

Tuesday – February 11, 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.

Mayor Manheimer said that at Council's January 28, 2020, meeting she said that there would be an item on this agenda regarding direction to the City Manager regarding extending transit hours. She said she felt it would be more appropriate to have this discussion at Council's annual retreat on March 13, 2020. At that time, Council will give the City Manager direction on what they would like to see in the Manager's budget for Fiscal Year 2020-21.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY 2020 AS "WOMEN VOTERS MONTH"

Councilwoman Manheimer read the proclamation proclaiming February 2020, as "Women Voters Month" in the City of Asheville. She presented the proclamation to Aiden Carson and Ruth O'Donnell, League of Women Voters of Asheville-Buncombe County Co-Presidents, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING FEBRUARY 14, 2020 AS "TRAUMA INTERVENTION PROGRAM DAY"

Councilman Kapoor read the proclamation proclaiming February 14, 2020, as "Trauma Intervention Program Day" in the City of Asheville. He presented the proclamation to Denise Gonzalez, Crisis Team Manager of Trauma Intervention Program of Western North Carolina, and others who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

At the request of Councilman Haynes, Consent Agenda Item "K" was removed from the Consent Agenda for discussion and/or an individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 28, 2020

B. RESOLUTION NO. 20-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE FREE ANNUAL TRANSIT PASSES TO BOARD MEMBERS OF CITY-MANAGED BOARDS AND COMMISSIONS

Action Requested: Adoption of a resolution to provide board members with free annual transit passes

Background:

- To provide board members of city managed boards (those that have a city employee staff liaison) with free annual transit passes.
- 238 annual passes to be issued in 2020.
- Annual passes have unlimited use on all ART (Asheville Rides Transit) bus routes.
- Annual passes expire at the end of the calendar year; new passes will be issued in January.
- The Clerk's Office will coordinate with the transit manager and committee staff liaisons to issue passes yearly.
- Board members will be required to return the annual pass at the end of their term, or at the time of resignation, so that the new (replacement) board member can have the pass.

Council Goal(s):

- Connected and Engaged Community
- Transportation and Accessibility

Committee(s):

- Boards & Commissions Council Committee- January, 14, 2020 - unanimous recommendation to forward to City Council

Pro(s):

- Incentive and perk for board members who volunteer their time to serve on a city committee.
- Increased ridership and awareness of public transportation.
- Aid to alleviate parking and transportation barriers for board members to attend meetings.

Con(s):

- Loss of revenue from annual passes distributed.

Fiscal Impact:

- If every member received an annual pass, the potential loss of revenue would be \$52,360 (238 members x \$220 fee); however, it is unlikely that all members will request an annual pass.

Motion:

- Move to adopt a resolution to provide annual transit passes to board and commission members.

RESOLUTION BOOK NO. 41 - PAGE 222

C. RESOLUTION NO. 20-27 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 25, 2020, TO CONSIDER AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF FLETCHER DESIGNATING A NON-CONTIGUOUS AREA AS NOT SUBJECT TO ANNEXATION BY FLETCHER

Action Requested: Adoption of a resolution to set a public hearing for February 25, 2020, to consider an ordinance approving an annexation agreement between the City of Asheville and Town of Fletcher designating a non-contiguous area as not subject to annexation by Fletcher.

Background:

- The City has received a petition from property owner, Butel Two, LLC, to voluntarily annex a 2.01 acre property developed as a Holiday Inn and Suites and located at 9 Brian

Boulevard (PIN #9643-85-3550), near the airport, in Buncombe County which is non-contiguous to the primary corporate limits of Asheville (the "Property").

- N.C. Gen. Stat. sec 160A-58.1 permits a city to annex a non-contiguous area, however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area.
- It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the Town of Fletcher than it is to the primary corporate limits of the City of Asheville, and therefore, the two municipalities would need to enter into an Annexation Agreement before the City could consider the requested annexation.
- N.C. Gen. Stat. sec. 160A-58.23 authorizes cities to enter into Annexation Agreements as long as they are of reasonable duration not to exceed 20 years and they are approved by ordinance of the governing board of each city.
- The Town of Fletcher has expressed its willingness to enter into an Annexation Agreement, valid for a period of 20 years, in which they agree not to seek to annex the Property. The Town of Fletcher considered an ordinance approving the agreement at its February 3rd Town Council meeting, at which time it was adopted unanimously.
- Approval of the Annexation Agreement by the City of Asheville does not bind it to annex the Property and the actual annexation would be considered at a later date and a separate public hearing. The property would also need to be rezoned (Lodging Expansion Conditional Zoning) in order to be annexed into the City. The annexation and rezoning process would be handled concurrently.

Council Goal(s):

- A connected and engaged community
- A well-planned and livable community

Committee(s):

- None

Pro(s):

- The Annexation Agreement with the Town of Fletcher would allow the City to annex the non-contiguous property if it so desires.
- The request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner's request for voluntary annexation.
- The annexation of the Property, if approved, will provide the City with new property tax revenue.

Con(s):

- None noted.

Fiscal Impact:

- If the property is annexed, the City would receive approximately \$56,000 in property tax revenue based on the current value and tax rate.

Motion:

- Motion to adopt a resolution of intent to set a public hearing on February 25, 2020, to consider an ordinance approving an Annexation Agreement with the Town of Fletcher.

RESOLUTION BOOK NO. 41 - PAGE 223

D. RESOLUTION NO. 20-28 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA SPECIALITIES

CONSTRUCTION LLC, FOR THE JAKE RUSHER PARK IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Carolina Specialties Construction, LLC in the amount of \$975,274, for the Jake Rusher Park Improvements project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% (\$97,527.40).

Background:

- Jake Rusher Park has been identified to receive improvements in the approved GO Bond package. The neighborhood has provided input at several public meetings and the park is designed for the most desired amenities: restrooms, parking, and sports courts.
- Bids were advertised on December 19, 2019. The pre-bid meeting was held on January 7, 2020.
- The following four bids were received and formally opened on January 23, 2020:
 - Carolina Specialties Construction, Hendersonville NC \$828,157 base bid - \$975,274 with all alternates.
 - J. Bartholomew Construction, Hendersonville NC, \$859,500 base bid - \$990,500 with all alternates.
 - Patton Construction, Asheville NC, \$890,570 base bid - \$1,126,870 with all alternates.
 - Sossamon Construction, Gaffney SC, \$1,001,123 base bid - \$1,168,710 with all alternates.
- Alternates included 1) replacing existing deteriorating storm drainage; 2) providing one year maintenance for trees and shrubs; and 3) adding sports courts with fencing, furnishings, and goals; and 3) sidewalks to the courts.
- Carolina Specialties Construction was the lowest responsive, responsible bidder. The construction work will include all of the alternates and is estimated to take six to seven months.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. The low bidder is not a MWBE, but will be contracting with three MWBE subcontractors.

Council Goal(s):

- A well - planned and livable community.

Committee(s):

- A project update was given to the Recreation Advisory Board on January 13, 2020.

Pro(s):

- Provide needed park improvements for this South Asheville park.
- All bid alternates can be built with this bid.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is included in the approved GO Bond Capital budget and annual Parks and Recreation Capital Improvements Program budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Carolina Specialties Construction, LLC., in the amount of \$975,274 for the Jake Rusher Park Improvements project and further authorizing the City Manager to execute any change orders that may arise during the project up to the 10% contingency amount of \$97,527.40.

RESOLUTION BOOK NO. 41 - PAGE 224

E. ORDINANCE NO. 4790 - ORDINANCE TO ENABLE THE CITY OF ASHEVILLE TO REGULATE AND ADMINISTER PARKING AT THE ASHEVILLE REGIONAL AIRPORT

Action Requested: Adoption of an ordinance to enable the City of Asheville to regulate and administer parking at the Asheville Regional Airport.

Background:

- The Greater Asheville Regional Airport Authority has requested in writing that the City of Asheville regulate and administer parking at the airport.
- Public Safety staff at the airport will issue the citations and submit them to the City.
- N.C. Gen. Stat. § 160A-301(d) gives the City the authority to regulate and administer parking on privately-owned public vehicular areas.
- Regulate means to apply the parking regulations of Chapter 19, Article V, Division 1 of the City of Asheville Code of Ordinances.
- Administer means to process the actual citations as they are submitted.
- The City of Asheville provided this service several years ago and has the capacity to resume performing this function.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- Multi-Modal Transportation Commission - January 22, 2020 - Unanimously approved
- Planning & Economic Development - February 10, 2020 - Pending

Pro(s):

- Enables the City to provide a service to another entity.
- Provides a good partnership opportunity.
- Citation revenue will exceed administration expenses.

Con(s):

- None

Fiscal Impact:

- The cost to administer the program is about \$3.50 per citation and the anticipated revenue per citation is \$20.00. Revenue will exceed administration expenses.

Motion:

- Motion to approve an ordinance to enable the City of Asheville to regulate and administer parking at the Asheville Regional Airport.

ORDINANCE BOOK NO. 33 - PAGE 39

F. RESOLUTION NO. 20-29 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE N.C. DEPT. OF TRANSPORTATION - PUBLIC TRANSPORTATION DIVISION OF SECTION 5303 METROPOLITAN PLANNING PROGRAM ANNUAL FUNDS TO FUND A PORTION OF THE EXISTING TRANSIT PLANNING DIVISION PERSONNEL BUDGET, AND IF SUCCESSFUL, TO ACCEPT THE FUNDS

Action Requested: Adoption of a resolution authorizing the City Manager to apply to the North Carolina Department of Transportation (NCDOT) Public Transportation Division for the Fiscal Year (FY) 2020-21 Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program annual funds, which are used on a recurring basis to fund a portion of the existing Transit Planning Division personnel budget, and if successful, to accept the grant funds, and sign all the appropriate agreements, and include the revenue in the FY 2020-21 Budget.

Background:

- FTA Section 5303 Metropolitan Planning Program provides recurring funding for transit planning activities, including personnel.
- The City applied for and receives Section 5303 funding on a recurring basis. These funds are programmed annually to supplement a portion of existing transit division planning staff wages. The City receives \$60,000 (80%) from FTA, and the City and NCDOT provide \$7,500 each in matching funds (20%). Without these funds, the general fund would need to provide additional funding for transit personnel.
- Staff have applied for these funds since the application deadline was February 7, 2020 .
- If for some reason the Council does not authorize the application on February 11, 2020, staff will withdraw it.
- If awarded, staff will budget the funding in the proposed FY 20-21 transit administration budget to fund personnel.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Supplements funding for multiple transit planning positions.
- Enables the City of Asheville to leverage \$67,500 in Federal and State funds to support transit planning activities.

Con(s):

- The City is responsible for half of the 20% local match, which is \$7,500.

Fiscal Impact:

- The required local match in the amount of \$7,500 will be included in the proposed FY 2020-21 Transit Operating Budget.

Motion:

- Motion to authorize the City Manager to apply to the North Carolina Department of Transportation (NCDOT) Public Transportation Division for the FY 20-21 Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program annual funds, which are used on a recurring basis to fund a portion of the existing Transit Planning Division personnel budget, and if successful, to accept the grant funds, and sign all the appropriate agreements, and include the revenue in the FY 2020-21 Budget.

RESOLUTION BOOK NO. 41 - PAGE 225

G. RESOLUTION NO. 20-30 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ADE PROJECT, LLC, FOR THE ASHEVILLE BUSINESS INCLUSION OFFICE TECHNICAL ASSISTANCE PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a general contract with ADE Project of NC, in the amount of \$95,000, to provide small business development to MWBEs.

Background:

- At the end of 2018, the City received the results of the Disparity Study which reviewed the participation of minority- and women-owned businesses in City contracting. This study showed substantial disparities in certain areas of contracting, especially in the African American community.
- Council identified this work as a priority and approved funding for this effort in this year's budget.
- This contract is the result of a Request for Proposals (RFP) issued by the Asheville Business Inclusion Office. Four proposals were received. Two of the proposals were not qualified to perform the work because they did not have work experience in the Relevant Geographic Market Area (as defined by the Disparity Study).
- ADE Project was selected as the most qualified vendor to perform the work.
- The contractor will lead groups, design, and deliver high - quality technical assistance to the existing Relevant Market Area concentrating on small businesses and startups owned by African Americans as well as other minorities identified by the Disparity Study.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and targeted outreach by the City's Business Inclusion Manager.
- The consultant selected is an African American vendor.

Council Goal(s):

- A diverse community
- Thriving local economy
- A connected and engaged community

Committee(s):

- N/A

Pro(s):

- The disparity study provided substantial information that the City should prepare and better encourage the participation of minority- and women-owned businesses in its contracts, including sponsor workshops, training, and conferences that help minority- and women-owned businesses increase business experience and capacity to become actively involved in City contracting.
- ADE will provide such services on behalf of the City.
- The work will be done by an all African American led team of instructors.

Con(s):

- None

Fiscal Impact:

- Funding for this contract exists within the approved Economic and Community Development Department budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a general contract with ADE Project of NC, in the amount of \$95,000, to provide small business development to MWBEs.

RESOLUTION BOOK NO. 41 - PAGE 226

- H. RESOLUTION NO. 20-31 - RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE TO ADD A WORKSESSION REGARDING AN UPDATE ON HOTEL DEVELOPMENT STANDARDS ON TUESDAY, FEBRUARY 25, 2020, AT 3:00 P.M. IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF CITY HALL**

RESOLUTION BOOK NO. 41 - PAGE 227

- I. RESOLUTION NO. 20-32 - RESOLUTION APPROVING THE ISSUANCE OF UP TO \$17,850,000 MULTI-FAMILY HOUSING REVENUE BONDS BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO PROVIDE FINANCING FOR ARROWHEAD APARTMENTS TO SATISFY SECTION 147 (F) OF THE INTERNAL REVENUE CODE**

Action Requested: Adoption of a resolution approving the issuance of bonds by the Housing Authority of the City of Asheville for Arrowhead Apartments

Background:

- The Asheville Housing Authority has requested approval of issuance of up to \$17,850,000 in multi-family housing revenue bonds to provide financing for the acquisition and rehabilitation of the Arrowhead Apartments, a 116 unit development for seniors (62+) built in 1979 which is located in four residential buildings at 100 Cheerio Lane in Asheville.
- The project is, and will continue to be, 100% subsidized under the Project-Based Section 8 Housing Assistance Program (“HAP Contract”) program of HUD and all units are affordable to and set aside for individuals with incomes at or below 60% of the AMI.
- The property will be acquired and renovated by Arrowhead Renewal LP, a North Carolina Limited Partnership, or an affiliated or related entity, via a 4% Low Income Housing Tax Credit (“LIHTC”) syndication financed by tax-exempt bonds issued by the Housing Authority.
- The proposed rehabilitation scope will completely overhaul the unit interiors-upgrading kitchens, bathrooms, living spaces, appliance and fixtures. The rehabilitation will also address mechanical systems such as HVAC, elevators, plumbing, electrical as well as roofing. The proposed renovation is expected to cost more than \$40,000/unit.
- The IRS Code Section 147(f) requires that any bonds issued by the Housing Authority for developments such as this have the approval of the plan of financing by City Council, following a public hearing with respect to such plan. On November 7, 2019, the Housing Authority held a public hearing, and there were no comments.
- This approval by City Council does not obligate the City in any way to issue or pay for the bonds, or for any other debt undertaken by Arrowhead Renewal LP in connection with this project.

Council Goal(s):

- An Equitable and Diverse Community

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

Committee(s):

- None

Pro(s):

- The significant rehabilitation of an existing 116 unit affordable housing development for seniors.

Con(s):

- None

Fiscal Impact:

- As noted above, the approval of this bond issuance does not require City investment.

Motion:

- Motion to adopt the resolution approving in principle the issuance by the Housing Authority of the City of Asheville of up to \$17,850,000 in multi-family housing revenue bonds for the acquisition and rehabilitation of Arrowhead Apartments.

RESOLUTION BOOK NO. 41 -PAGE 228

J. RESOLUTION NO. 20-33- RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS MERRITT PARK LANE AND SETTING A PUBLIC HEARING ON MARCH 24, 2020

Action Requested: Adoption of a resolution to set a public hearing for March 10, 2020, for the closure of a portion of an unopened right-of-way off Merritt Park Lane.

Background:

- N. C. Gen. Stat. Sec 160A-299 grants cities the authority to permanently close streets and alleys.
- The City of Asheville has petitioned for this closure which is associated with the sale of City-owned property at 360 Hilliard Ave. (PIN # 9648-18-3942) and 9999 Merritt Park Lane (PIN# 9648-18-3669) to Hilliard Park Apartments, LLC for an affordable housing development.
- An unopened portion of Merritt Park Lane crosses the Merritt Park Lane property and runs along its eastern border.
- Upon closure, all of the portion of the unopened right-of-way that crosses the Merritt Park property will become the property of Hilliard Park Apartments, LLC and all of the unopened right-of-way along the eastern border of the Merritt Park property will become the property of the City as agreed to by Hilliard Park.
- As part of the purchase agreement, Hilliard Park has agreed to construct a public greenway which will run along the western border of the 360 Hilliard property as well as the northern portion of the Merritt Park property where the unopened right-of-way currently exists. Upon completion, the greenway area will be deeded back to the City.
- This closure allows maximum land use potential for further development while complying with Living Asheville - A Comprehensive Plan for our Future. This is a multi-family residential building with 86 units, several of which are affordable units.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - January 22, 2020 - Recommended closing the right of way by unanimous vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- A portion of the closed right of way on the Merritt Park property will be constructed as a public greenway.
- 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, March 10, 2020, to close an unopened portion of right-of-way off Merritt Park Lane.

RESOLUTION BOOK NO. 41 - PAGE 230

K. RESOLUTION URGING CONGRESSIONAL PASSAGE OF H.R. 763 - ENERGY INNOVATION AND CARBON DIVIDEND ACT TO ADDRESS CLIMATE CHANGE

At the request of Councilman Haynes, this item was removed from the Consent Agenda for discussion and/or an individual vote.

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

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

Councilwoman Mayfield moved for the adoption of the Consent Agenda, without Consent Agenda Item "K". This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

K. RESOLUTION NO. 20-34 - RESOLUTION URGING CONGRESSIONAL PASSAGE OF H.R. 763 - ENERGY INNOVATION AND CARBON DIVIDEND ACT TO ADDRESS CLIMATE CHANGE

Action Requested: Adoption of Resolution Urging Congressional Passage of HR763 Energy Innovation and Carbon Dividend Act to Address Climate Change.

Background:

- City Council passed Resolution 18-92 Federal Congressional Action to Adopt Legislation for a Carbon Fee and Dividend Policy to Address Climate Change per Citizens Climate Lobby recommendation in April 2018.

- HR763 imposes a fee on the carbon content of fuels, including crude oil, natural gas, coal or any other product derived from those fuels that emit greenhouse gases into the atmosphere.
- HR763 includes exemptions for fuels used for agricultural or non-emitting purposes.
- HR763 exempts fuel used by the Armed Forces.
- HR763 includes rebates for facilities that capture and sequester carbon dioxide.
- HR763 includes border adjustment provisions that require certain fees or refunds for carbon-intensive products that are exported or imported.
- Support of this resolution and the recent [Climate Emergency Resolution](#) adopted on January 28, 2020, acknowledges that climate change is a critical and issuing a carbon fee and dividend would be an effective way to address carbon reduction.

Council Goal(s):

- Equitable and Diverse Community
- A Clean and Healthy Environment

Committee(s):

- Sustainability Advisory Committee on Energy and the Environment unanimously approved the resolution at their November 2019 meeting.

Pro(s):

- Supports Resolution 18-92 Federal Congressional Action to Adopt Legislation for a Carbon Fee and Dividend Policy to Address Climate Change

Con(s):

- None

Fiscal Impact:

- None

Councilman Haynes said that he could not support the House Bill 763 which Council is being asked to endorse. Speaking to the Sustainability Advisory Committee on Energy & the Environment in October, a representative with the Citizens Climate Lobby described the Bill as a meatless bone. While it's true that it would do little to address the climate emergency, we are facing flaws that run much deeper than that. This Bill precludes the Environmental Protection Agency from regulating CO2 emissions covered by the Bill for a period of ten years. Whether the Bill's targets are being met will be assessed in the year 2030 - the same year that last year's IPCC report says we need to have drastically reduced CO2 emissions. Brett Harti of the Center for Biological Diversity stated "We don't have a decade to cross our fingers and hope a huge giveaway to fossil fuel companies gets us out of the climate crisis." It exempts the U.S. Military which is the largest institutional consumer of petroleum in the world. According to the Open Secrets website, 48 of the bill's co-sponsors have taken money from the oil and gas industry and the Electric Utilities industry. We can no longer allow the fossil fuel and utility industries to help write legislation ensuring their self preservation while their actions continue to move the planet towards irreversible catastrophic changes to the environment. At our previous meeting this Council unanimously passed a climate emergency resolution calling for bold actions to combat the climate crisis. HR 763 fails to meet that challenge. He could not support this endorsement.

Two individuals opposed the Bill.

Six individuals spoke in support of the Bill.

Councilwoman Mayfield moved to adopt a resolution urging congressional passage of HR763 Energy Innovation and Carbon Dividend Act to address climate change. This motion was seconded by Councilman Young and carried on a 6-1 vote, with Councilman Haynes voting “no”.

RESOLUTION BOOK NO. 41 - PAGE 232

III. PRESENTATIONS & REPORTS:

A. NEIGHBORHOOD ADVISORY COMMITTEE UPDATE

Ms. Barber Melton, Chair of the Neighborhood Advisory Committee (NAC), said that NAC consists of 9 members, all appointed by City Council, with representation from neighborhoods throughout the City. The Committee was established in 2012 to improve communications between neighborhoods and the City Council and to submit reports concerning issues facing neighborhoods. The Committee acts as a sounding board for neighborhood issues and is a conduit to bring these issues, along with strategies for improvement, to City Council. They held two Issues Forums and are currently planning for a Festival of Neighborhoods on May 16 at Dr. Martin Luther King Jr. Park. Last year, NAC re-evaluated holding regional meetings due to diminished participation. Instead, they looked at holding issues forums on concerns mentioned in previous regional meetings and settled on the top two - traffic and noise in June and August respectively.

The main issues addressed by neighborhoods on the traffic issues forum included traffic calming/congestion, traffic enforcement, pedestrian/traffic safety, and I-26 related issues. City staff in Transportation, Police, Planning along with the N.C. Dept. of Transportation local Division 15 reviewed the issues. Comparisons were made on issues that are already in line for review and/or how the remaining traffic matters will be addressed, for example - some are part of the I-26 Connector Project, or the Tunnel Road Corridor Study. Follow-up made with all attendees on the issues addressed and next steps.

Regarding the noise issues forum, this issues forum was provided by the Development Services Department on results of the survey and meetings with groups and residents. All information regarding the noise ordinance revision can be found at bit.ly/NoiseOrdinanceCOA.

NAC has also began to invite neighborhoods to present at their regular monthly meeting about their history, successes and concerns. To date they have heard from Shiloh, Burton Street, West End/Clingman Avenue, Haw Creek, the Heart of Chestnut Hills, Asheville Housing Authority and Hillside Terrace (which is a newly registered neighborhood). Plans are to continue hearing monthly from neighborhoods for 2020. From the neighborhood invitation series, they have heard housing cost/gentrification/housing supply; traffic, parking; break-ins, crime and safety complaints; loss of community involvement/diminishing civic participation; and homeless issues/access to mental health services, job skill trainings. They observed that (1) people do care about and love neighborhoods; (2) people do want to help their neighbors; (3) people will work with city planners and the police; and (4) what people get out of their neighborhoods depends, in part, on what they put into them.

Two neighborhoods added Plans on a Page and/or registered with the City - Oakley neighborhood; and Hillside Terrace neighborhood. In addition, the Neighborhood Hero Award is given annually to neighborhood members or groups who continually do extraordinary work on behalf of their communities.

NAC has heard from or participated in the following last year: homestays, revenue diversification, infill, development notification tool, open space/tree save, noise ordinance, urban centers, the budget process, and advancing racial equity 101 training.

In response to Councilwoman Mayfield, Ms. Melton said that the effort of NAC in exploring ways to increase the capacity of neighborhood leaders is ongoing. She said that the Coalition of Asheville Neighborhoods and NAC work together as they are all out for the same thing - to make a better community.

On behalf of City Council, Mayor Manheimer thanked Ms. Melton and the entire Committee for their dedication and hard work.

B. MANAGER'S REPORT - EQUITY

City Manager Campbell said that this is another report in the ongoing series of updates on Council's strategic initiatives.

Director of the Office of Equity & Inclusion Kimberlee Archie, provided City Council with an equity & inclusion update. She outlined the 6 Council strategies related to equity & inclusion, along with the vision 2036. The Office of Equity & Inclusion fosters a fair and inclusive culture across city government, promotes equitable policies, practices and procedures, and facilitates improved human relations.

Embedding racial equity framework (1) Normalize (a) Training staff and boards and commissions; (b) Increase comfort talking about race/racism - Videos, Documentaries, Podcasts and post discussions; (2) Internal organizing - Internal organizing: Equity Core Teams, Interdepartmental Action Teams; (3) External organizing/ influence; Boards and Commissions, Buncombe County City Manager's Office, Safety + Justice; Western North Carolina DEC; Asheville-Buncombe County United Way; UNC- Asheville, Asheville City Schools; (4) Operationalize (a) Fiscal Year 2021 Budget Process; (b) City Property Disposition Policy; (c) Noise Ordinance Update; and (d) Urban Centers Rezoning.

She then reviewed how equity is embedded in the Council strategies as follows: (1) Council Strategy A.5: Expand partnership opportunities with Asheville City Schools through the Equity Collaboration to eliminate disparities in access to quality schools and other educational resources (a) Equity Collaborative; and (b) Staff as Equity Resource; (2) Council Strategy A.6: Develop and implement a strategy based on the NLC report to foster economic mobility (a) Position the City as a Model Employer; (3) Council Strategy A.1: Incorporate equity into hiring policies, practices and procedures, especially in public safety (on-going) (a) Progress with data collection; and (b) Piloting practice changes; (4) Council Strategy A.2: Expand diversity on City boards and commissions (on-going) (a) New application; and (b) Inclusion Survey; (5) Council Strategy A.3: Review city programming, facilities, staffing operations to enhance racial equity, with an emphasis on Parks and Recreation (on-going) (a) Develop Action Team to track performance; and (6) Council Strategy A.4: In partnership with others, participate in community dialogue and potential strategies to honor history and contributions of the African American community in Asheville (on-going) (a) Supporting AAHC on monument process; and (b) Increased Communication & Coordination. She reviewed the measuring impact and results; along with an analysis in decision-making policy-making.

Listening and being responsive and accountable to the Community's Vision of Racial Equity in Asheville, especially those most impacted by inequities and disparities - (a) Racial Healing mini-grants results; (b) Deepened Racial Equity Facilitators' Pipeline (mini-grant); and (c) Responsive and Inclusive African American Business Development. Black History IS American History Film Series & Discussions Feb 10, 17, 24 and 27; and they are Hosting Economic Inclusion in Southern Cities Learning Cohort May 2 - 4.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET

RESOLUTION NO. 20-35 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Oak Street. This public hearing was advertised on January 17, 24, 31 and February 7, 2020.

Action Requested: Adoption of a resolution to permanently close 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 Associates LLC (PIN # 9656-10-0957, 9656-10-0853, 9656-10-2829) has requested the closure. Nettlewood Associates LLC owns all adjoining parcels.
- This closure allows maximum land use potential for further development while complying with *Living Asheville - A Comprehensive Plan for Our Future*. The ultimate plan is a surgical center. The closure is being pursued prior to the sale of the property.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 11, 2019 - Recommended closing the right-of-way by unanimous vote.

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.

Mayor Manheimer opened the public hearing at 6:00 p.m., and when no one spoke, she closed the public hearing at 6:00 p.m.

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

Councilman Kapoor moved to adopt a resolution to permanently close an unopened right-of-way known as Oak Street. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 234

B. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY

RESOLUTION NO. 20-36 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way between Midway Drive and Willis Way. This public hearing was advertised on January 17, 24, 31 and February 7, 2020.

Action Requested: Adoption of a resolution to permanently close 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 have requested the closure and own both adjacent properties, 65 Ramoth Road and Midway Drive, PIN #s 7649-48-1087 and 9646-48-2076.
- This closure allows maximum land use potential for further development while complying with *Living Asheville - A Comprehensive Plan for our Future*. The alley is between two parcels owned by the same owner. The owner is wanting to combine the two parcels into one. Part of the attached deck is in the right-of-way.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 11, 2019 - Recommended closing the unopened right-of-way by unanimous vote

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.

Mayor Manheimer opened the public hearing at 6:03 p.m., and when no one spoke, she closed the public hearing at 6:03 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 adopt a resolution to permanently close an unopened right-of-way between Midway Drive and Willis Way. This motion was seconded by Councilman Kapoor and carried unanimously.

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C. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED ALLEY OFF FEDERAL ALLEY

RESOLUTION NO. 20-37 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED ALLEY OFF FEDERAL ALLEY

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened alley off Federal Alley. This public hearing was advertised on January 17, 24, 31 and February 7, 2020.

Action Requested: Adoption of a resolution to permanently close a portion of Federal Alley

Background:

- N. C. Gen. Stat. Sec. 160A-299 grants cities the authority to permanently close streets and alleys.
- Asheland Properties LLC (PIN # 9648-38-0052, 9648-37-1928, 9648-37-2825, 9648-37-2643) has requested the closure.
- This closure allows maximum land use potential for further development while complying with *Living Asheville - A Comprehensive Plan for Our Future*. This is for the Asheland/Coxe development. This is a wide portion of right-of-way. This will allow the wider sidewalk to be constructed out to Federal Alley.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 11, 2019 - Recommended closing the right-of-way by unanimous vote.

Pro(s):

- The closure will allow the Asheland/Coxe development to install sidewalk and trees along Federal Alley.
- 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.

Mayor Manheimer opened the public hearing at 6:04 p.m.

A woman who works in the adjacent building said they are about to lose parking spots when the apartments come in. Any opportunities to support the employees downtown who help with tourism would be appreciated.

Mayor Manheimer closed the public hearing at 6:08 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 adopt a resolution to permanently close a portion of Federal Alley. This motion was seconded by Councilman Kapoor and carried unanimously.

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Dennis Wencel, Sandy Aldridge, Shannon Watkins and Amy Jones. At the request of the Multimodal Transportation Commission and the Boards & Commissions Committee, it was the consensus of Council to delay the appointment.

RESOLUTION NO. 20-38 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

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

Kyle Smith resigned as a member of the Civic Center Commission, thus leaving an unexpired term until June 30, 2021. In addition, Sykes Lowe has resigned as a member of the Civic Center Commission, thus leaving an unexpired term until June 30, 2020.

The following individuals applied for the vacancy: David Nutter, Lee Arevian, John Ellis, Steven M. Howard, Tony Micocci and Mukunda Pacifici.

The Boards & Commissions Committee recommended appointment of John Ellis and Mukunda Pacifici.

Vice-Mayor Wisler moved to (1) appoint Mukunda Pacifici as a member of the Civic Center Commission to serve the unexpired term of Mr. Smith, term to expire June 30, 2021, or until his successor has been appointed; and (2) appoint John Ellis as a member of the Civic Center Commission to serve the unexpired term of Ms. Lowe, term to expire June 30, 2020, and then a full three-year term, term to expire June 30, 2023, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-39 - 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.

Mr. Justin Thompson resigned as a member of the Recreation Board, thus leaving an unexpired term until June 30, 2021.

The following individuals applied for the vacancy: Craig Ruhland, Matt Lutz, Madison Brightwell, Bryce Senz, Elizabeth Lafitte, Shannon Rupert and James Barney.

At the recommendation of the Recreation Board, the Boards & Commissions Committee recommended appointing Elizabeth Lafitte.

Vice-Mayor Wisler moved to appoint Elizabeth Lafitte as a member of the Recreation Board to serve the unexpired term of Mr. Thompson, term to expire June 30, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-40 - 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 a member to the Urban Forestry Commission.

Mr. 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, Noah Poulos, Catherine Murphy and Perrin de Jong.

At the request of the Urban Tree Commission, the Boards & Commissions Committee recommended appointing Perrin de Jong.

Vice-Mayor Wisler moved to appoint Perrin de Jong to serve the unexpired term of Mr. Rodriguez, term to expire December 31, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Vicki Meath and 5 individuals urged Council to adopt a budget amendment to extend evening transit hours in this fiscal year.

Mr. Ehren Cruz, representing LEAF Downtown, spoke to Council about helping them with a conflict with another event on August 9. Their event is on August 7-8 and they are unable to have their equipment, staging, etc. removed before the August 9 event begins.

Mr. Jonathan Wainscott was pleased to see that the problem about ice on Riverside Drive has been resolved.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:28 p.m.

CITY CLERK

MAYOR