

Tuesday – January 14, 2020 - 3:00 p.m.

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilman W. Keith Young; City Manager Debra Campbell; and City Clerk Magdalen Burleson

Absent: Councilwoman Sheneika Smith

#### Budget Worksession

City Manager Campbell said that the goals of this worksession are to (1) provide current year update and financial context; (2) identify challenges and opportunities in next year's budget; and (3) obtain feedback to inform next steps in the budget process.

Budget Manager Taylor Floyd said the Fiscal Year 2019-20 General Fund budget is 52% property taxes, 21% sales tax, 7% utility taxes and 20% other. We are on target for General Fund revenues, We are also on target for General Fund expenditures (personnel cost management, utilities, fleet management/fuel; and health care.

Interim Human Resources Director Peggy Rowe updated Council on the compensation study. Consultants were engaged to analyze the City's salary and benefits package and to provide a recommendation to the City Manager. She reviewed the Phase 1 scope of work and the movement of salaries to \$31,200. The City has a total of 1,256 full-time and regular part-time employees, with 93 earning less than \$31,200. Departments with impacted positions include Capital Projects; Community & Economic Development; Parks & Recreation; Police; Public Works; Transportation; and Water Resources. The estimated annualized cost for adjusting salary for 93 employees including overtime, increase in cost of benefits, additional City contribution to the retirement system and life insurance premiums is \$412,560. If \$32,200 becomes the new wage floor, the shift causes additional compression as a group of employees' pay shifts upward. An additional 87 employees could potentially be impacted by the new wage increase. The cost to adjust for compression could be \$30-196,000. There is likely to be pay compression in other pay grades. When Phase II of the total Compensation Study is complete, the following recommendations will be provided: (1) position compensation based on responsibilities; (2) adjustments for market and internal compensation inequities; and (3) adjustments to address pay compression in the current plan and the impact of new pay grades and ranges. In summary, Phase 1: initial identified positions to be adjusted to \$31,200 year (a) supports commitment to adjust lower pay rates first; and (b) staff will provide additional information and options at Council retreat in February. Phase II timeline: (a) additional data collection including market analysis (January-March); (b) preliminary report (April-May); and (c) final report (May-June).

Budget Manager Floyd said that the current year General Fund summary shows revenues estimated at \$133.4 Million and expenses at \$132.6 Million, with a deficit of \$0.8 Million. He then reviewed the Enterprise Fund status.

He said the Transit Fund status details show that transit is trending \$500,000 over budget due to increased cost of fuel/electricity and paratransit service.

Paratransit details include (1) the Americans with Disabilities Act requires public transit agencies to provide equivalent services to people with disabilities; (2) door-to-door service is provided for eligible riders throughout the entire city, which is above and beyond federal requirements; and (3) City contracts with Buncombe County to provide services.

In October of 2019, City Council asked staff to monitor the budget to see if the last half of the 1st year of the Transit Master Plan (extended hours of operation) could begin this fiscal year. A cost analysis was prepared and considered (1) when would the extended hours of operation begin; (2) paratransit increase; (3) maintenance impacts; (4) ART staff increases (drivers/dispatch/mechanics); (5) vehicle availability; (6) additional security needs at transit station; and (7) fuel increase plus increased fuel cost. The cost to extend the hours of operation to complete Year 1 of the Transit Master Plan (+\$1.1 Million for full year): (1) extended hours of operation - \$950,000; and (2) upgrade/purchase operational software - \$150,000. Due to existing projected shortfall in Transit Fund of \$500,000, cost to implement for partial year approximately \$250-300,000, and logistical challenges of quick turnaround, it is unlikely for this fiscal year.

Regarding the next fiscal year budget development, the internal progress update is (1) facility and infrastructure maintenance identified as high priority by Management Team; and (2) departments completing development of budget proposals (operations & capital). The external progress update is (1) budget process information shared with Boards & Commissions; and (2) capital financing and forecast information shared with Finance & Human Resources Committee.

Preliminary revenue projections: (1) property tax growth to follow recent trends; (2) moderating sales tax growth; (3) additional Mission-HCA revenue (\$2.2 Million); (4) minor growth in other revenues; and (5) current estimate: \$5-6 Million additional revenue. Examples of expense increases include (1) full year of transit service improvements; (2) paratransit, fuel and electricity; (3) maintenance in River Arts District; (4) additional ongoing personnel costs; (5) annual capital debt model allocation; and (6) current estimate: \$6-8 Million additional operating costs. The revenue growth is expected to be used up by ongoing operating cost increases.

Chief Financial Officer Barbara Whitehorn then reviewed the investments in short term (1-3 year) priority strategies. She then reviewed examples of strategic investments for review, in particular transit and capital. In the strategic investment funding, revenue growth is expected to be used up by ongoing operating cost increases. Additional revenue required to fund any of these new investments. Revenue options to be determined.

At the Council retreat, staff will affirm guiding principles, provide a 5-year forecast, provide a more detailed budget information; and show alignment with Council priorities.

City Manager Campbell, along with City staff, responded to various questions/comments from Council, some being, but not limited to: confirmation of information on Phase 1 of the Compensation Study and entire compression analysis organization-wide by the City Council retreat; are any of the 93 positions earning less than \$31,200 vacant; explanation of paratransit services contracted with Buncombe County and why are we contracting with Buncombe County; does the County subsidize paratransit and will that continue; if we go fare free for public transit do we have to go fare free on paratransit; and what is the cost per person for a paratransit ride.

Councilwoman Mayfield said that to do the new things that she wanted to see done we need a new revenue source. She pulled together advocates, along with Councilman Young, to come up with a proposal to generate new revenue. A 3-cent tax increase for our future. Their plan is to restore our tree canopy; build a bus system for the 21st Century; and invest in renewable energy and affordability. We can fill the gap between our plans and our revenue through a 3-cent increase to property taxes. A 3-cent property tax increase will provide \$4.5 Million. The plan will fund (1) hiring an Urban Forester & start-up costs - \$100,000; (2) Urban Forest Master Plan and recurring tree-planting program - \$200,000; (3) expand evening hours to 10:30 p.m. or later - \$1 Million; (4) Year 2 of Transit Master Plan - \$1.2 Million; (5) renewable energy & energy efficiency - \$1.5 Million; (6) low-income weatherization via Blue Horizons - \$250,000; (7) new Housing Voucher Pilot Project - \$100,000; (8) additional Housing Trust Fund

allocation - \$100,000; and (9) Asheville-Buncombe County Land Trust operating costs - \$50,000. Vice-Mayor Wisler wondered how this proposal will affect renters.

Councilman Kapoor's main concern is providing basic services across the City. We have a duty to make sure that all of our residents are kept safe, that they can depend on having clean drinking water, that the roads they travel on are maintained, and that their tax dollars are being efficiently and effectively used to provide basic services. Despite the many good things that are happening across our City, we're seeing a heroin and drug needle litter crisis in West Asheville and downtown that's being accompanied by a significant jump in property crime; we've had several recent water outages caused by outdated water infrastructure that have hurt residents and local businesses; we have some of the worst roads of any city in the state and unmet capital needs of now over \$600 Million including for building new fire stations; and we are having trouble hiring and keeping many of our City employees who provide the very services that our residents expect. To address these immediate problems, our next budget must have (1) funding to address the heroin and drug needle litter emergency; (2) funding to ensure that our water system infrastructure is dependable so that we prevent a public health disaster; (3) a responsible bond program that begins to fund our infrastructure and capital needs that have been ignored for years; and (4) funding for appropriate wage adjustments for our employees who deliver the services all of us depend on.

Mayor Manheimer noted that we do have capital needs around public safety and thought it might be time for another General Obligation Bond Referendum and perhaps that could include some environmental initiatives.

At 4:21 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – January 14, 2020 - 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 Debra Campbell; City Attorney Brad Branham; 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 JANUARY 21, 2020, AS "NATIONAL DAY OF RACIAL HEALING"**

Mayor Manheimer read the proclamation proclaiming January 21, 2020, as "National Day of Racial Healing " in the City of Asheville. She presented the proclamation to Director of Equity Inclusion Kimberlee Archie, who then introduced Michael Hayes, Kasia Maatafale, Ponkho Bermejo and DeWayne Barton. Mr. Barton stated that we need to practice racial healing every day.

#### **II. CONSENT AGENDA:**

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 10, 2019**
- B. ORDINANCE NO. 4786 - ORDINANCE CHANGING THE POSTED SPEED LIMIT ALONG SEVERAL STREETS WITHIN THE CITY OF ASHEVILLE**

**Action Requested:** Adoption of an ordinance changing the posted speed limit along several streets within the City of Asheville.

**Background:**

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- City staff received requests from citizens to consider changes to the speed limits.
- City staff performed appropriate traffic-engineering studies along the various streets.
- Staff will bring speed limit changes to City Council on a quarterly cycle in an effort to improve the efficiency of the approval process.
- West Haywood Street, from Park Avenue North to Roberts Street will be changed to 20 miles per hour.
- The following streets will be changed to 25 miles per hour:
  - Asbury Road, from Wolfe Cove Road to Bassett Road
  - Bassett Road, from Wolfe Cove Road to Spooks Branch Road
  - Bearden Avenue, from Cumberland Avenue to Montford Avenue
  - Briarcliff Drive, from SR 3503 (Overlook Road) to Stancliff Drive
  - Buffalo Street, from Burton Street to a point 320 feet north of Ohio Street
  - Cameron Street, from Arlington Street to NC 694 (Town Mountain Road)
  - Creasman Place, from Selwyn Road to a point 550 feet north of Selwyn Road
  - Elizabeth Street, from Broadway to Cumberland Avenue
  - Fawn Drive, from Briarcliff Drive to Oakwilde Drive
  - Forsythe Drive, from Woodrow Avenue to North Street
  - Hampstead Road, from Manetta Road to Country Club Road
  - Hilliard Avenue, from West Haywood Street to SR 3548 (Clingman Avenue)
  - Oakwilde Drive, from Briarcliff Drive to a point 650 feet west of Stancliff Drive
  - Selwyn Place, from Selwyn Road to a point 300 feet north of Selwyn Road
  - Thompson Street, from US 25 (Hendersonville Road) to a point 750 feet north of Glendale Avenue
  - West Haywood Street, from Hilliard Avenue to Park Avenue North
  - West Street, from Forsythe Avenue to North Street
  - Windswept Drive, from College Street to Alexander Drive
- The Asheville Police Department concurs with the changes.

**Council Goal(s):**

- Transportation and Accessibility.

**Committee(s):**

- None

**Pro(s):**

- City staff has been able to respond favorably to citizen requests.
- The new speed limits will be consistent with streets of like characteristics and design.
- Based on the 85th percentile speeds, most drivers would adhere to the recommended speed limits on these streets.

**Con(s):**

- None

**Fiscal Impact:**

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

**Motion:**

- Motion to approve an ordinance enacting (1) a 20 mph speed limit on West Haywood Street from Park Avenue North to Roberts Street; and (2) a 25 mph speed limit on Asbury Road, from Wolfe Cove Road to Bassett Road, Bassett Road, from Wolfe Cove Road to Spooks Branch Road, Bearden Avenue, from Cumberland Avenue to Montford Avenue, Briarcliff Drive, from SR 3503 (Overlook Road) to Stancliff Drive, Buffalo Street, from Burton Street to a point 320 feet north of Ohio Street, Cameron Street, from Arlington Street to NC 694 (Town Mountain Road), Creasman Place, from Selwyn Road to a point 550 feet north of Selwyn Road, Elizabeth Street, from Broadway to Cumberland Avenue, Fawn Drive, from Briarcliff Drive to Oakwilde Drive, Forsythe Drive, from Woodrow Avenue to North Street, Hampstead Road, from Manetta Road to Country Club Road, Hilliard Avenue, from West Haywood Street to SR 3548 (Clingman Avenue), Oakwilde Drive, from Briarcliff Drive to a point 650 feet west of Stancliff Drive, Selwyn Place, from Selwyn Road to a point 300 feet north of Selwyn Road, Thompson Street, from US 25 (Hendersonville Road) to a point 750 feet north of Glendale Avenue, West Haywood Street, from Hilliard Avenue to Park Avenue North, West Street, from Forsythe Avenue to North Street, and Windswept Drive, from College Street to Alexander Drive.

**ORDINANCE BOOK NO. 33 - PAGE 20**

**C. RESOLUTION NO. 20-1 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING REPAIR AGREEMENT WITH SAFE INDUSTRIES FOR SERVICES RELATED TO THE REPAIR OF ASHEVILLE FIRE DEPARTMENT APPARATUS**

**Action Requested:** Adoption of a resolution authorizing the City Manager to amend the existing repair agreement with Safe Industries related to the repair of Asheville Fire Department (AFD) Truck 9574 to increase the contract amount from \$78,636 to \$117,991.

**Background:**

- AFD Truck 9574 was involved in an accident on 1/17/2019.
- The contract for the original scope of work with Safe Industries for repairs was \$78,636.
- During the completion of the original scope of work, Truck 9574 was discovered to have frame damage.
- Truck 9574 was inspected by a KME specialist, and it was determined the frame could be repaired instead of being replaced. The cost of these repairs is \$39,354.86.
- The contract amount will go from \$78,636 to \$117,991.

**Vendor Outreach Efforts:**

- The truck was manufactured by KME, and purchased through the regional dealer, Safe Industries. The repair is being performed by Safe Industries, as they are the only KME repair vendor available to us. This allowed for original KME parts to be replaced with the same manufacturer's parts.

**Council Goal(s):**

- Smart City

**Committee(s):**

- n/a

**Pro(s):**

- Allows for Vendor to be paid for work performed.
- Allows for Truck 9574 to return to service, which will help AFD be prepared to meet the needs of the community.

**Con(s):**

- Increases expenditures under the contract.

**Fiscal Impact:**

- Costs for these services are included in the General Fund fleet allocations for the Department's vehicle repair and maintenance activities.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to amend the existing repair agreement, from \$78,636 to \$117,991, with Safe Industries related to the repair of Asheville Fire Department Truck 9574.

**RESOLUTION BOOK NO. 41 - PAGE 173**

**D. RESOLUTION NO. 20-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH AUSTIN CONSTRUCTION & GRADING FOR RAY L. KISIAH PARK PAVING AND BATTING CAGE IMPROVEMENTS**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a construction contract with Austin Construction & Grading of Horseshoe, NC, in the amount of \$196,332.83 and to further authorize change orders up to the contingency amount of \$19,633 (10%) for Ray L Kisiah Park Paving and Batting Cage improvements.

**Background:**

- Funding for these project upgrades were approved as part of the voter approved 2016 General Obligation (GO) Bonds and will allow for the replacement of outdated facilities including paving and sports field amenities.
- This project will improve the appearance, usefulness, and safety of facilities and are consistent with the department's Parks, Recreation, Cultural Arts Master Plan adopted by City Council in 2009.
- Seven bids were received and opened on December 12, 2019:

○ Austin Construction & Grading, Horseshoe, NC	\$196,332.83
○ Allison Contractors, LLC Hendersonville, NC	\$213,308
○ NHM Constructors, LLC Asheville, NC	\$228,491.23
○ Construction & Landscape Service, Inc., Marshall, NC	\$285,167
○ Owen Joseph, LLC, Arden, NC	\$305,673
○ Appalachian Paving & Concrete, Inc. Swannanoa, NC	\$313,000
○ Patton Construction Group, Inc, Asheville, NC	\$330,170

**Vendor Outreach Efforts:**

- Staff performed outreach to Minority and Women-Owned Business Enterprises (MWBE) through solicitation processes which included posting on the State's Interactive Purchasing System, targeted outreach with the City's Business Inclusion Manager, and requiring prime contractors to reach out to MWBE service providers for subcontracted services. Austin Construction is not a MWBE firm and will not be subcontracting with a MWBE.

**Council Goal(s):**

- A Clean and Healthy Environment & a Well-Planned and Livable Community.

**Committee(s):**

- Recreation Advisory Board (November 10, 2019) - project status update

**Pro(s):**

- Addresses needed infrastructure and safety improvements and delivers on ballfield improvements identified in the approved 2016 Bond Referendum.
- The facility will be under construction for eight to ten weeks during the off-season to minimize impacts to programs.

**Con(s):**

- None

**Fiscal Impact:**

- Funding for this contract exists within the approved GO Bond Capital Budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to enter into a construction contract with Austin Construction & Grading of Horseshoe, NC, in the amount of \$196,332.83 and to further authorize change orders up to the contingency amount of \$19,633 (10%) for Ray L Kisiah Park Paving and Batting Cage improvements.

**RESOLUTION BOOK NO. 41 - PAGE 174**

**E. RESOLUTION NO. 20-3 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 11, 2020, TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET**

**Action Requested:** Adoption of a resolution to set a public hearing for February 11, 2020, for the closure of an unopened right-of-way known as Oak Street.

**Background:**

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Nettlewood Assoc LLC has petitioned the closure and owns three adjacent properties, 36,49, and 50 Peachtree Road, PIN #s 9656-10-0853, 9656-10-2829, and 9656-10-0957.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

**Council Goal(s):**

- A well-planned and livable community

**Committee(s):**

- Multimodal Transportation Committee - October 30, 2019 - Recommended closing the right-of- way

**Pro(s):**

- 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(s):**

- None noted.

**Fiscal Impact:**

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

**Motion:**

- Motion to adopt resolution of intent to set a public hearing on February 11, 2020, to close an unopened right-of-way known as Oak Street.

**RESOLUTION BOOK NO. 41 - PAGE 175**

**F. RESOLUTION NO. 20-4 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH PULLIAM STATE BUREAU LLC AT 9 WALDEN RIDGE FOR THE SOUTH ASHEVILLE POLICE RESOURCE CENTER**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a lease agreement for property at 9 Walden Ridge, Suite 20 for the South Asheville Police Resource Center.

**Background:**

- The Asheville Police Department (APD) is currently leasing space at 1 Pond Street from Skyland Fire and Rescue Corporation. The building is being sold to a new owner and APD's lease expires in June of 2020.
- The current facility does not meet APD's needs and a new location has been identified to serve as a South Asheville Police Resource Center.
- The property located at 9 Walden Ridge is a former N.C. State Bureau of Investigation office and includes private offices for supervisors, community/roll call room, work areas for patrol officers and ample parking.
- The owner of the property at 9 Walden Ridge, Pulliam State Bureau, LLC, has offered to lease to the City for the following terms:
  - Lease Area - 5,941 Square Feet
  - Initial term of 5 years with two options to renew for 5 years each.
  - Lease rate of \$13 per square foot, which is at or below market value for South Asheville, (approx. \$6,436 per month), with the City responsible for its share of insurance and taxes.
  - Escalation applied only at each renewal period at a rate of 10%.
  - Landlord to perform routine maintenance and repairs on outside walls, structural portions of interior walls and pipes, ducts etc. that serve the building.
  - The owner of the building has offered to make improvements such as the removal of unneeded equipment and the creation of additional work spaces to accommodate APD.
- A lease is preferred to a purchase of property in this case. Long-term capital and space planning is needed for a permanent location, with a potential to co-locate APD with other civic services to serve South Asheville.

**Council Goal(s):**

- A Well-Planned and Livable Community

**Committee(s):**

- None



**Pro(s):**

- With respect to the overall location, layout and functionality of the space, this property provides an improved work environment for Asheville Police Department employees compared to former location.
- The new space can accommodate more personnel to service the continued growth of the South District.
- This space provides the option to off-site some APD units currently working from overcrowded conditions in the downtown Municipal Building.
- The property is well-located for a South Asheville Resource Center, with good proximity to the service area.
- The new space has capacity for community meetings and interactions, which is currently not available in the existing space. The location is accessible via Asheville Transit and is within close proximity to other retail and commercial centers.
- The lease rate and terms are competitive.

**Con(s):**

- None

**Fiscal Impact:**

- Existing funding within APD's operational budget will cover the expenses for the remainder of the Fiscal Year 2020. Thereafter, funds will be budgeted in APD's base budget to pay for the lease expenses year over year.

**Motion:**

- Motion to approve the resolution authorizing the City Manager to execute a lease agreement for property at 9 Walden Ridge, Suite 20 for the South Asheville Police Resource Center.

**RESOLUTION BOOK NO. 41 - PAGE 176**

**G. RESOLUTION NO. 20-5 - RESOLUTION AUTHORIZING THE SALE OF TWO FREIGHTLINER DUMP TRUCKS AND ONE JOHN DEER BACKHOE DEEMED SURPLUS CITY PERSONAL PROPERTY**

**Action Requested:** Approval of a resolution authorizing the sale of two (2) Freightliner Dump Trucks and one (1) John Deere Backhoe deemed surplus City personal property.

**Background:**

- The Maintenance Division of the City's Water Resources Department identified one (1) 2010 Freightliner M2 Dump Truck, one (1) 2013 Freightliner M2 Dump Truck, and one (1) 2010 John Deere 410J Backhoe as surplus personal property, with no anticipation of utilization by the City.
- The estimated wholesale values depending on condition are as follows:
  - 2010 Freightliner M2 Dump Truck is approximately \$28,000
  - 2013 Freightliner M2 Dump Truck is approximately \$30,000
  - 2010 John Deere 410J Backhoe is approximately \$30,000
- Historical bid sales have been higher than estimates. Bids will be solicited through GovDeals online auction.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at \$30,000 or more must be approved by the City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than \$30,000 by private negotiation and sale.

**Council Goal(s):**

- Financially Resilient Community

**Committee(s):**

- None

**Pro(s):**

- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

**Con(s):**

- None

**Fiscal Impact:**

- The dump trucks and backhoe are fully depreciated and the Water Resources Fund will recognize the entire amount as revenue from the sale of the assets.

**Motion:**

- Motion to adopt a resolution authorizing the sale of two (2) Freightliner M2 Dump Trucks and one (1) John Deere 410J Backhoe deemed surplus City personal property.

**RESOLUTION BOOK NO. 41 - PAGE 177**

**H. RESOLUTION NO. 20-6 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 11, 2020, TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY**

**Action Requested:** Adoption of a resolution to set a public hearing for February 11, 2020, for the closure of an unopened right-of-way between Midway Drive and Willis Way

**Background:**

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Ted and Jessica Leaven has petitioned the closure and owns both adjacent properties, 65 Ramoth and Midway Dr, PIN #s 7649-48-1087 and 9646-48-2076.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

**Council Goal(s):**

- A well-planned and livable community

**Committee(s):**

- Multimodal Transportation Committee -December 11, 2019 - Recommended closing the right-of- way

**Pro(s):**

- 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(s):**

- None noted.

**Fiscal Impact:**

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

**Motion:**

- Motion to adopt resolution of intent to set a public hearing on February 11, 2020, to close an unopened right-of-way between Midway Drive and Willis Way.

**RESOLUTION BOOK NO. 41 - PAGE 178**

**I. RESOLUTION NO. 20-7 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 11, 2020, TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY OFF FEDERAL ALLEY**

**Action Requested:** Adoption of a resolution to set a public hearing for February 11, 2020, for the closure of an unopened right-of-way off Federal Alley

**Background:**

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Asheland Properties has petitioned the closure and owns two adjacent properties, 172 Asheland Avenue and 5 Federal Ally PIN#s 9648-38-0052 and 9648-37-1928 and joined by South Slope Holdings LLC at 185 Coxe and 99999 Coxe Avenue PIN #s 9648-37-2825 and 9648-37-2643
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

**Council Goal(s):**

- A well-planned and livable community

**Committee(s):**

- Multimodal Transportation Committee -December 11, 2019 - Recommended closing the right of way

**Pro(s):**

- 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(s):**

- None noted.

**Fiscal Impact:**

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

**Motion:**

- Motion to adopt resolution of intent to set a public hearing on February 11, 2020, to close an unopened right-of-way off Federal Alley.

**RESOLUTION BOOK NO. 41 - PAGE 180**

**J. RESOLUTION NO. 20-8 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE'S PARTICIPATION IN THE LOCAL GOVERNMENT CLIMATE LITIGATION AMICUS BRIEF PROJECT**

**Action Requested:** Support of the City of Asheville's participation in the Local Government Climate Litigation Amicus Brief Project.

**Background:**

- The Sabin Center for Climate Law at Columbia Law School is seeking local government participation in its amicus, or "friend of the court", climate litigation project to challenge recent rollbacks by the Trump Administration of national climate protections that help safeguard municipalities from some of the worst impacts of climate change.
- This summer, the Administration finalized a rollback of the Clean Power Plan, America's first-ever national standards to reduce climate pollution from the power sector. The Administration's new plan, the "ACE" rule, sets no limits on climate pollution from the power sector and in fact is expected to increase pollution in numerous states.
- The Administration has also introduced the Safer Affordable Fuel-Efficiency (SAFE) Vehicles Rule which would result in a rollback of federal and state Clean Car Standards and lead to a significant increase in climate pollution.
- According to the Sabin Center, local governments can make a major contribution to pushing back against these rollbacks by participating as amici, friend of the court, in upcoming litigation challenges to these new laws.
- Participation will give the City an opportunity to review and comment on briefs written by the Sabin Center and also to provide information on how greenhouse gas reduction and renewable energy goals adopted by City Council are in direct conflict with, and would be negatively impacted by the new laws.
- Participation in the Amicus Brief Project has been discussed with staff from the Legal Department and they have indicated they will have the ability to assist the Sustainability Department in the review and comment on the briefs.

**Council Goal(s):**

- Equitable and Diverse Community
- A Clean and Healthy Environment

**Committee(s):**

- Sustainability Advisory Committee on Energy and the Environment unanimously passed support of City Council supporting the City of Asheville's participation in the Local Government Climate Litigation Amicus Project at their November 2019 meeting.

**Pro(s):**

- Supports Resolution 11-77 Establishing a Carbon Footprint Reduction Goal
- Supports Resolution 13-222 Clean Energy Economy
- Supports Resolution 17-119 Reaffirming City's Commitment to Paris Climate Agreement
- Supports Resolution 17-104 Encouraging a State Goal of 100% Renewable Energy by 2050
- Supports Resolution 18-279 Establishing a 100% Renewable Energy Goal for the City of Asheville

**Con(s):**

- None

**Fiscal Impact:**

- None

**Motion:**

- Motion to adopt a resolution supporting the City of Asheville's participation in the [Local Government Climate Litigation Amicus Brief](#)

**RESOLUTION BOOK NO. 41 - PAGE 181**

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. MANAGER'S REPORT - TRANSIT**

City Manager Campbell introduced Assistant Transportation Director Jessica Morriss who said that City Council Strategy E.2 - Implement Year 1 recommendations of the Transit Master Plan (1-3 years), during the first half of Year 1, there has been a 25% service increase: route configurations, on-time performance improvements, added frequency, new routes and extended route, added stops, and new buses. These were all launched January 5, 2020.

The Transit Fund status details show that transit is trending \$500,000 over budget due to increased cost of fuel/electricity and paratransit service.

Paratransit details include (1) the Americans with Disabilities Act requires public transit agencies to provide equivalent services to people with disabilities; (2) door-to-door service is provided for eligible riders throughout the entire city, which is above and beyond federal requirements; and (3) City contracts with Buncombe County to provide services.

In October of 2019, City Council asked staff to monitor the budget to see if the last half of the 1st year of the Transit Master Plan (extended hours of operation) could begin this fiscal year. A cost analysis was prepared and considered (1) when would the extended hours of operation begin; (2) paratransit increase; (3) maintenance impacts; (4) ART staff increases (drivers/dispatch/mechanics); (5) vehicle availability; (6) additional security needs at transit station; and (7) fuel increase plus increased fuel cost. The cost to extend the hours of operation to complete Year 1 of the Transit Master Plan (+\$1.1 Million for full year): (1) extended hours of operation - \$950,000; and (2) upgrade/purchase operational software - \$150,000. Due to existing projected shortfall in Transit Fund of \$500,000, cost to implement for partial year approximately \$250-300,000, and logistical challenges of quick turnaround, it is unlikely for this fiscal year.

The Fiscal Year 2021 Transit Budget requests include (1) Base Budget (+\$2.5 Million) (a) annualizes first portion of Year 1 (launched January 5, 2020); (b) increases paratransit cost; and (c) increases fuel/electricity cost; (2) Additional Service - Complete Transit Master Plan Year 1 (+\$1.1 Million for full year (less if implemented after July 1, 2020) (a) add extend hours of operation - \$950,000; and (b) upgrade operational software - \$150,000; and (3) additional service - Transit Master Plan Year 2 (estimated +\$1.1 Million for full year (less if implemented after July 1, 2020) (a) additional north and south crosstown route and added frequency on S3 and S6.

Transit summary (1) 1st half of Year 1 Transit Master Plan launched successfully on January 5, 2020; (2) projected shortfall of \$500,000 in current fiscal year budget for transit; (3) not likely to implement Year 1 half of Year 1 Transit Master Plan this fiscal year, but ... (4) Fiscal Year 2021 budget process will look at transit budget requests for completion of Year 1 and implementation of Year 2.

City Manager Campbell along with Ms. Morriss responded the various questions/ comments from Council, some being, but are not limited to: when can we expect to begin implementation of the full year of extended hours; explanation of the increase of paratransit costs with Buncombe County; what is the percentage of the budget for maintaining the same level of service; confirmation that if we move to fare free transit for regular service we have to by law have fare free transit for paratransit; confirmation that fare free transit will strain our system and not only for the loss of revenue; hope that Buncombe County might reconsider not eliminating their subsidy for paratransit and increase their participation so that we can improve our plan to increase service to the residents.

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

##### **A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR THE RAD LOFTS PROJECT LOCATED AT 146 AND 179 ROBERTS STREET TO REVISE CONDITIONS RELATED TO AFFORDABILITY**

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend a previously approved conditional zoning approval (Ordinance No. 4602) for the RAD Lofts Project (Urban Place/Conditional Zone) located at 146 and 179 Roberts Street, to revise conditions related to affordability. This public hearing was advertised on January 3 and 10, 2020.

##### **Project Location and Contacts:**

- The project site consists of two separate parcels with a combined area of approximately 3.26 acres located at 146 and 179 Roberts Street (PINs 9648-06-1956 and 9648-07-2183) that are owned by 146 Roberts LLC.
- Petitioner: Harry Pilos.

##### **Summary of Petition:**

- The project has gone through a number of approvals by City Council:
  - First approved on October 22, 2013 (Ordinance No. 4241) for a mixed-use development and conditional zoning from River and Commercial Industrial to Urban Place Conditional Zone
  - Amended on May 26, 2015 (Ordinance No. 4414) to revise conditions related to the mix of uses, increase parking and alter the number and massing of the buildings
  - Amended on January 10, 2017 (Ordinance No. 4548) to revise conditions related to the mix of uses, building size and amount of parking
  - Amended on July 25, 2017 (Ordinance No. 4602) to revise conditions related to building size, parking and mix of uses and to provide a wider range for these conditions to allow for some flexibility
- The mix of uses, site plan and building designs are not proposed to be changed with this amendment. They remain as shown and described in the conditions from the most recent approval.
- The applicant is only proposing a change to the condition governing the designation of affordable residential units as described in condition no. 8:
  - Current condition: Five percent of the units will be designated as affordable by

the City's standards. The remaining 95% of the units will be leased at or below the City's published 2015 rates for workforce housing as a baseline, assuming and including an annual increase of 3% calculated as of the date of completion of the project as indicated on the attached schedule B1-a. This condition is in effect for a period of ten years from initial CO (Certificate of Occupancy). The applicant will enter into an affordable housing deed restriction with the City to memorialize the aforementioned rent limits and period of affordability. The deed restriction shall be recorded by the applicant in the Buncombe County Register of Deeds prior to obtaining final CO.

- Proposed condition: At least ten percent of the total units (between 230 and 245 units) shall meet the City's standards for affordability at 80% AMI for a period of ten years from the issuance of the Certificate of Occupancy (CO). The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department.
- An Affordable Housing Deed Restriction will be provided by the City and filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to obtaining final CO. The applicant has stated that this request is due to difficulties securing financing for the project with the comprehensive restrictions on rents and balancing the more extensive affordability component with significant increases in construction costs that have occurred since the project was originally approved.

**Comprehensive Plan Consistency:**

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the Traditional Corridor Land Use category encourages mixed-use developments prioritizing pedestrian infrastructure and multimodal access, buildings close to the street and higher residential densities.
- While a reduction, the amendment still contains a commitment to affordability, thus aligning with key goals in the *Resilient Economy* Plan section.

**Compatibility Analysis:**

- The mixed-use development proposal has been evaluated in previous reviews and determined to be compatible with the surrounding area and an ideal location for the uses proposed. This amendment does not impact the compatibility.

**Council Goal(s):**

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

**Committee(s):**

- Technical Review Committee (TRC) - n/a
- Planning & Zoning Commission - December 4, 2019 - recommended approval (7-0)

**Staff Recommendation:**

- Staff consistently recommends maintaining as much commitment to affordability as the applicant is able to provide and supports this project's efforts to move forward to gain the 230-245 residential units and mixed-use development in this location.

In response to Mayor Manheimer, Community Development Programs Director Paul D'Angelo explained the difference between workforce housing vs. market rate housing.

There was considerable discussion amongst Council members and Mr. Harry Pilos, representing RAD Lofts, regarding the tools the City has available to reach 20% affordable housing at 80% AMI for 20 years and Mr. Pilos' explanation of not taking advantage of the City's tools and keeping his request at 10% affordable housing at 80% AMI for 10 years.

Mr. Pilos said that this project is so much more than housing, noting that they have had to clean up this Brownfields site and pay \$750,000 to replace the storm drain.

Mayor Manheimer opened the public hearing at 6:00 p.m.

Ms. Kristen Goldsmith felt the project is a mediocre project and does not meet our goals for affordability. She suggested Council deny this amendment.

Mayor Manheimer closed the public hearing at 6:03 p.m.

At the request of Councilwoman Mayfield, Mr. D'Angelo read Resolution No. 18-269 which recommitted Council's support for opportunity fund investment that promotes equitable growth, developments without displacement, and healthy communities of opportunities in Asheville's opportunity zones.

Councilman Young was disappointed that staff's recommendation as it does not align with Council's commitment on affordable housing nor does it align with the Council's support for opportunity zones. He felt this development promotes gentrification. The affordable housing workshop that City Council held last year provided information on the many tools the City has to incentivize affordability.

Mayor Manheimer said that the City's goal of 200 units per year was at 80% AMI with subsidy and this would bring on-line 23 units at 80% AMI, without a subsidy request. She felt we need to be clear in directing staff that if a private developer proposes a project that doesn't use our incentive policies then they should not recommend it. She didn't recall giving staff the direction to not recommend a project that doesn't use one of our tools. She recalled that the developer the City brought in who spoke at the affordable housing workshop explained to Council that private developers that do not have a subsidy cannot be expected to produce more than 10% of affordable units at 80% AMI. She asked that any future projects that are located in an opportunity zone that City staff acknowledge that fact in their staff report to Council.

In response to Councilman Kapoor, City Attorney Branham said that the law regarding rezonings for conditional purposes requires the Council to make three primary determinations: (1) that it is consistent with the approved area plans that are relevant to that particular project; (2) that it is a reasonable project; and (3) that it is in the public interest.

Councilman Kapoor said that this project meets our goal toward providing affordable housing. He felt that getting 23-24 affordable units even for 10 years is much more than we will have. He's not a developer, but it was clear to him from the affordable housing workshop, that it's not easy to get financing. With respect to staff recommendations, more information is better but he looks for their independent judgement as they are the professionals.

Councilwoman Mayfield said that projects that are in opportunity zones, that staff to flag that for Council and to include language the language from the resolution. She felt the resolution Council adopted would give them the leverage turn away projects that really were going to displace low income residents and not be a benefit to the community they are in. She felt this project is in the right place and thanked Mr. Pilos for trying to make this project happen.



Mr. Pilos said they have worked with staff for 6 years to create a model and they have always worked with him in good faith. He would now be willing to spend another month with staff, but he personally believed that the conclusion will be the same - without getting 95% of the income stream restrictions lifted to go to market, he can't get the project done. He noted that this project goes way beyond just affordable housing - increase retail, activity, etc. He asked that this hearing be continued.

Vice-Mayor Wilser moved to continue this public hearing until February 25, 2020. This motion was seconded by Councilman Young and carried unanimously.

Councilwoman Mayfield said that we learned in the affordable housing workshop and in the City Council Housing & Community Development Committee that the City cannot meet our affordable housing needs alone. We need private developers to step up to the plate.

City Manager Campbell said that because we want to be clear in Council's direction, in March staff will be bringing forward for Council's consideration the priorities of the affordable housing workshop and benchmarks moving forward.

Councilwoman Smith supported staff providing Council with information on projects in opportunity zones in order to give Council all the information necessary to make an informed decision.

**B. PUBLIC HEARING TO CONSIDER AMENDING THE 2019-20 ANNUAL ACTION PLAN FOR THE REALLOCATION OF AN ESTIMATED \$723,208 IN FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS**

**RESOLUTION NO. 20-9 - RESOLUTION AMENDING THE 2019-20 ANNUAL ACTION PLAN FOR THE REALLOCATION OF AN ESTIMATED \$723,208 IN FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS**

Community Development Programs Director Paul D'Angelo said that this is the consideration of a resolution amending the 2019-2020 Annual Action Plan for the reallocation of an estimated \$723,208 in federal HOME Investment Partnership Program funds. This public hearing was advertised on December 13, 2019.

**Action Requested:** Adoption of a resolution authorizing the City Manager to submit an Amendment to the 2019-2020 Annual Action Plan for the HOME Investment Partnerships Program (HOME), enabling the City of Asheville and the Asheville Regional Housing Consortium to reallocate \$723,308 for a total of \$1,269,322 in 2019-20 HOME funds from the U.S. Department of Housing and Urban Development.

**Review:**

- The City has \$723,308 in HOME funds available for reallocation.
- The Asheville Regional Housing Consortium received applications for HOME funds and made funding recommendations over two 2019 meetings (April 2019 and October 2019).
- HOME funds must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties)
- Federal HOME Program and HUD regulations require a public hearing be held before substantial plan amendments can be adopted by the HOME Lead Entity, the City of Asheville.

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- Asheville Regional Housing Consortium - October 31, 2019 - Approved unanimously

**Pro(s):**

- The proposed reallocation of \$1,269,322 commits and puts toward viable projects federal HOME Program funding
- Approximately 170 affordable rental units will be created, 18 homeowners will be assisted with down payment assistance, and additional rental assistance will be supported in Henderson and Buncombe Counties. No project proposals were received in the reallocation for either Transylvania or Madison County projects.
- Funding recommendations reflect the carefully considered recommendations of the Asheville Regional Housing Consortium.

**Con(s):**

- None

**Fiscal Impact:**

- The Action Plan is fully funded from federal CDBG and HOME entitlement grants, unused funds from previous completed projects, and estimated program income. There is no other fiscal impact associated with this action.

Mr. D'Angelo responded to Vice-Mayor Wisler when she asked how this money became available for reallocation.

Mayor Manheimer opened the public hearing at 6:33 p.m.

Ms. Kasia Maatafale asked that the City's website be updated with the current Action Plan.

Mayor Manheimer closed the public hearing at 6:34 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 to approve a resolution authorizing the City Manager to submit an Amendment to the 2019-2020 Consolidated Action Plan for the HOME Investment Partnership Program. This motion was seconded by Councilwoman Smith and carried unanimously.

**RESOLUTION BOOK NO. 41 – PAGE 182**

**C. PUBLIC HEARING ON ISSUANCE OF THE GENERAL OBLIGATION REFUNDING FUNDING BONDS**

**ADOPTION OF THE BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$23,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA**

**RESOLUTION NO. 20-10 - RESOLUTION FOR THE ISSUANCE OF THE CITY OF ASHEVILLE, NORTH CAROLINA, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020A AND THE CITY OF ASHEVILLE, NORTH CAROLINA, TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020B**

Chief Financial Officer Barbara Whitehorn said that this is the consideration (1) To hold a public hearing; (2) adoption of Bond Order; and (3) adoption of a resolution for the issuance of General Obligation (GO) Refunding Bonds for the refinancing of existing debt. This public hearing was advertised on January 3, 2020.

**Background:**

- In May, 2018, Council authorized the issuance of a GO Bond Anticipation Note in an amount not to exceed \$23,000,000.
- Since that time, the City has drawn down \$15.6 million on the loan and hopes to draw on the remaining amount available over the next month with an emphasis on affordable housing initiatives.
- In order to refund the principal, the City intends to issue long-term, fixed-rate GO Bonds in early March, 2020.

**Council Goal:**

- Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Converts GO funding from short-term variable-rate debt to long-term, fixed-rate bonds.
- Allows City to pay off the debt over a longer time period and match the longer, useful life of the assets it funds.

**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 is included in the City's long-range financial model for issuing and paying-off debt. The final amounts of the new debt service payments will be determined on the bond sale date.

The bond order titled, "**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$23,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA**" was introduced at the regular meeting of the City Council on December 10, 2019, and was published on January 3, 2020, with notice that the City Council would hold a public hearing thereon on January 14, 2020, at 5:00 p.m. or as soon thereafter as practicable.

At 6:38 p.m., Mayor Manheimer announced that the City Council would hear anyone who wished to be heard on the questions of validity of the bond order and the advisability of issuing the General Obligation Refunding Bonds, and when no one spoke, she closed the public hearing at 6:38 p.m.

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

Councilwoman Smith moved that the following bond order be adopted without change or amendment as previously introduced at the meeting of the City Council held on December 10, 2019, and for City Council to direct the City Clerk to publish a notice of adoption of the bond order

as prescribed by The Local Government Bond Act. This motion was seconded by Councilman Young and carried unanimously:

**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$23,000,000  
GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA**

*WHEREAS*, the City of Asheville, North Carolina (the “City”) has previously issued its General Obligation Bond Anticipation Note, Series 2018 (the “2018 Note”);

*WHEREAS*, the City Council of the City (the “City Council”) deems it advisable to refund all of the outstanding principal amount of the 2018 Note;

*WHEREAS*, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act.

*NOW, THEREFORE, BE IT ORDERED* by the City Council of the City of Asheville, North Carolina, as follows:

Section 1. The City Council deems it advisable to refund the 2018 Note.

Section 2. To raise the money required to pay the costs of refunding the 2018 Note as set forth above, General Obligation Refunding Bonds of the City in one or more series (the “Refunding Bonds”) are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such Refunding Bonds authorized by this bond order shall be and not exceed \$23,000,000.

Section 3. Taxes will be levied in an amount sufficient to pay the principal and interest of the Refunding Bonds.

Section 4. A sworn statement of the City’s debt has been filed with the City Clerk and is open to public inspection.

Section 5. This bond order shall take effect on its adoption.

Councilwoman Smith moved for the adoption of a resolution for the issuance of City of Asheville, N.C. General Obligation Refunding Bonds, Series 2020A, and City of Asheville, N.C., taxable General Obligation Refunding Bonds, Series 2020B. This motion was seconded by Councilman Young and carried unanimously. (Order of vote corrected procedurally by ratification of resolution vote.)

**RESOLUTION BOOK NO. 41 – PAGE 184**

**V. UNFINISHED BUSINESS:**

**VI. NEW BUSINESS:**

**A. BOARDS & COMMISSIONS**

Regarding the Civic Center Commission, the following individual applied for the vacancy: David Nutter. Since only one application was received and there are two vacancies, it was the consensus of Council to re-advertise for these vacancies.

Regarding the Human Relations Commission, the following individuals applied for a vacancy: Lisa Lemons, Susy Chandler, Melissa Ray, Sam Franklin. It was the recommendation of the Human Relations Commission and the Boards & Commissions Committee to postpone making appointments to this Commission until June, 2020.

Regarding the Recreation Board, the following individuals applied for the vacancy: Craig Ruhland, Matt Lutz and Madison Brightwell. It was the recommendation of the Recreation Board and the Boards & Commissions Committee to postpone making appointments to this Commission and re-advertise for the seat.

**RESOLUTION NO. 20-11 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT**

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

The terms of Pratik Bhakta (Regular) and Daniel Summerlin (Regular) expire on January 21, 2020.

The following individuals applied for the vacancy: David Angelus and Rick Freeman.

The Boards & Commissions Committee recommended reappointment of Mr. Bhakta and Mr. Summerlin.

Vice-Mayor Wisler moved to reappoint Pratik Bhakta (Regular) and Daniel Summerlin (Regular) to each serve an additional three-year term, terms to expire January 21, 2023, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 41 – PAGE 203**

**RESOLUTION NO. 20-12 - RESOLUTION APPOINTING A MEMBER TO THE DOWNTOWN COMMISSION**

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

Brent Campbell resigned as a member of the Downtown Commission, thus leaving an unexpired term until December 31, 2021.

The following individuals applied for the vacancy: David Angelus, Jeffrey Kellman, Sherree Lucas, Robin Raines, Brad Blackburn, Kimberly Levi and Joy Wilson.

The Boards & Commissions Committee recommended appointing Robin Raines.

Vice-Mayor Wisler moved to appoint Robin Raines as a member of the Downtown Commission to serve the unexpired term of Mr. Campbell, term to expire December 31, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 41 – PAGE 204**

**RESOLUTION NO. 20-13 - RESOLUTION APPOINTING MEMBERS TO THE FIREMEN'S RELIEF FUND**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Firemen's Relief Fund.

The terms of Barbara Whitehorn and Raymond Tweed, as members on the Firemen's Relief Fund, expired January 1, 2020. Due to recent legislation, the term limits have been removed and now the members serve at the pleasure of Council or until they resign.

No one applied for the vacancy.

The Boards & Commissions Committee recommended reappointing Mr. Tweed and Ms. Whitehorn.

Vice-Mayor Wisler moved to reappoint Raymond Tweed and Barbara Whitehorn to each serve at the pleasure of City Council or until they resign. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 41 – PAGE 205**

**RESOLUTION NO. 20-14 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Metropolitan Sewerage District (MSD) Board.

The term of Esther Manheimer, as a member of the MSD Board expires on January 19, 2020.

No one has applied for the vacancy.

The Boards & Commissions Committee recommended reappointing Esther Manheimer.

Vice-Mayor Wisler moved to reappoint Esther Manheimer as a member of the MSD Board to serve an additional three-year term, term to expire January 19, 2023, or until her success has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 41 – PAGE 206**

**RESOLUTION NO. 20-15 - RESOLUTION APPOINTING MEMBERS TO THE RIVERFRONT REDEVELOPMENT COMMISSION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Riverfront Redevelopment Commission.

The terms of Darren Green (property/business owner), Tim Schaller (property/business owner in the Riverfront) and Carleton Collins (at-large member) expired on January 1, 2020.

The following individual applied for the vacancy: Kimberly Levi.

The Boards & Commissions Committee recommended reappointment of Darren Green (3-year term), Tim Schaller (3-year term) and Carleton Collins (1-year term).

Vice-Mayor Wisler moved to (1) reappoint Darren Green (property/business owner) and Tim Schaller (property/business owner in the Riverfront) to each serve an additional three-year term respectfully, terms to expire January 1, 2023, or until their successors have been appointed; and (2) appoint Carleton Collins (at-large member) to serve a one-year term, term to expire January 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 41 – PAGE 207**

**RESOLUTION NO. 20-16 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Sustainability Advisory Committee on Energy & the Environment (SACEE).

The terms of Maggie Gulick, Anne Keller and Sonia Marcus (expertise in the field of energy management) expired on December 31, 2019.

The following individuals applied for the vacancy: Ron Edgerton, Chris Pelrine, Paul Schulman, Andrea Baty, Patricia Meason Williams, Jeffrey Vanderlip, Alison Ormsby, Dakota Lee Lathrop, Daniel Falkenstein and Kelsey Wood.

The Boards & Commissions Committee recommended reappointment of Maggie Gulick and Anne Keller and appointment of Alison Ormsby.

Vice-Mayor Wisler moved to (1) reappoint Maggie Gulick and Anne Keller to serve an additional three-year term respectfully, terms to expire December 31, 2022, or until their successors have been appointed; and (2) appoint Alison Ormsby (expertise in field of energy management) to serve a three-year term, term to expire December 31, 2022, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 41 – PAGE 208**

**RESOLUTION NO. 20-17 - RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Urban Forestry Commission.

The terms of Ed Macie and Patrick Gilbert, as members on the Urban Forestry Commission, expired December 31, 2019. In addition, Guillermo Rodriguez resigned, thus leaving an unexpired term until December 31, 2020.

The following individuals applied for the vacancy: Robert Brown, Patricia Strang, Karen MacNeil, Callie Warner and Noah Poulos.

The Boards & Commissions Committee recommended (1) reappointing Mr. Macie and Mr. Gilbert; and (2) re-advertise for the other vacant seat as requested by the Urban Forestry Commission.

Vice-Mayor Wisler moved to reappoint Ed Macie and Patrick Gilbert to each serve a three-term, terms to expire December 31, 2022, or until their successors have been appointed; and re-advertise for the third vacant seat. This motion was seconded by Councilman Haynes and carried unanimously.

**RESOLUTION BOOK NO. 41 – PAGE 209**

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

Mr. Dan Glidden and Tim Birthisel urged Council to adopt a resolution urging congress to pass HR 763 - Energy Innovation and Carbon Dividend Act to address climate change.

Mr. Gary Holcombe spoke about the need for speed humps on Busbee View Circle.

Mr. Joe Minicozzi spoke about the traffic concerns on the residential street of Maxwell Street.

Ms. Vicki Meath spoke to Council about the need to fund and implement the Transit Master Plan, in particular advancing evening service hours.

**Closed Session**

At 7:00 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)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e) and N.C. Gen. Stat. sec. 160A-168; (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling or settlement involving the following matter: City of Asheville v. Parkway Court, LLC COA 19-963. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Mayfield and carried unanimously.

At 7:44 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 7:44 p.m.

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CITY CLERK

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MAYOR