13, 2017. Bids were opened on January 31, 2017, with the following results:

Rogers Group, Inc. of Nashville, TN	\$1,831,450.45
French Broad Paving, Inc. of Marshall, NC	\$1,979,911.50
Harrison Construction Company of Knoxville, TN	\$2,265,071.35

A 20% contingency (\$366,290.09) has been added to allow payment for any unforeseen costs that typically arise during construction and to do additional street resurfacing. The work



produced from this contract would fix the roadway and sidewalk sections that are in need of repair.

Pros:

- The contract will resurface approximately 3.2 miles of City streets.
- Will address brick sidewalk issues on All Souls Crescent.
- Will improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

Funding is coming from the 2016 General Obligation Bond approved by the citizens of Asheville November, 2016. The total cost of this contract, including contingency, is \$2,197,740.54.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Rogers Group, Inc. in the amount of \$1,831,450.45 plus a contingency of \$366,290.09 (20%) for Year 2 Bond Resurfacing.

**RESOLUTION BOOK NO. 39 - PAGE 317**

**H. ORDINANCE NO. 4658 - BUDGET AMENDMENT TO REFLECT ADDITIONAL AMOUNTS AWARDED BY THE STATE DIVISION OF AGING AND ADULT SERVICES, HOUSING AND HOMELESS UNIT**

Summary: The consideration of a budget amendment, in the amount of \$39,856 in the City's Special Revenue Fund, to reflect additional amounts awarded by the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit.

ESG funds are made available from the US Department of Housing and Urban Development through the State of North Carolina Division of Aging and Adult Services (DAAS). The City of Asheville has been the fiscal sponsor for Emergency Solutions Grant funding since 2012 to fund local agencies working to address homelessness.

The initial 2017-18 budget for ESG was based on the previous year's original award of \$113,354. For the FY 2017-18 funding competition, the community was eligible for \$123,460 and received the full award. The City was then granted an additional \$8,000 for administrative costs. In February, DAAS released surplus funds to current grantees and awarded \$21,750 to local Emergency Shelters.

The budget of \$153,210 reflects the following final 2017-18 ESG awards from the State of NC DAAS:

<b>2017-18 Emergency Solutions Grant Awards</b>						
	Emergency Shelter	Homelessness Prevention	HMIS	Administration	Additional Award	<b>Total</b>
Helpmate	\$28,500				\$14,250	<b>\$42,750</b>
City of Asheville			\$10,000	\$8,000		<b>\$18,000</b>
Homeward Bound of WNC		\$64,594				<b>\$64,594</b>

Salvation Army	\$20,366				\$7,500	\$27,866
<b>Total</b>	<b>\$48,866</b>	<b>\$64,594</b>	<b>\$10,000</b>	<b>\$8,000</b>	<b>\$21,750</b>	<b>\$153,210</b>

Pro:

- The Emergency Solutions Grant program is a key funding resource for emergency shelter and housing stabilization for persons experiencing homelessness.

Con:

- None noted.

Program funding is entirely from the US Department of Housing and Urban Development, through the State of North Carolina. Existing Community Development Division staff will administer the program. No general funds are requested to support this program.

Staff recommends approval of the budget amendment in the amount of \$39,856 in the City's Special Revenue Fund for Emergency Solutions Grant funds awarded by the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit.

**ORDINANCE BOOK NO. 32 - PAGE 19**

**I. RESOLUTION NO. 18-64 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH EQUINOX ENVIRONMENTAL TO CREATE A TREE AND RIPARIAN ENHANCEMENTS PLAN**

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Equinox Environmental to create a Tree and Riparian Enhancements Plan for the amount of \$50,000.

In May of 2017, The City of Asheville was awarded \$60,000 from the Duke Water Resources Foundation in order to improve water quality and engage the community through development of a riparian restoration plan and creation of educational interpretive signage. The City issued a Request for Qualifications (RFQ) to create a Strategic Tree and Riparian Plan in January. The City received five submittals, and after a thorough review and evaluation, staff ranked and recommended Equinox Environmental and their team as the most qualified.

\$50,000 of the \$60,000 grant will be used to fund this project. \$10,000 from the grant has been set aside to work with UNC-Asheville staff and faculty to facilitate the creation of educational signage, and have STEAM students fabricate and install in the RADTIP project area. This project will be completed by June 2018. Public input meetings will be held on April 17, 18, and 22nd of April.

Pro:

- This project is 100% grant funded and helps implement Council and community vision.

Con:

- None.

No impact. Funding for this project is 100% from grant funds. A budget amendment has already been authorized by Council, as part of approving the City's grant application.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with for an amount not to exceed \$50,000.

## RESOLUTION BOOK NO. 39 - PAGE 318

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

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

Councilman Kapoor moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

### **III. PRESENTATIONS & REPORTS:**

#### **A. ASHEVILLE MUSEUM OF SCIENCE**

Ms. Anna Priest, Executive Director of the Asheville Museum of Science (AMOS), explained that they are Western North Carolina's home for experiential science learning, discovery, and exploration. AMOS strives to spark the imagination and foster lifelong curiosity. She provided statistics of visitors served and how they are serving the community's needs. She explained some of the important partnerships for AMOS being (1) served over 1,200 city students in 2017 through formal science education programming; (2) AMOS (and formerly Colburn Earth Science Museum) has provided science education to City school students for over 25 years; (3) partners with Asheville City Schools to help close the achievement gap; (4) provided free STEM and astronomy programs to over 600 preschoolers so far in Fiscal Year 2017-18 through a partnership with Buncombe County; and (6) provides early childhood STEM programs in support of workforce and economic development.

AMOS co-hosted Asheville's 2017 solar eclipse festival with City of Asheville Schools, Buncombe County Schools and UNC-Asheville. AMOS gave away over 4,000 eclipse glasses to various organizations.

She explained how AMOS is involved with the City of Asheville Afterschool programs and the City of Asheville Youth Leadership Academy.

Ms. Priest then reviewed past municipal support for the Colburn Earth Science Museum and AMOS, noting that AMOS is now paying substantial higher rent and utilities at their new location to remain a safe, family-friendly education center in the heart of downtown. She showed a chart of current AMOS support breakdown with average comparison, noting that according to data from the North Carolina Science Museums Network, nearly all Science Centers in North Carolina receive significant funding from City or County for a portion, if not all, facility expenses.

Councilwoman Mayfield said this is an important piece of Asheville and hoped we can consider how and whether to address their funding. AMOS did not come in for Strategic Partnership Funding this year because they didn't quite fit the mold for those funds. Ms. Priest then asked that this be added as part of the Council's budget discussion.

#### **B. RACIAL JUSTICE COALITION**

Mayor Manheimer said that this is the time for City Council to listen to the community. On March 20, 2018, at 2:00 p.m., City Council will be holding a worksession in the Council Chamber, part of which will be devoted to the budget, and the other part will be devoted to this issue.

Current Co-Chair of the Racial Justice Coalition Gerry Leonard and Immediate Past Co-Chair of the Racial Justice Coalition James E. Lee III provided City Council with some recommendations. Below are their comments:

“Mayor, Vice Mayor, members of City Council - thank you for providing the Racial Justice Coalition the opportunity to present some considerations during the agenda. My name is James Lee, previous Co-Chair of the Racial Justice Coalition. The Racial Justice Coalition appreciates the thoughtfulness of the City Council by asking us to speak during the “Presentations” portion of today’s agenda; however, we also want to raise and acknowledge the other individuals, grassroots groups, and other organizations that will be speaking later.

My name is Gerry Leonard. I’m the Racial Justice & Outreach Specialist of YWCA Asheville, Co-Chair of Building Bridges of Asheville and current Co-Chair of the Racial Justice Coalition. The Racial Justice Coalition includes representatives from organizations in Asheville and Buncombe County dedicated to racial justice. The RJC comes together in commitment to racial equality and to advocate for the rights of People of Color. The RJC consists of: ACLU of Western North Carolina, Asheville-Buncombe Branch of the NAACP, ABIPA, Asheville City Schools Foundation, Building Bridges of Asheville, Carolina Jews for Justice, Children First/Communities in Schools, Christians for a United Community, Democracy North Carolina, Elders Fierce for Justice, Mountain People’s Assembly, Residents Council, and YWCA Asheville.

The RJC’s vision is to mobilize and energize existing organizations doing racial justice work to become a national model for best practices and improved police-community relations in Asheville and Buncombe County. This group came together in December of 2014, after the tragic events in Ferguson, Missouri, that prompted a group of organizations to seek out allied partners committed to racial justice. The thought was that together, a coalition of organizations could have a more unified voice in responding to these tragedies, and more importantly, preventing such a tragedy in Asheville and Buncombe County. Unfortunately, we continue to see issues of racial profiling and systemic racism show up within our policing in Asheville.

After Jerry “Jai” Williams was shot in July 2016, tensions within the Asheville community, specifically the Black community was never healed nor reconciled. Then in September of 2016 Officer Oza was caught on video slamming a 16-year-old Black girl to the ground. Then in February of 2017, the same officer was captured on video threatening to take a group of Black teenagers to jail while holding an AR-15. It emerged later, had a BB gun.

Now, with the sickening and disheartening incident of an APD officer harassing, beating and tasing Johnnie Rush - it is reminiscent of thousands that have taken place across the country and also right here in Asheville against Black and Brown lives - in this case, for jaywalking. The incident depicts racist application of excessive and unnecessary force. It is contrary to the Asheville Police Department’s recently adopted revised policy on excessive use of force and de-escalation training that the Racial Justice Coalition worked with APD on, that included other community members. The incident clearly proves that written policies and training are not enough. There is a need for strong measures of accountability to ensure that actions coincide with policy and training.

Here are the following recommendations we hope to make City Council:

1. Before we can talk solutions, policies, training, we hope that you can provide Mr. Johnnie Rush with trauma-informed care for this incident. If we want to see systematic change then we need to see action behind that change. Mr. Rush should not incur this responsibility on his own. He did not create this situation and therefore should not be required to recover from it on his own. If Mr. Rush’s wish is to be left alone, then the City of Asheville should do everything

they can to accommodate his needs and to treat him as you would expect your son, daughter or family member to be treated.

2. We want to lift up the efforts of Dee Williams and the NAACP Criminal Justice Committee and their work with Ian Mance with the Southern Coalition for Social Justice. We want to revisit and recommend the policy revisions around written consent for searches and deprioritizing regulatory stops. These efforts at the time they were presented may have seemed unnecessary; however, if they would have been in place could this situation have been avoided? Fayetteville, NC is currently utilizing written consent for searches and it could be helpful for our City staff to work with those organizations that initially recommended these policy changes to explore the validity of implementing them here in Asheville.

3. We want to lift up the efforts of Nicole Townsend, Carmen Ramos-Kennedy, and other grassroots efforts not only here in Asheville, but in the State, by encouraging support from our City Council for House Bill 165 that went to the General Assembly in 2017 in reference to establishing citizens review boards that have decision making power. We've seen this bill being pushed by Charlotte, Durham, and Greensboro and is in need of support from a coalition of cities in North Carolina in order to gain momentum. We recommend passing a resolution 'for the City of Asheville to call upon our Elected Officials on the state level to introduce this bill.'

4. We recommend an improved complaint process. There needs to be increased accessibility by informing citizens of how and when they can access the complaint process. Perception is reality, and the current perception is that law enforcement cannot be trusted for our community, and specifically for communities of Color, to be able to voice their concerns and issues in a manner that will be heard. We expect this level of transparency not only on the APD website, but also in newspapers and even billboards.

5. During the Racial Justice Coalition meeting with Chief Hooper last Monday, the implementation of an unbiased policing hotline was discussed. Furthermore, the City of Asheville set up a hotline for people to share their feelings prior to last Wednesday's Citizens Police Advisory Committee meeting. We recommend instituting an unbiased policing hotline and respond to all complaints within 48 hours. We would like to see 100% documentation of calls and complaints, and report to the new Human Resources Commission about actions taken. This hotline could be broadcasted not only on the City's website, but also on the billboards and newspapers that Gerry mentioned moments ago.

6. We recommend investigating every excessive use-of-force matter as a criminal case first, and as an administrative case only secondarily after the criminal investigation is complete. If necessary, you can pull in multiple investigators to conduct two separate cases for any and all use-of-force matters - one administrative and another as a criminal case. It is our understanding that Chief Hooper, in meeting with the organization Faith 4 Justice, has already implemented this measure.

7. We recommend complete transparency around the accountability of all the officers that were present during this incident. We've seen steps being taken from District Attorney Todd Williams to drop 27 cases associated with Officer Hickman. However, he was not the only officer at fault in this incident. The City recently released details and information into the use of force incident involving Officer Hickman. We recommend the same level of transparency in the handling of Sergeant Taube's internal punishment as well as the other officers on scene. It's important to the community that the message is sent to all officers is a clear one, so that this matter does not negatively impact the community's perception of its police department and the way which the City responds to misconduct by its employees.

8. We recommend a level of intentionality from the City and Asheville Police Department to include People of Color in the police trainings so that they can share their stories with new officers and experienced officers. While you cannot train your way to equity, we would like to see additional training for those officers involved in this incident and all officers in implicit bias, de-escalation, and other equity trainings that include those that are most affected by law enforcement. This provides the ability for those most affected by law enforcement to share their experience with those that will be there to enforce the law. Without hearing the experiences of those most affected by law enforcement, the training is just that - training! It is a 'check the box' kind of experience rather than a deep meaningful change that we want in our community policing model. There is a need to humanize each other and typically, as we've seen in the case with Mr. Rush, People of Color are dehumanized and devalued by officers.

9. We recommend all police officers, out of uniform, involved in community engagement. Look at ways to rebuild community trust. There are a number of organizations and grassroot groups that would be willing to facilitate sincere and authentic interactions with law enforcement and community members. However, the officers must be sincere and authentic in their motives.

10. We recommend researching and implementing ways that the Civil Service Board is equitable. For example, City Council appoints two positions of the Civil Service Board. What is one of those positions is required to be a Person of Color or a resident of the public housing community. This would ensure that there is more representation of People of Color and those that are most impacted by law enforcement that what presently exists. Had Officer Hickman not resigned, there was the potential for him to go to the Civil Service Board, and be reinstated if Chief Hooper would have terminated his employment. In the past, the Civil Service Board has not upheld the values of the community or the police department.

11. We recommend looking at City staff with how this was handled. The report came to the Assistant Manager and according to the information that has been released was supposed to go to the City Manager; however, never made its way up the chain of command. We think that these matters need to be prioritized by the City Manager and the Assistant City Managers. There is a need for review of how transparent our City staff are to both Council and the community.

The Racial Justice Coalition is organizing a candidate's forum for the Sheriff's race because we believe this is not an issue that is specific to the City of Asheville. That we also need to look at the County as well."

Ms. Carmen Ramos-Kennedy, President of the Asheville NAACP, read the following statement, with comments from Ms. Nicole Townsend:

"I invited Ms. Nicole Townsend of Southerners on New Ground to address the City Council with me because I want you, and everyone assembled, to see what activism across the spectrum looks like in this community. We both have our lanes, and our lanes constantly intersect. And at that intersection is truth, justice, and equity. Please remember there is more than one way to advocate and work for positive change.

Is the beating of Johnnie Rush for jaywalking a reflection of APD's value and regard for black, brown, poor and homeless people in our community? I know many will say no, but what history shows us is overwhelming clear - that late night assault upon a black man, bothering no one, is just one more act in a long continuum of an entrenched way of thinking and acting among those that police us, and it must stop!

There must be accountability. These kinds of violent acts at the hands of police are both human and civil rights violations. Cannot a human being have the right to walk down the street without concern they'll be harassed and then attacked by police?

When there is no system in place for accountability, then there is NO safety, and there is grave concern among the people in this city about their safety in the presence of police. The continued use of excessive force with no accountability will not be tolerated in our communities; every single use of excessive force must start with a criminal investigation - police are not above the law.

We must establish an Independent Citizen Review Board with teeth. In that effort the NAACP would ask you to look at HB 165, a statewide effort to get Raleigh to vote on and approve Citizen Review Boards for every municipality in the state. We are looking for a champion. Will Asheville be our champion?

People must get organized and educate themselves on the issues. We must learn how our government works, and make it work for us. Voting is an essential part of making government work. Look to folks like Shuvonda Harper working with Pisgah Legal Services, the League of Women Voters and Children First In Schools to educate the community about the roles and decision-making process of local government and to make our voice heard.

To the Asheville Police Department we all know that Officer Hickman does not represent the force in its entirety, but when you stand around and let acts like what happened to Mr. Rush occur, it makes a statement and it's far from good. I offer that police look to their fellow officers like Quinton Miller and Evan Coward as role models that do a great job with the community. They both give and receive respect. Remember, respect - treat people with it and you'll get it back.

One last thing, Chief Hooper has heard recommendations from the RJC, faith leaders, myself and others. She has owned mistakes in the Rush case and has made promises to institute many of the recommendations you heard today. We have a lot of work to do to build trust of so many in our community. I think the Chief is ready and able to continue doing that important work."

#### **IV. PUBLIC HEARINGS:**

##### **A. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF A PORTION OF PEACHTREE STREET (JAKE RUSHER PARK)**

##### **RESOLUTION NO. 18-65 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF PEACHTREE STREET (JAKE RUSHER PARK)**

Street Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close a portion of Peachtree Street (Jake Rusher Park). This public hearing was advertised on February 16, 23, March 2 and 9, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, City of Asheville, owner of parcels 9654-35-0589, 9654-35-4902, 9654-35-4725, and 9654-35-4635, have requested the City of Asheville to permanently close a portion of Peachtree St (Jake Rusher Park ) and setting a public hearing on March 13, 2018. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their October 2, 2017, meeting and recommended the approval of the closure.

On February 13, 2018, the City Council adopted a resolution of Intent to permanently close the right of way and calling for a public hearing on said closure for March 13, 2018. Copies of the resolution of Intent were properly served and posted, in accordance with N.C. General Statute 160A-299.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution ordering the permanent closure of a portion of Peachtree Street (Jake Rusher Park).

Mayor Manheimer opened the public hearing at 5:45 p.m.

Ms. Karen Smelter, resident of 180 Peachtree Street, spoke in support of the closing. She also asked that some type of traffic calming be installed on Cedar Lane. Ms. Smelter was referred to Transportation Director Ken Putnam.

Mayor Manheimer closed the public hearing at 5:50 p.m.

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-65. This motion was seconded by Councilwoman Mayfield and carried unanimously.

#### **RESOLUTION BOOK NO. 39 – PAGE 319**

#### **B. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF AN UNOPENED RIGHT-OF-WAY LOCATED AT 85 DEAYER STREET**

#### **RESOLUTION NO. 18-66 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY LOCATED AT 85 DEAYER STREET**

Street Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way located at 85 Deaver Street. This public hearing was advertised on February 16, 23, March 2 and 9, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Jose Ruiz, owner of parcels 9638-76-5217 and 9638-76-4166, and Rose Logan, owner of parcel 9638-76-5178, have requested the City of Asheville to permanently close the unnamed alley off of Jarrett St. A copy



of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their October 2, 2017, meeting and recommended the approval of the closure.

On February 13, 2018, the City Council adopted a resolution of Intent to permanently close the right of way and calling for a public hearing on said closure for March 13, 2018. Copies of the resolution of Intent were properly served and posted, in accordance with N.C. General Statute 160A-299.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution ordering the permanent closure of an unopened right of way located near 85 Deaver Street.

Mayor Manheimer opened the public hearing at 5:51 p.m., and when no one spoke, she closed the public hearing at 5:51 p.m.

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-66. This motion was seconded by Councilman Kapoor and carried unanimously.

**RESOLUTION BOOK NO. 39 – PAGE 321**

**C. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF AN UNOPENED RIGHT-OF-WAY LOCATED AT THE END OF DEAVER STREET SOUTH OF HOWARD STREET**

**RESOLUTION NO. 18-67 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY LOCATED AT THE END OF DEAVER STREET SOUTH OF HOWARD STREET**

Street Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way located at the end of Deaver Street south of Howard Street. This public hearing was advertised on February 16, 23, March 2 and 9, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Barwick and Assoc. LLC, owner of parcels 9638-74-1509, 9638-74-0685, 9638-74-1740, and 9638-74-2666, have requested the City

of Asheville to permanently close an unopened r/w located at the end of Deaver Street south of Howard Street.

The Multimodal Transportation Commission reviewed this request at their on October 2, 2017, meeting and recommended the approval of the closure.

On February 13, 2018, the City Council adopted a resolution of Intent to permanently close the right of way and calling for a public hearing on said closure for March 13, 2018. Copies of the resolution of Intent were properly served and posted, in accordance with N.C. General Statute 160A-299.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution ordering the permanent closure of an unopened right of way located at the end of Deaver Street south of Howard Street.

Mayor Manheimer opened the public hearing at 5:53 p.m. and when no one spoke, she closed the public hearing at 5:53 p.m.

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

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-67. This motion was seconded by Councilman Young and carried unanimously.

## **RESOLUTION BOOK NO. 39 – PAGE 323**

### **V. UNFINISHED BUSINESS:**

### **VI. NEW BUSINESS:**

#### **A. BOARDS & COMMISSIONS**

Regarding the Audit Committee, the following individuals applied for the vacancy: Amy Kemp, Michael Donohue, Keith Sharpe, Holly Nolan, Scott Farkas, Rich Lee, Himanshu Karvir, Teddy Jordan, Dennis White, W. Scott Powell and Gail Miller. Vice-Mayor Wisler moved to appoint Amy Kemp and Scott Farkas (Certified Public Accountants) and interview Himanshu Karvir, W. Scott Powell and Gail Miller. This motion was seconded by Councilwoman Mayfield and carried unanimously.

Regarding the Homeless Initiative Advisory Committee, the following individuals applied for the vacancy: Val Ball, Angela Dubs, Donald Alexander, Kate Caton, Andrew Monroe, Timothy Moser, Bill Robinson, Michael Carlebach, Roberto L. Hess, Thomas Cash and Tamarie Macon. It was the consensus of Council to re-advertise for this vacancy with a focus on a currently homeless person or a person who has experienced homelessness very recently.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Helen Hyatt, Han Winogrand, Keaton Edwards, Carson Dellinger, Tina Wexler, Andrew Stephen Kirby, Ritchie Rozzelle, Dennis Wencel, Pat Katz, Rachelle Sorensen-Cox, Kenneth Armstrong and Wayne Wheeler. At the Multimodal Transportation Commission's request, it was the consensus of Council to postpone the appointment until after the Commission has an opportunity to make a recommendation.

Regarding the Riverfront Area Redevelopment Commission, the following individuals, who meet the requirement of a property or business owner in the Riverfront, applied for the vacancy: Jeffrey Horner, Jerry Sternberg, Shelley Schenker, Brent Starck, Tim Schaller, Stuart Cowles, Viola Spells, Emily Boyd and Daniel Brown. It was the consensus of Council to interview Shelley Schenker, Tim Schaller and Viola Spells.

**RESOLUTION NO. 18-68 - RESOLUTION APPOINTING ALTERNATES MEMBERS TO THE BOARD OF ADJUSTMENT**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing Alternate members to the Board of Adjustment.

Ms. Christine Longoria (Alternate) has resigned, thus leaving an unexpired term until January 21, 2019. In addition, there currently exists an Alternate vacancy when Mr. Paul Wilczynski was appointed a Regular member. That current vacancy expires on January 21, 2021. Finally, Ms. Misty Miller (Alternate) has resigned, thus leaving an unexpired term until January 21, 2020.

The following individuals applied for the vacancy: Sarah Katzmark, Ken Sherlin and Warrene Williams.

It was the consensus of the Boards & Commissions Committee to appoint Sarah Katzmark and Warrene Williams; and to readvertise for the third Alternate vacancy.

Vice-Mayor Wisler moved to (1) appoint Sarah Katzmark to serve the Alternate unexpired term of Ms. Longoria, term to expire January 21, 2019, or until her successor has been appointed; (2) appoint Warrene Williams to serve the Alternate unexpired term of Ms. Miller, term to expire January 21, 2020, or until her successor has been appointed; and (3) readvertise for the third Alternate vacancy. This motion was seconded by Councilman Young and carried unanimously.

**RESOLUTION BOOK NO. 39 - PAGE 325**

**RESOLUTION NO. 18-69 - RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Noise Ordinance Appeals Board.

Mr. Vic Fahrer has resigned as a member of the Noise Ordinance Appeals Board, thus leaving an unexpired term until July 1, 2018.

The following individual applied for the vacancy: Wayne Wheeler.

It was the consensus of the Boards & Commissions Committee to appoint Wayne Wheeler.

Vice-Mayor Wisler moved to appoint Wayne Wheeler to serve the unexpired term of Mr. Fahrer until July 1, 2018, and then a full three-year term, term to expire July 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

**RESOLUTION BOOK NO. 39 - PAGE 326**

**RESOLUTION NO. 18-70 - RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD**

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

Ms. Zakiya Bell-Rogers has resigned as a member of the Recreation Board, thus leaving an unexpired term until June 30, 2018.

The following individuals applied for the vacancy: Ron Nelson, Ken Miller, John Irving and Justin Thompson.

It was the consensus of the Boards & Commissions Committee to appoint Justin Thompson.

Vice-Mayor Wisler moved to appoint Justin Thompson to serve the unexpired term of Ms. Bell-Rogers until June 30, 2018, and then a full three-year term, term to expire June 30, 2021, or until his successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

**RESOLUTION BOOK NO. 39 - PAGE 327**

**VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

Mr. Daniel Gilbert, resident on Justin Trail in Arden, asked Council to put pressure on the N.C. Dept. of Environmental Quality and Duke Energy to make the decisions necessary that will result in his neighborhood being connected to municipal water; and to provide some financing for this waterline and/or variances/waivers that will bring them closer to getting municipal water to their neighborhood. City Manager Jackson said that he would have our Interim Water Resources Director David Melton contact Mr. Gilbert.

Mr. Bill Robinson spoke to Council about the need for more empathy and compassion for the homeless in Asheville.

Mr. Anthony M. Thomas spoke to Council about the people who no longer have jobs since the City did not renew their temporary services contract for the U.S. Cellular Center and the Public Works Department. City Manager Jackson said that he will look into this matter.

**APD Incident Regarding Mr. Johnnie Rush**

Councilman Young said that for three years there have been adverse actions to the African American community and he is still seeking answers. He felt we need more African American Asheville Police Department officers and he wants to see a program that promotes minority recruitment with substantial pay. He said he is their voice but he needs for them to fight with him.

Pastors, members of the NAACP, members of the Racial Justice Coalition, members of the Faith 4 Justice, and many others expressed frustration over the incident involving Mr. Johnnie Rush. Some felt City Council was not doing enough about racial issues in Asheville, noting that there are systemic problems that go beyond Mr. Rush's incident.

Vice-President of the Mountain Chapter of the N.C. Police Benevolent Association, local head of the Fraternal Order of Police, and police officers spoke in support of the Asheville Police Department and Chief Hooper, noting that the APD officers have sworn to protect our community as they report to duty each day to honor their oath.

Councilwoman Smith thanked everyone for coming out to this meeting. She said that she is willing to continue to work with law enforcement; but we have a focus and that is to make sure this collective Council supports a community who has lost trust.

### **Closed Session**

At 8:25 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: Bach vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 9:53 p.m., Councilman Haynes to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

### **VIII. ADJOURNMENT:**

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

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CITY CLERK

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MAYOR