

Tuesday – June 9, 2020- 5:15 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor 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.

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

PLEDGE OF ALLEGIANCE

Vice-Mayor Wisler led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 26, 2020**

- B. RESOLUTION NO. 20-97 - RESOLUTION ACCEPTING THE ANNUAL FLOOD MITIGATION ACTIONS REPORT AND SUPPORTING THE RE-CERTIFICATION AS A MEMBER OF THE COMMUNITY RATING SYSTEM PROGRAM**

Action Requested: Adoption of a resolution accepting the annual Flood Mitigation Actions report and supporting the re-certification as a member of the Community Rating System Program.

Background:

- The City of Asheville joined the Community Rating System (CRS) program, a program through the Federal Emergency Management Agency (FEMA), and administered by the Insurance Services Office (ISO) in 2014. As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by Brown and Caldwell to supplement the Buncombe-Madison Regional All Hazards Mitigation Plan.
- CRS provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class. The classes are obtained by actions that are above and beyond the requirements of the National Flood Insurance Program administered by FEMA.
- Currently, property owners in Asheville receive a 10 percent reduction in their flood insurance premiums through participation in the CRS program.
- In order to maintain the current status in the CRS program, staff is required to provide to council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013.
- Highlighted in the report, staff from multiple departments continue to work together, looking for ways to reduce flooding and damage from floods.
- We do this through community outreach from the City website, social media, flyers, and events, working with the Army Corps of Engineers and other partners on flood mitigation opportunities, and working with developers and property owners on ways to protect their properties from flooding.

Vendor Outreach Efforts:

- Not Applicable.

Council Goal(s):

- A Clean and Healthy Environment
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- The property owners in Asheville will continue to receive a 10% reduction on their flood insurance.
- Provides a higher level of protection through the current flood ordinance, improving resilience.
- Promotes public education of the Special Flood Hazard Areas.

Con(s):

- None

Fiscal Impact:

- There is no additional fiscal impact to continuing the efforts necessary for the CRS program, staff time is currently programmed into the annual operating budget.

Motion:

- Motion to approve a resolution accepting the report prepared by City staff for the flood mitigation action associated with the repetitive loss area analysis report.

RESOLUTION BOOK NO. 41 - PAGE 340

C. RESOLUTION NO. 20-98 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE PROPERTY ALONG FEDERAL ALLEY FROM THE STATE OF NORTH CAROLINA TO FACILITATE IMPROVEMENTS IN FEDERAL ALLEY

RESOLUTION NO. 20-99 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM TRIBUTE INVESTMENT & DEVELOPMENT INC. FOR THE ACQUISITION OF PROPERTY ADJACENT TO FEDERAL ALLEY

Action Requested: Authorize the City Manager to acquire property from the State of North Carolina to facilitate improvements in Federal Alley that will make the area more pedestrian friendly and to facilitate ingress and egress from a new mixed use development and; to accept funds from Tribute Investment & Development as reimbursement for the purchase price.

Background:

- Tribute Development wants to improve an existing unopened City right-of-way, known as Federal Alley, with sidewalks and vehicle access to benefit the future mixed use development at Asheland and Coxe. The City's Planning Department supports these right-of-way improvements since they will benefit public infrastructure and provide much needed cross-connections between Asheland and Coxe.
- However, the existing Federal Alley is narrow, and to accommodate the sidewalk, additional property (718.2 square feet of real property) was needed from the adjacent

property owner - the State of NC (specifically, the area is used by NC State Minerals Lab). The State prefers to sell the property to the City of Asheville rather than the developer.

- Although the developer will construct the improvements, the improved alley will be owned and maintained by the City of Asheville's Streets Department.
- The value of the area in question has been determined by appraisal to be \$49,225. The State has agreed to sell the property to the City of Asheville for that amount.
- Tribute has agreed to reimburse the City the purchase price and they will construct the improvements outlined above.
- The Board of Trustees acting on behalf of NCSU has authorized the State of NC to sell this property to the City of Asheville.
- The Council of State will vote on the sale this summer. They have accepted the City's initial Offer Letter containing these terms.

Council Goal(s):

- A More Livable Community

Committee(s):

- None

Pro(s):

- Supports the development of projects that increase pedestrian safety and accessibility in the downtown area of Asheville.
- City will acquire property and be reimbursed by Tribute for the cost of the purchase.

Con(s):

- None

Fiscal Impact:

- As noted earlier in the staff report, the City will be reimbursed for its purchase of the property. Since the transaction will not take place until next fiscal year, the budget for the purchase and the reimbursement will be included in the Fiscal Year 2020-21 Budget Ordinance that Council is scheduled to approve on June 23, 2020.

Suggested Motion:

- Move to adopt a (1) resolution to authorize the City Manager to acquire property along Federal Alley from the State of NC and (2) resolution to accept funds from Tribute to cover those costs.

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RESOLUTION NO. 20-99 - RESOLUTION BOOK NO. 41 - PAGE 345

- D. RESOLUTION NO. 20-100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AMENDMENT WITH EQUINOX ENVIRONMENTAL CONSULTATION & DESIGN INC. FOR THE SWANNAHOA RIVER GREENWAY - PHASE II PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the existing greenway design contract between the City of Asheville and Equinox Environmental Consultation and Design, Inc. (Equinox, contract #91900109), in the amount of \$454,811.20 increasing the total value of the contract to \$612,449.30 and to enter into change

orders to this contract not to exceed an additional 10% of the current contract amount or \$45,481.12.

Background:

- The City of Asheville entered into a contract with Equinox in July 2018 for a feasibility analysis of potential greenway routes within the Swannanoa River area.
- The September 2019 feasibility analysis determined that coordination with the North Carolina Department of Transportation (NCDOT) on NCDOT's work within the area would result in the best value for the City's project.
- The scope of work for the contract amendment includes surveys, greenway design, geotechnical engineering, permitting, public engagement, and other tasks needed for greenway design.
- During March and April 2020, Equinox assembled a design team and estimated that the design and construction document creation would cost \$454,811.20.
- The referenced segment of this greenway will connect new housing along Thompson St to recreation and shopping facilities.
- This segment is part of a much larger Wilma Dykeman Riverway Corridor system. In total the Wilma Dykeman Riverway will provide nearly 10 miles of greenway. Between this segment and the segment in the RiverArts District nearly 3.5 miles of this greenway will be built by 2021
- Additional phases are contingent upon future funding and coordination with the NCDOT.
- The design to construction contract process is estimated to have an 18-month duration. Assuming a July 1, 2020 design phase start date, the construction contract advertisement is projected to start in December 2021.

Vendor Outreach Efforts:

- Staff performed outreach through solicitation processes using the State's Interactive Purchasing System and requesting prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE service providers are being used in the delivery of this contract. Equinox was unable to find local MWBE businesses for the services needed on this project, but is committed to using MWBE participation as needed and available for other services going forward.

Council Goal(s):

- Transportation and accessibility.

Committee(s):

- None

Pro(s):

- Greenway construction would enhance multi-modal transportation within the area and provide alternatives to commuters
- Contributes to increasing the City's greenway inventory
- Works towards defining Asheville as a recreation destination

Con(s)

- Eventual construction will be disruptive to the area.

Fiscal Impact:

- With this supplemental increase of \$454,811.20, the total amount of the contract is increased to \$612,449.30. Adding in a 10% contingency of \$45,481.12 to the supplemental increase brings the total required budget to \$657,930.42. This contract is

funded through the General Obligation Bond Program as part of the Transportation and Infrastructure Program.

Motion:

- Motion to adopt a resolution to authorize the City Manager to execute an amendment to the existing greenway design contract between the City of Asheville and Equinox Environmental Consultation and Design, Inc., in the amount of \$454,811.20 increasing the total value of the contract to \$612,449.30 and to enter into change orders to this contract not to exceed an additional 10% of the current contract amount or \$45,481.12.

RESOLUTION BOOK NO. 41 - PAGE 346

E. RESOLUTION NO. 20-101 - RESOLUTION OF SUPPORT FOR THE FEDERAL TRANSIT ADMINISTRATION PUBLIC TRANSPORTATION AGENCY'S SAFETY PLAN

Action Requested: Adopt a resolution of support for the Federal Transit Administration Public Transportation Agency Safety Plan.

Background:

- On July 19, 2019, the Federal Transit Administration (FTA) Final Rule for the Public Transportation Agency Safety Plan (PTASP) became effective, which requires public transportation operators to develop processes and procedures to implement the safety plans.
- The PTASP ensures that the City of Asheville develops performance targets as part of its Plan as required by the FTA in the National Public Transportation Safety Plan (NSP).
- The PTASP ensures the City of Asheville develops criteria as part of its plan to address applicable federal requirements and standards set forth by the FTA, and to include a timeline for conducting an annual review to update the City's PTASP.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- The PTASP will be managed by staff in the Transit Planning Division in the Transportation Department and coordinated with the City's Transit Management Company, RATPDev Inc.
- The PTASP requires working with the French Broad River Metropolitan Planning Organization.

Con(s):

- None

Fiscal Impact:

- N/A

Motion:

- Motion to adopt a resolution of support for the City of Asheville's Federal Transit Administration Public Transportation Agency Safety Plan.

RESOLUTION BOOK NO. 41 - PAGE 347

F. RESOLUTION NO. 20-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT EXTENSION WITH THE N.C. DEPT. OF PUBLIC SAFETY FOR THE STATE REGIONAL HAZARDOUS MATERIALS RESPONSE TEAM NUMBER 6

Action Requested: Adoption of 2020 Contract Extension Agreement for the State Regional Hazardous Materials Response Team Number Six (6)

Background

- North Carolina is divided into seven geographical regions for the purpose of hazardous material emergency response.
- The North Carolina Department of Public Safety contracts with municipalities across North Carolina to respond into the geographical regions and provide technician level hazardous materials emergency response.
- The region's six areas encompass the westernmost twenty counties.
- The City of Asheville has been a regional hazardous materials provider since Fiscal Year 1994-1995.
- The State of North Carolina provides funding that fully supports the operational costs of the program.
- The City receives \$69,000 annually for administration, equipment, training, medical surveillance, and workman's compensation.
- The truck and equipment provided to the City by the State for use on State and local hazmat missions are valued at \$1.5 million.
- The City is reimbursed at 100% of the costs expended when the team is deployed for a state mission.
- The current agreement ends on June 30, 2020, and a new agreement for the next four years was originally set to begin July 1, 2020, but due to circumstances surrounding COVID-19, the North Carolina Department of Public Safety Division of Emergency Management wants to activate the fifth-year extension clause of the agreement for four months with the City of Asheville for Hazardous Materials Emergency Response Services from July 1, 2020 through October 31, 2020.
- The Asheville Fire Department will come before Council in the coming months for the renewal of the agreement for November 1, 2020 - June 30, 2024.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- The State of North Carolina provides the hazardous materials response truck, all response equipment and provides for administrative costs of operating the team. In addition, the state funds extensive training for members of the Asheville Fire Department to enable us to competently handle hazardous materials emergencies.
- The City of Asheville has full use of the truck and all specialty equipment within the City of Asheville. Without the state hazardous materials contract, Asheville taxpayers would need to provide much of the resources necessary to properly respond to Hazardous Materials emergencies within Asheville.

- With the contract, we have the advantage of the equipment and resources being funded at the state level, rather than at the local level.
- During the twenty nine years that we have provided regional hazardous materials response services, we have not experienced difficulties or disadvantages with the program. This program is also consistent with the City's Strategic Operating Plan.
- Firefighter and citizen safety will be enhanced.

Con(s):

- None identified

Fiscal Impact:

- There are no fiscal impacts that have been identified

Motion:

- Move to adopt a resolution authorizing the City Manager to enter into a four month contract extension agreement with the North Carolina Department of Public Safety to provide regional hazardous materials emergency response for region 6.

RESOLUTION BOOK NO. 41 - PAGE 348

G. RESOLUTION NO. 20-103 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE TERMS OF THE 2019 AGREEMENT WITH ADVENT HEALTH TO PROVIDE ANNUAL PHYSICALS EXAMINATIONS FOR FIREFIGHTERS

Action Requested: Adoption of a resolution authorizing the City Manager to amend the terms of the 2019 agreement with Advent Health to provide annual physical examinations for firefighters in 2019 in the amount of \$117,300.

Background:

- The current Fiscal Year (FY) 2019 agreement with Advent Health allocates \$89,125 and allows firefighters to receive required annual physical examinations in accordance with standards set forth by the National Fire Protection Association.
- The original term of the FY2019 contract was July 1, 2018 to June 30, 2019.
- The Asheville Fire Department (AFD) and Advent agreed to amend the original agreement to extend the term of the contract to December 31, 2019, but no funds were added to the contract.
- Due to the way in which Advent processes patients, bills those patients, and invoices those patients, there were some discrepancies with invoicing and billing for firefighter physicals.
- During the six month extension period, AFD and Advent were working out the correct number of employees and the services they received during this time to ensure the correct amount of funds were available and added to the agreement at the expiration of the extension.
- Furthermore, the original term of the agreement date ending alongside the end of the fiscal year caused logistical difficulties in contract renewal and service conducted--waiting for the new fiscal year's funding to renew the agreement and/or enter a new agreement with Advent Health meant ceasing firefighter physicals for the duration it took to get the amendment executed.
- The Asheville Fire Department and Advent Health did not want to have this break in service because of the extremely difficult nature of conducting 275 physicals in a 52 week period (and alternatively 413 physicals in a 76 week period).

- All firefighter physicals conducted between July 1, 2018 and December 31, 2019 were assigned to the FY19 contract and Advent has correctly and appropriately invoiced the City for the remaining physicals conducted from July 1, 2019 to December 31, 2019.
- The agreement needs to include an additional six months of firefighter physicals at the cost of \$40,175. This brings the total cost of the contract to \$117,300, which pushes the contract above the \$90,000 threshold.
- The Asheville Fire Department and Advent Health have entered into a new agreement for FY20 with a changed scope of service for firefighter physicals. The new agreement term is for January 1, 2020 to December 31, 2020 in the amount of \$77,125.
- This new agreement term no longer aligns with the end of the fiscal year and remediates the logistical difficulties the Department was having with agreement execution versus physicals conducted.

Vendor Outreach Efforts:

- Prior to entering the original contract with Advent Health, similar organizations were solicited to provide estimates of their services. SiteMed, which held the contract previously, did not provide the organizational efficiency needed to examine 275 firefighters throughout the course of the year. The costs of Mission Hospital's services were prohibitive. Thus, the services and costs of Advent Health best fit the mission of Asheville Fire Department's desire to provide its firefighters with the best care to meet and exceed health standards while controlling costs. A review of the costs, operational efficiencies, and satisfaction of the firefighters with the services, factored into making the determination to renew the agreement with Advent Health.
- No MWBE firms were identified for this contract.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Meets best practices for the industry by complying with consensus standards of NFPA 1582 that will reduce risks and provide for the health, safety, and effectiveness of firefighters
- Allows for the continued medical monitoring and testing of firefighters to ensure they are fit for the challenges of emergency response

Con(s):

- None

Fiscal Impact:

- Funding for the physicals is included in the adopted FY 2019 – 2020 budget, thus there are no additional impacts.

Motion:

- Move to adopt a resolution authorizing the City Manager to amend the agreement with Advent Health for \$117,300 for firefighter physicals.

RESOLUTION BOOK NO. 41 - PAGE 349

H. RESOLUTION NO. 20-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH J. BRADY

CONTRACTING INC. FOR THE HARRAH'S CHEROKEE CENTER RENOVATION & HVAC MODERNIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the contract with Brady Services, Inc. in the amount of \$166,360.77, for a revised total maximum price amount of \$4,219,637.65 to complete the Harrah's Cherokee Center Asheville (HCCA) Facility Renovation & HVAC Modernization Project.

Background:

- This amendment authorizes capital project funds required to close out the HVAC modernization phase of the project.
- This three phase project installed 1) flexible theater seating in the arena, a sound and lighting package; 2) converted a storage room into a press/meeting room with additional supporting projects including the expansion of storage for the displaced room; and 3) modernized much of the building's 1970's era HVAC system.
- The project was included in the City's 2016-17 fiscal year capital improvements budget. The project is partially funded by a \$1,500,000 grant from the 2016 Tourism Product Development Fund.
- On August 28, 2018, City Council authorized a contract amendment to begin the Phase 2 facility renovation (press/meeting room renovation and storage expansion). This phase was completed in November 2018 ahead of the HVAC Modernization to meet a HCCA scheduling commitment.
- On March 26, 2019, City Council authorized a contract amendment to begin the HVAC Modernization phase. This phase replaced critical parts of the building's 40+ year old HVAC system. Where equipment could not be replaced due to budget constraints, it was upgraded with zone controls, monitoring, and other smart technology systems.
- All new and upgraded equipment included in this project were integrated with the recently installed building automation system.
- The City used the Construction Manager at Risk (CMAR) delivery method to contract with J. Brady Contracting, Inc. to complete the facility renovations and HVAC modernization. This delivery method was chosen because it allows a lead contractor to coordinate the efforts of many different trades over a large area and a broad scope.
- The CMAR delivery method groups the work into smaller "bid packages". The HVAC modernization project was grouped into six (6) separate bid packages and a total of 14 bids were received from first tier subcontractors across all bid packages.
- The project is complete and this contract amendment reconciles all changes through the end of the project. Additionally this amendment will secure an extended service agreement for the new equipment.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned business through solicitation processes which included posting on the State's Interactive Purchasing System and required vendors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. MWBE firms were involved in the completion of this work through the prime contractor.

Council Goal(s):

- A Thriving Local Economy

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Improved the venue's ability to host a wider range of events.
- Reduced energy consumption with new efficient equipment or with upgrades to existing equipment with intelligent controls.
- Capital investment provided reliable building infrastructure, reducing repair costs, and downtime associated with broken HVAC equipment.

Con(s):

- Redirecting budget from other HCCA capital maintenance projects means that less funding is available in the short term for other deferred maintenance needs.

Fiscal Impact:

- The amount of this contract amendment exceeds the available budget in the (HCCA) Facility Renovation & HVAC Modernization project. Funds from the HCCA General Maintenance project will be used to fund this contract amendment.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment to the construction manager-at-risk (CMAR) contract with J. BRADY CONTRACTING, INC., in the amount of \$166,360.77, for a total maximum price of \$4,219,637.65 for the Harrah's Cherokee Center Asheville Facility Renovation and HVAC Modernization.

RESOLUTION BOOK NO. 41 - PAGE 350

I. RESOLUTION NO. 20-105 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH WALTER P. MOORE & ASSOCIATES TO PROVIDE PROFESSIONAL MANAGEMENT FOR THE ONGOING WORK TO REPLACE THE CENTER STAIRWELL AT THE HARRAH'S CENTER PARKING GARAGE

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center - Asheville Garage Repairs project management contract with Walter P. Moore & Associates (# 91700048) increasing the total value of the contract to \$92,280.

Background:

- The City of Asheville entered into a contract with Walter P. Moore & Associates in June 2016 for a condition assessment and project management of various repairs to the Harrah's Cherokee Center - Asheville parking garage.
- The repairs included a significant rehabilitation of the center stairwell within the garage.
- The scope of work was developed from a comprehensive garage condition assessment that was completed during October 2016.
- During February 2020, a detailed structural analysis of the center stairwell indicated a significant deterioration in the overall condition of the center stairwell and it was recommended to totally replace it.
- During May 2020, Walter P. Moore and Associates estimated that in order to provide project management services for the replacement of the center stairwell, an additional \$5,400 would be required.

- The current contract is \$85,800 and this amendment will increase the contract by \$6,480 (including contingency funds in the amount of \$1,080) for a new total contract of \$92,280. Contingency funds are included to ensure satisfactory completion of the work by late summer 2020.

Vendor Outreach Efforts:

- N/A - This is a current contract.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None.

Pro(s):

- Enables the City to continue to provide safe and functional access within the parking garage.
- Part of an overall plan to extend the service life of the parking garage.

Con(s):

- The center stairwell is closed until the replacement work is completed.

Fiscal Impact:

- The required funds are included in the current Parking Services Fund capital projects budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the Harrah's Cherokee Center - Asheville Garage repairs project management contract with Walter P. Moore & Associates (# 91700048) increasing the total value of the contract to \$92,280.

RESOLUTION BOOK NO. 41 - PAGE 351

J. RESOLUTION NO. 20-106 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 2020 CARES ACT SECTION 5307 URBAN TRANSIT FORMULA FUNDS, AS WELL AS APPROVE THE FISCAL YEAR 2020 CARES ACT FUND SUBRECIPIENT AND SUBALLOCATION AGREEMENT

ORDINANCE NO. 4807 - BUDGET AMENDMENT FOR FISCAL YEAR 2020 TRANSIT MULTI-YEAR FUND BUDGET

Action Requested: Adopt a resolution authorizing the City Manager to apply for the FY 2020 CARES Act (Section 5307) grant funds and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements; and amend the FY 2020 Transit Multi-Year Fund (6510) budget by \$4,936,900 to include that portion of the CARES Act revenue which will be passed on to the subrecipients.

Background:

- In March 2020, the Federal Transit Administration (FTA) published a Notice of Funding Availability for the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which is intended to provide additional supplemental funding to transit systems to prevent, prepare for, and respond to COVID-19.

- On April 9, 2020, the FTA announced availability of \$25 billion apportioned to the transit industry under the CARES Act, including \$8.6 million for the Asheville Urbanized Area (AUZA). The FTA announced that the CARES Act funds will be used for transit operating and capital expenses and all other expenses incurred on or after January 20, 2020 in response to economic or other conditions caused by COVID-19.
- At its April 28, 2020 special meeting, the French Broad River Metropolitan Planning Organization (FBRMPO) Board approved and adopted a resolution allocating the CARES Act funding to eligible AUZA transit systems. The chart on page 2 outlines the amount allocated to each transit system in the AZUA region.
- CARES Act funds will provide 100% of the Federal match of the anticipated funding and does not require any local match.
- Transportation Department staff is working with all subrecipients on how they will use the funds allocated to them and will submit an application to the FTA in the amount of \$8.6 million by June 30, 2020 for approval.
- Transportation Department staff is recommending approving the CARES Act Subrecipient and Suballocation Agreement to be executed between the City of Asheville and subrecipients and approve Haywood County to become a formal subrecipient of the City of Asheville, instead of the non-profit transportation contractor.
- On May 1, 2020, the Transportation Department staff submitted the required Federal Split Letter to the FTA Region VI Office outlining the FBRMPO-approved allocation of CARES Act funds.
- The budget amendment will provide expenditure authorization for the \$4.9 million in grant funds which will be passed on to the subrecipients.

FBRMPO ALLOCATED FY2020 CARES ACT (SECTION 5307) FUNDS		
	PROPOSED DISTRIBUTION/ PERCENT	ESTIMATED DISTRIBUTION/AMOUNT
City of Asheville	42.63%	\$3,668,469
Buncombe County	28.62%	\$2,462,856
Henderson County	20.41%	\$1,756,356
Haywood County	8.34%	\$717,688
SUB-RECIPIENTS TOTAL		\$4,936,900
ALLOCATED TOTAL		\$8,605,369

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- N/A

Pro(s):

- CARES Act funds will enable the City of Asheville to use federal funds to help offset operational and capital expenses incurred on or after January 20, 2020 in response to economic or other conditions caused by COVID-19.

Con(s):

- N/A

Fiscal Impact:

- The CARES Act provides 100% of the funding with no local match required. As noted above, the budget amendment included with this staff report will appropriate the funding that will be passed on to the subrecipients. Council has already taken action at prior meetings to budget \$1,462,000 in CARES Act funding for City of Asheville uses, including purchasing protective barriers for buses and contracting for supplemental operations support. The City will continue to utilize CARES Act funding to help offset operational and capital expenses associated with the COVID-19 response, and bring forward additional budget amendments as needed.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for the FY 2020 CARES Act (Section 5307) grant funds, and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements, and amend the FY 2020 Transit Multi-Year Fund (6510) budget by \$4,936,900 to include that portion of the CARES Act revenue which will be passed onto the subrecipients.

Four voicemail comments were received to urge the city to use the full amount of the Community Development block grant funds for a rental assistance program.

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ORDINANCE BOOK NO. 33 - PAGE 76

K. RESOLUTION NO. 20-107 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SAFETY PROTECTION BARRIERS USING SOLE SOURCE PROCUREMENT FROM GILLIG AFTERMARKET PARTS FOR INSTALLATION IN EXISTING 18 GILLIG BUSES IN ASHEVILLE RIDES TRANSIT FLEET

Action Requested: Adoption of a resolution authorizing the City Manager to purchase safety protection barriers using sole source procurement from Gillig Aftermarket Parts for installation in existing eighteen (18) Gillig transit buses in Asheville Rides Transit (ART) fleet.

Background:

- On May 12, 2020, the City Council adopted a Resolution authorizing the City Manager to execute a purchase order of approximately \$160,000 to work with Gillig to engineer, design, retrofit, and install safety protection barriers from AROW Global Corporation, the manufacturer of the safety protection barriers, in eighteen (18) existing 30-foot diesel and diesel electric hybrid buses.
- A sole source procurement through Gillig Aftermarket Parts is necessary to ensure that the safety barriers are designed and installed correctly to fit the various Gillig bus models that the City of Asheville owns. AROW Global corporation is Gillig's approved provider of the safety protection barriers.
- CARES Act funds will be used to purchase and install safety protection barriers in the existing eighteen (18) Gillig buses.
- The use of sole-source procurement is permitted in this instance pursuant to N.C.G.S. 143-129(e)(g)(iii) as equipment compatibility is an overriding concern.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Provides protection for transit bus drivers
- Use CARES Act funding to purchase and install the safety protection barriers in the Gillig buses
- No local match is required

Con(s):

- None

Fiscal Impact:

- As noted above, the CARES Act provides 100% of the funding with no local match required. The budget for this purchase was adopted at City Council's May 12, 2020 meeting.

Motion:

- Motion to adopt a resolution authorizing the City Manager City to purchase safety protection barriers using sole source procurement from Gillig Aftermarket Parts for installation in existing eighteen (18) Gillig transit buses in Asheville Rides Transit (ART) fleet.

RESOLUTION BOOK NO. 41 -PAGE 353

- L. RESOLUTION NO. 20-108 - RESOLUTION ACCEPTING AN OFFER FOR SALE OF AIR RIGHTS OVER WALL STREET; DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS; AND IF NO BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO SELL AIR RIGHTS TO COLLABORATIVE PARTNERSHIP PROPERTIES IN ORDER THAT A BALCONY CAN BE CONSTRUCTED OVER WALL STREET**

Action Requested: Adoption of a resolution accepting an offer for sale of air rights over Wall Street; directing the City Clerk to advertise for upset bids; and if no bids are received or accepted, authorizing the City Manager to grant air rights to Collaborative Partnership Properties who want to construct a balcony over the sidewalk along Wall Street.

Background:

- The City was approached by a local architect concerning air rights over the sidewalk along Wall Street for a unit within a building located at 26 Battery Park.
- Initial concerns were raised by Streets and Downtown Planning regarding the well-being of street trees on Wall Street.
- The architect met with the City's Arborist who requested that the balcony be shortened in length to reduce the impact on the trees. The owners agreed to a design revision and they agreed that their contractor would again meet with the Arborist to discuss protecting the trees during construction.
- It was determined that the balcony for the office space unit would be 21 feet long and 5 feet wide for a total request of 105 square feet of air rights that would be needed to accommodate the balcony.
- The construction of the balcony, along with the air rights easement, will not substantially impair or hinder the use of the right of way as a passage.

- The value of the air rights was determined by consulting two recent appraisals of land value in the surrounding area. The value was determined to be \$753 and the owners have agreed to pay that amount.
- A public notice will be placed in the newspaper after the City Council has approved the air rights and a sale will not occur until 10 days after the notice has been published.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- City is receiving compensation for the air rights being granted.

Con(s):

- There will be temporary disruption during construction.

Fiscal Impact:

- City is receiving unbudgeted compensation for the air rights in the amount of \$753.

Motion:

- Motion to adopt a resolution accepting an offer for sale of air rights over Wall Street; directing the City Clerk to advertise for upset bids; and if no bids are received or accepted, authorizing the City Manager to grant air rights to Collaborative Partnership Properties who want to construct a balcony over the sidewalk along Wall Street.

RESOLUTION BOOK NO. 41 - PAGE 354

M. ORDINANCE NO. 4808 - ORDINANCE WAIVING CONSTRUCTION PERMITTING FEES IN RELATION TO THE ASHEVILLE ART MUSEUM'S CONSTRUCTION OF AN EXIT PASSAGEWAY AT 2 SOUTH PACK SQUARE

Action Requested: Adoption of an ordinance waiving construction permitting fees in relation to the Asheville Art Museum's construction of a fire resistant Exit Passageway at 2 South Pack Square.

Background:

- The City of Asheville owns real property located at 2 South Pack Square, the Asheville Art Museum ("AAM"), and at 18 Biltmore Avenue, The Wortham Performing Arts Center, ("Wortham").
- AAM is required to construct, as part of its renovation project, a fire resistant Exit Passageway through the arcade from Biltmore Avenue leading to Wortham.
- The construction of the proposed Exit Passageway will promote the safe operation of the City's facilities.
- AAM has requested that the City waive the construction permitting fees that it would normally be required to pay in order to construct the Exit Passageway.
- The basis for this fee waiver request is that the proposed project is intended to, in part, benefit a City-owned property.
- Completion of this Exit Passageway is required in order for AAM and Wortham to gain certificates of occupancy.

Council Goals:

- Transportation and Accessibility

- A Thriving Local Economy
- A Financially Resilient City

Committee:

- None.

Pros:

- Will facilitate the safe operation of a City-owned facility.

Con:

- Limited loss of revenue to the City.

Fiscal Impact:

- Waived fees are expected to total approximately \$6,000.

Motion:

- Motion to adopt an ordinance waiving construction permitting fees in relation to the Asheville Art Museum's construction of an Exit Passageway at Biltmore Avenue.

ORDINANCE BOOK NO. 33 - PAGE 77

N. RESOLUTION NO. 20-109 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEWELL MEDICAL GROUP TO PROVIDE FDA-APPROVED COVID-19 ANTIBODY AND PCR TESTING FOR CITY EMPLOYEES

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with Ashewell Medical Group for up to \$148,750 for COVID-19 testing.

Background:

- The agreement allows for up to 850 city employees to be tested for COVID-19 and its antibodies at \$175 per employee and a total of \$148,750.
- Ashewell Medical Group will provide FDA-approved antibody and PCR testing of COVID-19 for employees who have been working in the community since March 2020.

Vendor Outreach Efforts:

- Three local vendors provided quotes for testing
- Ashewell Medical Group is a woman-owned business.

Council Goal(s):

- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Testing will provide information for employees, their families, and leadership about the impacts working in the pandemic has had so far.
- Testing will provide reassurance to employees and the community as workgroups are reassembled.
- Enhanced PPE and procedures developed based on outcomes
- Understanding what level of potential immunity we have in our employee community

Con(s):

- None

Fiscal Impact:

- Funding for this agreement will come from the existing Fiscal Year 2019-20 Health Fund budget. There will be an opportunity for the City to be reimbursed for these expenses from FEMA.

Motion:

- Move to adopt a resolution authorizing the City Manager to enter into an agreement with Ashewell Medical Group for \$148,750 for COVID-19 Testing for frontline City Employees.

RESOLUTION BOOK NO. 41 - PAGE 356

- O. RESOLUTION NO. 20-110 - RESOLUTION AUTHORIZING THE CITY MANAGER TO TEMPORARILY SUSPEND OR DEFER RENT AND LOAN PAYMENTS TO THE CITY ON A CASE-BY-CASE BASIS, AS NECESSARY TO ADDRESS HARMS CAUSED BY THE COVID-19 PANDEMIC AND TO RATIFY ANY ADMINISTRATIVE DECISION ALREADY ENACTED TO DEFER LOAN PAYMENTS OR TO SUSPEND COLLECTION OF RENTS**

Action Requested: Adoption of a resolution authorizing the City Manager to temporarily suspend/waive or defer rental (including capital contributions to leased property) and loan payments to the City on a case-by-case basis, as necessary to address harms caused by the COVID-19 pandemic.

Background:

- On May 12, 2020, the City Council adopted an ordinance authorizing the City Manager to temporarily suspend fees and charges listed in the FY 2019-20 Fees and Charges Manual. At the time of adoption, the temporary suspension or deferral of rental or loan payments to the City on a case-by-case basis was also contemplated as discussed in the May Staff Report. However, that action was inadvertently left out of the adopted ordinance. Adoption of this resolution will correct that omission.
- The City has rental (including capital contributions to leased property) and loan payment schedules with other parties.
- Many Asheville businesses are either closed or operating in a limited capacity due to the COVID-19 pandemic creating substantial economic challenges for owners, employees, and customers.
- Some businesses have requested temporary relief from loan payments, rent payments, and capital contributions in an effort to help reduce their expenses.
- Categories and Criteria for suspending or deferring rent payments or loan payments.
- This action is intended to aid businesses during the formal declaration of emergency. When that declaration expires, any further deferral or waiver would be considered case-by-case by the City Manager.

Council Goals:

- A Thriving Local Economy
- A Financially Resilient City

Committee:

- None

Pros:

- Facilitates business operations that are able to continue normally during the COVID-19 pandemic.
- Reduces operating costs for businesses during the COVID-19 pandemic.
- City Manager authority to temporarily suspend or defer rent or loan payments and capital contributions provides heightened responsiveness to community needs during the COVID-19 pandemic.

Con:

- Loss or deferment of revenue to the City.

Fiscal Impact:

- Loan payments deferred (discussed below) have no impact on operations and no long-term financial impact as the amounts will be repaid as part of the final payment on notes outstanding.
- Rent or capital contribution payments to the City temporarily waived or suspended could result in a loss of revenue to the City of approximately \$4,000 to \$8,500 for rental payments and up to \$18,900 in capital contributions (assuming three to six months of waiver), depending on how many Lessee's request relief and for how long. To date, the City has only received one request to waive rent and one request for waiver of capital contribution.

Motion:

- Motion to adopt a resolution authorizing the City Manager to temporarily suspend/waive or defer rental (including capital contributions to leased property) and loan payments to the City on a case-by-case basis and to ratify any administrative decision already enacted to defer loan payments or to suspend collection of rents.

RESOLUTION BOOK NO. 41 - PAGE 357

P. RESOLUTION NO. 20-111 - RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF THE EXISTING MEMORANDUM OF UNDERSTANDING WITH RED ROOF INN FOR PROVISION OF 60 ROOMS FOR COVID-19 NON-CONGREGATE MOTEL SHELTER FOR UNSHELTERED AT-RISK PEOPLE EXPERIENCING HOMELESSNESS

RESOLUTION NO. 20-112 - RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF THE CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA TO CONDUCT ESSENTIAL SHELTER OPERATIONS

Action Requested: Approval of resolutions to ratify City Manager's execution of contract extensions with Red Roof Inn, Inc. and Homeward Bound of Western North Carolina.

Background:

- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- Sixty-five people (couples, families occupying some rooms) are currently in shelter and will continue to achieve the public health objective of prevention of COVID-19 among the community's unsheltered homeless population.

- It is desirable to continue this program, but the current term of the City's agreements with its partner organizations terminate in advance of the June 9th City Council Meeting.
- To avoid any lapse in service to this population, it is necessary to execute the amendments prior to June 9th to continue the agreements.
- The existing agreements with the vendors allow for extensions to continue operations if needed, however additional funding is necessary.
- The existing agreement with Axis Security requires only an extension beyond the current term ending on June 30th. Sufficient funds for this activity were previously approved on May 12th and no additional amounts are needed to extend the term of the contract for security. No council action on this contract is requested at this time.

Council Goal(s):

- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

Committee(s):

- None

Pro(s):

- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.

Con(s):

- Potential damages incurred at the Hotel are not eligible for reimbursement from FEMA

Fiscal Impact:

- Additional costs for the extensions include \$100,000 for Homeward Bound for up to two additional 30 day periods and \$183,024 for Red Roof Inn for up to two additional 30 day periods.
- Funding for the contracts will come from previously approved budget authorization that was approved as part of the Affordable Housing Capital Improvement Program, so no budget amendment is required. Community & Economic Development will utilize Capital Improvement Program funding to cover upfront costs pending FEMA reimbursement.

Motion(s):

- Motion to adopt a resolution to ratify the City Manager's execution of an amendment of the existing Memorandum of Understanding with Red Roof Inn for provision of 60 rooms for COVID-19 non-congregate motel shelter for unsheltered at-risk people experiencing homelessness for up to two (2) additional 30 day terms, at a total cost not to exceed \$183,024; and
- Motion to adopt a resolution to ratify the City Manager's execution of new services contract with Homeward Bound of Western North Carolina to conduct essential shelter operations for up to two (2) additional 30 day terms, at a total cost not to exceed \$100,000,

**RESOLUTION BOOK NO. 20-111 - RESOLUTION BOOK NO. 41 - PAGE 361
RESOLUTION BOOK NO. 20-112 - RESOLUTION BOOK NO. 41 - PAGE 363**

Q. RESOLUTION NO. 20-113 - RESOLUTION AMENDING THE 2020 CITY

**COUNCIL MEETING SCHEDULE TO ADD A REGULAR FORMAL MEETING
ON
JULY 14, 2020**

RESOLUTION BOOK NO. 41 - PAGE 361

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 Councilman Young and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

**A. DRAFT I-26 CONNECTOR PROJECT AESTHETICS COMMITTEE REPORT:
PHASE 1 - VERTICAL AESTHETIC TREATMENTS**

Director of Transportation Ken Putnam introduced Ted Figura, Chair of the I-26 Connector Project Aesthetics Committee.

Action Requested: Receive the draft I-26 Connector Project Aesthetics Committee Report: Phase 1 - Vertical Aesthetic Treatments and provide appropriate comments and feedback to help the Aesthetics Committee with their ongoing work.

Background:

- City Council approved a motion to establish the I-26 Connector Project Aesthetics Committee on April 24, 2018.
- City Council approved the initial committee members on July 24, 2018 via Resolution # 18-192.
- The first Aesthetics Committee meeting was held on October 3, 2018 and they currently meet every two weeks.
- The Aesthetics Committee recommendations are being developed in two phases.
 1. Phase 1 - Vertical Aesthetics Treatments (structural aspects, subject report).
 2. Phase 2 - Horizontal Aesthetics Treatments (horizontal, primarily landscaping, aspects, will begin shortly). A project budget of 1% to 1 ½% of the construction budget for each section is typically set up for horizontal aesthetics treatments so there should be no fiscal impact for the City.
- The report is labeled “draft” because some issues affecting the recommendations remain unresolved and some cost information is incomplete.
- The I-26 Connector project number is identified as I-2513. The current final design / construction phases for the four separate sections are listed below.
 1. I-2513A - June 2022
 2. I-2513B - June 2021
 3. I-2513C - June 2025
 4. I-2513D - June 2021
- The I-26 Connector project will be constructed using a design-build process.
- Separate from the Aesthetics Committee recommendations, the Transportation Department staff identified infrastructure type improvements (betterments) including sidewalks, multi-use transportation paths, bicycle lanes, and replacing two existing pedestrian bridges.
- City Council will need to review and approve a design-build agreement with betterments between the North Carolina Department of Transportation (NCDOT) and the City at a later date including the estimated costs that the City would be responsible for.
- By receiving the I-26 Connector project Aesthetics Committee’s Phase-1 report, City

Council is not agreeing to implement all recommended aesthetic treatments discussed in the report, but rather is committing to using the report to help inform future conversations and negotiations between the City and NCDOT in relation to the I-26 connector project.

- The estimated costs included in the subject agreement would have to be submitted with the partially signed agreement (Staff is appealing that decision with NCDOT).

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Once-in-a-lifetime opportunity to enhance the appearance of a major City gateway.
- Provides multi-use transportation (greenway) network connecting downtown Asheville and West Asheville across the Jeff Bowen bridges.

Con(s):

- City's cost share for enhanced Vertical Aesthetics Treatments recommendations.

Fiscal Impact:

- Cost estimates vary for the vertical aesthetic treatments. If the standard agreed upon treatments were approved, there would be no cost to the City. Cost estimates for vertical aesthetic treatments that exceed the standard agreed upon treatments range from \$6,200,000 to \$9,800,000. There is currently no funding included in the City's Capital Improvement Program (CIP) for vertical aesthetic treatments.
- There is, however, \$2,000,000 currently programmed in the City's CIP to fund the City's share of the cost for betterments identified by the Transportation Department staff. The City's share of the betterment costs would be \$1,700,000 which is 17% of the total cost for betterments and the NCDOT would be responsible for the rest of the cost.

Suggested Action:

- Receive the draft I-26 Connector Project Aesthetics Committee Report: Phase 1 - Vertical Aesthetic Treatments and provide appropriate comments and feedback to help the Aesthetics Committee with their ongoing work

Mr. Figura reviewed a PowerPoint. The following is the Executive Summary of their report: "The I-26 Connector is one of the largest transportation projects ever to take place in Asheville, and it will have a major impact on its residents and visitors. Proposed more than 30 years ago, the Connector will affect the I-26 corridor from I-40 to the Woodfin town line, reconfiguring several interchanges and removing interstate traffic from the Bowen Bridge. Its size and scale will leave a permanent impact on Asheville's character.

"The City of Asheville and its partners, the County and the Asheville Area Tourism Development Authority (TDA), have a once-in-a-lifetime opportunity to not only soften the impact of the Interstate's expansion but to create unique and positive place-making experiences that will benefit the City for decades to come. While the North Carolina Department of Transportation (NCDOT) is providing some aesthetic improvements at no cost to the City, the more powerful place-making statements recommended in this report will require the investment of local dollars if they are to become reality.

"Members of the I-26 Connector Aesthetics Committee (AC) fully acknowledge the extraordinary fiscal challenges that all local parties are facing due to the coronavirus pandemic. Yet, this opportunity is too important to be lost. Although some expenditures may be able to be

postponed, most of the aesthetic improvements recommended in this report must be built as the project is being constructed. Consequently, NCDOT requires an upfront commitment from the City to fund these elements. The AC urges City Council to make this commitment and to explore wide-ranging and innovative means to fund these improvements.

“The AC has been working with NCDOT, interest groups and concerned citizens to ensure the project’s adverse impacts are addressed and minimized. The AC has considered not only the interstate traveler’s experience, but also what citizens and tourists will encounter in the City’s streets and neighborhoods. Using a broad definition of aesthetics, the AC has developed recommendations for treatments and for related engineering modifications to minimize the adverse effects of the project and maximize its aesthetic appeal. The engineering design recommendations contained in the City’s streets and neighborhoods.

“Using a broad definition of aesthetics, the AC has developed recommendations for treatments and for related engineering modifications to minimize the adverse effects of the project and maximize its aesthetic appeal. The engineering design recommendations in the report are suggestions for the design-build contractor to consider and, if implemented, but would greatly improve the project at no additional cost to the City.

“These engineering design recommendations include:

- limiting the Interstate’s expansion to six through lanes and minimizing the number of auxiliary lanes;
- tightening the Haywood Road interchange to save more properties and improve West Asheville’s walkability and connectivity;
- reducing the height, size and complexity of the spans crossing the French Broad River; and
- reconfiguring I-240 and connections to Patton Avenue to provide greater connectivity for the Hillcrest community, save properties along Hill Street, and lower I-26 elevations near Riverside Cemetery.

“The AC recommends aesthetic treatments to apply throughout the Interstate corridor and for key components of the project. The Committee’s recommendations pertaining to the entire corridor generally can be implemented with little or no cost to the City. A stacked stone liner treatment, for instance, will be provided by NCDOT for all walls and bridge abutments along the Interstate. However, local funding will be required if key components of the I-26 Connector are to be enhanced. The AC identified the three most significant components as the Bowen Bridge, Patton Avenue east of the bridge, and the Haywood Road Bridge and intersection.

- The Bowen Bridge would become a signature gateway into Downtown Asheville. Multi Use paths (MUP) are recommended on both spans of the bridge, enhanced with specialty pavement, attractive railings, decorative lighting, and moveable planters. Monument pillars greet those crossing the bridge from both sides. Spectacular LED lighting located on the bridge’s exterior would be an extra feature. The bridge will reflect its original art moderne style, as required by the State Historic Preservation Office (SHPO).

- Patton Avenue (East) would transition to the Downtown with compatible sidewalk treatment and decorative lighting. An MUP will continue from the Bowen Bridge into Downtown. With NCDOT approval, the City could install public art on a widened median at a future date.

- Haywood Road Bridge would make a statement viewed from both the Interstate and from Haywood Road. From Haywood Road, the bridge would be flanked by monument pillars with enhanced sidewalk treatment, lighting, and custom railings. The overall design of the

bridge would reflect the distinctive character of the West Asheville neighborhood. As with all the interstate bridges, a place would be reserved for the installation of iconic medallions facing the interstate traffic.

“ The AC also recommends aesthetic treatments for the following areas, listed below from north to south:

- For the Broadway Street Underpass, the AC recommends a design evoking a railroad underpass, with an MUP along the east side of the street.
- Riverside Drive would be shifted back to its current right-of-way and be two lanes to reduce impacts on the Montford neighborhood and Riverside Cemetery.
- The AC’s recommendations to reduce the Connector’s adverse impacts on Riverside Cemetery have been incorporated into the recommendations made by the Section 106 Consulting Parties and would be implemented as mitigation at no cost to the City.
- The AC recommends that the French Broad River Crossings be designed to be simple, sleek and with wide spans to minimize intrusion into the river.
- The Atkinson Street Bridge should include an MUP and be designed with box abutments and other simple architectural features to enhance its appearance.
- The State Street Bridge should be designed with an arched underpass with a stacked stone linear inset.
- For the Amboy Road Underpass and Traffic Circle, the AC recommends the bridge create a tunnel effect with stone facia mimicking the tunnels on the Blue Ridge Parkway. Entrance traffic circles would be landscaped with a stamped concrete border and sidewalks.
- The Brevard Road Bridge would have decorative lighting and landscaped medians (if retained on Brevard Road).
- Greenways constructed as part of the project should be lighted and landscaped, with grading, signage, traffic control and lane markings designed to facilitate pedestrian and bicyclist safety where greenways intersect with vehicular traffic. Project design also needs to accommodate future greenway connections.

“Detailed recommendations are contained in the report, as are a break-down of cost estimates.

“To summarize, the I-26 Connector will forever transform Asheville’s look and feel. The City has a choice - made more difficult by present circumstances— to allow the adverse impacts of the Interstate’s expansion to predominate, or to soften and alter those impacts through improvements recommended in this report. While NCDOT will fund some aesthetic treatments, it is up to the City and its partners—Buncombe County and the TDA—to take this once-in-a-lifetime opportunity and turn vision into reality.”

Below is the cost summary:

Better Bucket

Bowen Bridge	\$3.6M (\$681K deferrable)
Haywood Rd. Bridge/Interchange	\$546K (\$87K deferrable)
Patton Avenue (East)	\$380K (155K deferrable)
Other	\$1.7M (\$1.6M deferrable)
Total Better Bucket	\$6.2M
Best Bucket (added cost)	
Bowen Bridge	\$2.3M (2.1M deferrable)
Haywood Rd. Bridge/Interchange	\$192K
Patton Avenue (West)	\$79K
Amboy Road Area	\$378K
Riverside Drive	\$654K
Total Best Bucket (added cost)	\$3.6M
Total Better + Best	\$9.8M (some costs still TBD)

Mr. Figura said that the AC will continue to work with the NCDOT to (1) refine options; (2) develop Aesthetics Package for Request for Proposals (RFP) - description of funded recommendations to be included in the RFP; (3) consult on changes proposed by design-build contractor; and (4) continue to develop Phase II landscaping recommendations.

Councilwoman Mayfield thanked the members of the I-26 Connector Aesthetics Committee and the tremendous amount of work they did. She also thanked the NCDOT and AECOM for their help, and our own transportation staff. She explained the importance of these improvements to the success of the overall project for us. We have options – need to figure out the right process to determine which of options is appropriate. Which options may depend on when we have to pay for the improvements. We are still waiting on the timing of payment requirements from NCDOT. Also depends on who else can join the City in these investments – Buncombe County and the Tourism Development Authority. The City has set aside \$2 million,

but most of this will cover the betterments. She welcomed feedback from the public. Due to this COVID-19 pandemic, she said we will figure out other strategies to obtain public input.

Vice-Mayor Wisler thanked Councilwoman Mayfield who has worked diligently on this project for years.

In response to Vice-Mayor Wisler, Mr. Figura and Councilwoman Mayfield said that they will try to produce some images on what the funding options would look like with no funding vs. what the Aesthetics Committee is proposing.

Councilwoman Mayfield noted that this will come back to Council on the final recommendations and a funding plan.

On behalf of Council, Mayor Manheimer thanked the Aesthetics Committee for their hard work and dedication.

B. UPDATE FROM THE CHIEF OF POLICE

City Manager Debra Campbell thanked City Council for the opportunity to share her thoughts during such an important time in our City and our nation's history. While we are still facing the many impacts of a global pandemic, we also laid to rest another Black man, Mr. George Floyd, who unfortunately died at the hand of a law enforcement officer. It is another sad day in our nation's history but we will channel our sadness into our commitment to serve our community with honor, respect and hope. Although we have made some progress, there are many systems that have contributed to the racial inequities that have put us where we are today, including some actions by local government. People are experiencing and expressing valid feelings of sadness, anger, fear and uncertainty. We hear, see and respect these feelings and the experiences of all those who have been impacted by structural racism acts by individuals. As an organization, we must have more resolve than ever to address the issues of social and economic inequities. Now is the time. We sincerely hope we have reached a crucial mass of people who reject the inequities in our systems that have caused so much harm for so long. The systems are complex and we acknowledge it will be a long hard road. She wanted everyone to know we will continue our work to be a local government that inspires trust from the people we serve. We will also be an organization that commits to being better today than we were yesterday. From Police Chief David Zack, you will hear about the City's work we have done to date related to police reform, our plans to address community demands and hear definite timelines and schedules to implement actions to improve relations with the community and enhance oversight and accountability of police officers.

Police Chief David Zack said that he has condemned, and will continue to condemn, as do the men and women of the Asheville Police Department (APD), the unjustified killing of George Floyd by law enforcement. All four officers have been arrested and charged. Now justice must prevail.

He reviewed a PowerPoint as follows: Key takeaways: (1) We have heard community concerns about systemic racism and police violence nationwide, to include past APD incidents; (2) APD has made progress since the August 2017 incident involving Mr. Johnnie Rush; (3) More changes must and will be made; and (4) 30/60/90 day action plan for APD.

He acknowledged that (1) There is community distrust for APD; (2) Community concern regarding APD's ability to police itself; (3) Residents deserve a detailed account of all that occurred during the protests; and (4) APD cannot solve systemic racism alone. Our plan forward will require the participation of government and community partners.

Independent review (1) Recommend an outside entity to complete a full after action report to determine if APD actions during the protests were justified; (2) Just because actions are justified, doesn't make them necessary. This will be looked at as well; (3) Due process will be followed; and (4) Unjustified or unnecessary action will result in the appropriate discipline.

Community incident briefings: (1) After action reports on an incident of this magnitude takes significant time to complete; (2) Asheville residents want some answers now, they will get them; (3) Shortly after my arrival I contracted with LE transparency engagement advisors to keep the public better informed during critical incidents like this; (4) They will be in our City as early as tomorrow with the goal of providing a better understanding of what took place during protests. Bringing in transparency engagement advisors to create a series of videos accounting for APD actions during protests (a) Will include body worn camera footage and radio communication; and (b) Provide community with first-hand footage to determine if APD actions were justifiable and necessary.

8 Can't Wait Campaign: (1) 8 police reforms that Campaign Zero states will "decrease police violence by 72%"; and (2) APD has all 8 in place. Our use of force policy, as well as many other departmental policies, are available on the Asheville Police Department's website.

Use of force changes: (1) In 2018 APD worked with members of the community to establish the Community Police Policy Work Group; (2) Group reviewed and provided feedback on APD use of force policy; and (3) feedback was incorporated into current use of force policy.

Ban chokeholds: (1) APD does not train or condone the use of chokeholds; (2) Chokeholds are prohibited, except for situations where an officer reasonably believes that deadly force is necessary and there are no alternatives to that level of force; and (3) APD Use of Force Policy Section 402.4(D).

Require De-escalation: (1) When safe, officers will use de-escalation techniques to attempt to slow down and/or stabilize a situation to allow for more time, options, and resources for incident resolution; and (2) APD Use of Force Policy, Section 402.1(A).

De-escalation training: (1) De-escalation is an element in all APD tactical training; (2) Integrating Communication, Assessment, and Tactics (ICAT) - mandatory for all sworn personnel; (3) Crisis Intervention Training - 85% of all APD officers are certified in CIT - Certification a requirement to carrying a taser. ICAT - training program created by the Police Executive Research Forum (PERF) to ICAT - training program created by the Police Executive Research Forum (PERF) to provide first responding police officers with the tools, skills, and options needed to successfully and safely defuse a range of critical incidents. Designed especially for situation involving persons who are unarmed or are armed with weapons other than firearms, and who may be experiencing a mental health or other crisis

Require warning before shooting: (1) Prior to use of lethal force, where safe and feasible, officers will identify themselves as law enforcement and order the subject to stop the activity which has caused the potentially deadly encounter; and (2) APD Use of Force Policy, Section 402.3(B).

Exhausting all options: (1) Officers must only use the amount of force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject; and (2) APD Use of Force Policy, Section 402.2(B).

Duty to intervene: (1) Ethical Policing is Courageous (EPIC) - all sworn and non-sworn APD employees have completed this training where the duty to intervene is emphasized; (2) Current APD Use of Force policy, section 402.2(C) states "any officer present and observing

another officer that is using force that is clearly beyond that of which is reasonable or necessary, should safely intercede to prevent use of excessive force"; and (3) Must be promptly reported to supervisor.

Ban shooting at moving vehicles: (1) Officers will not fire any weapon from or at a moving vehicle, except to counter an imminent threat of death or serious physical injury to officer or another person, and no other means are available at that time to avoid or eliminate danger; and (2) APD Use of Force Policy, Section 402.4(B),

Require use of force continuum: (1) APD trains officers to operate on a use of force continuum; (2) Training teaches officers to make force decisions based on the level of threat presented; and (3) Our defensive tactics training includes transitioning between responses so officers are well-equipped to move up and down the continuum based on the threat presented.

Require comprehensive reporting: (1) Officers are required to report any use of force; (2) All use of force incidents are reviewed by officer's chain of command and Professional Standards section; (3) Review includes body worn camera footage, interviews with officers, witnesses, and person that had force used against them; (4) APD Use of Force Policy, Section 402.6; (5) Within five days of receiving a use of force report, Professional Standards Commander will submit a report to the FBI Use of Force Data Collection Database; and (6) Fewer than 45% of agencies report this information to FBI.

Highlights for 30/60/90 Day Action Plan for APD: (1) department-wide restructuring; (2) equitable promotional process; and (3) higher accountability in use of force reporting.

30 days: (1) Expand current definition of what constitutes use of force; (2) Increase indicators into early intervention system to identify/address issues before they become a problem; (3) Revise promotional process to reflect merit based and equity; (4) Drug Suppression Unit (DSU) will be abolished. Too much emphasis has been placed on enforcement of low level drug crimes. Must place greater focus on violent and property crime; (5) We must partner with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to assist with reducing gun violence in particular; (6) Based on accepted industry benchmarks, 6% of arrests usually result in use of force to effect the arrest. The reports from the Asheville Police Department are not reflective of this, and therefore we need to expand the current definition of what constitutes use of force.; and (7) Increase the signs and indicators into the early intervention system intended to help identify and address issues before they become a problem.

60 days: (1) Complete promotional processes to support a department wide restructuring; (2) Have independent monitor in place to conduct after action report; (3) Create a department liaison with the District Attorney's Office to identify cases that could not meet prosecution standards as they apply to interrogation, search and seizure, warrant application, and evidence collection and storage; and (4) Implementation of TIP411 to provide community ability to anonymously report crime and officer misconduct.

Beyond 90 days - organizational chart showed a new Community Engagement Division. This Division: (1) Fully staffed division whose sole purpose will be to quickly respond to neighborhood quality of life issues and more complex societal issues such as substance abuse, homelessness, and mental health. The centerpiece of all our reform involves a complete restructuring of the department to create a fully staffed Community Relations Division, bringing the community back into community policing. This division will address challenges from neighborhood quality of life issues to complex societal issues such as homelessness. The division will include several full time officers dedicated to homeless outreach and working with existing homeless service providers. In addition, I will establish an integrity unit, who will focus on ensuring that policies and procedures are consistently being followed. (2) Homeless Outreach

Team: (a) Full time officers dedicated to facilitating access to mental, medical, and social service care. This will be their only function; and (b) We will be researching existing models in cities such as Austin, San Diego, and Cincinnati who have developed successful programs; (3) Mental Health Addiction Coordinator; (a) Review reports for any underlying mental health conditions and follow up after all reports of overdose; and (b) Arrests and incarceration only exacerbates these conditions; (4) Integrity Unit: (a) Sole focus will be to ensure policies and procedures are consistently being followed through random and scheduled oversight; and (b) Consistently monitoring our soon to be established customer satisfaction surveys where residents can more readily provide positive and negative feedback following calls for service, traffic stops, random encounters, etc. where a formal complaint may not normally be considered; and (5) Implementation of gun violence reduction strategy: (a) Data-driven identification of responsible groups and individuals at highest risk of being involved in a shooting; (b) Respectful communication of risk directly to those high risk groups and individuals; (c) Make services, supports, and opportunities available to those highest risk groups; and (d) Focused enforcement on groups/individuals that continue to engage in violence crime.

In summary, (1) Our community demands and expects change; (2) APD has been evolving and will continue to; (3) Our plans are actions and not words; (4) Our goals are reachable and will define our agency culture; and (5) It is our intent to bring to the residents of Asheville a police department they can be proud of.

City Manager Campbell then reviewed the 30 day response to rallying together - community demands: (1) Resolution to remove monuments on tonight's agenda; (2) Work with the community on the renaming of streets - process already in place to rename any city street; and (3) Provide protocol, practices and resource allocation data from the Equity and Inclusion Department on the our City Website.

She said the 60 day response to rallying together - community demands: (1) Continue partnering with Asheville City Schools and Buncombe County Schools to address Opportunity Gaps; (2) Community conversations around budget to support transparency and needs; and (3) initiate conversations with the district attorney's office regarding the probation decision for Mr. Hickman.

She then said the 90 day response to rallying together - community demands: (1) Better understand and work through solutions for remaining demands: - (a) Creation of "Harm Free Zones"; and (b) All Civilian Oversight Committee; (2) utilize best practices to recruit people of color; and (3) develop Race and Gender Conscious Policy in response to the disparity study as part of City contracting and procurement.

In response to Councilwoman Smith, Chief Zack said that the use of tear gas is a use of force and the officers are required to make their reports per the policy. All body cam footage is being downloaded for review.

When Councilwoman Mayfield asked about the plan to work with community partners on the restructuring, refining and change of some of the policies, Chief Zack said that the Homeless Outreach Team is a community partnership model, and they will be seeing what has been successful in other cities. Community involvement is the center of the new Community Engagement Division.

Councilwoman Mayfield said that before restructuring occurs, she suggested that there be opportunities to sit down and meet with some community leaders to talk more about their ideas on restructuring, as we have a lot of creative people who would like to participate in the restructuring proposal

In response to Councilman Haynes, Chief Zack said that they will use existing personnel for the new Community Engagement Division by realigning certain positions. This restructuring requires no additional funding.

Councilman Kapoor read the following statement: "I want to speak directly to the officers at the Asheville Police Department. Last week was probably the most difficult week that you have ever experienced as a police officer. Many of you had to work hours well beyond your normal shifts for days straight. Some of you had bottles thrown at you without knowing what was in them. Some of you had fireworks shot at you and at least one of you had your clothing set on fire by them. All the while, your job and in fact your duty was to protect people in their exercise of constitutionally protected speech – speech that was overwhelmingly critical of you. I think that very few people could deal with that and I want to thank you. During my time on Council, I've had a chance to meet and get to know many of you as people, and not just as police officers. You've shared stories with me of what it's actually like to be a police officer in this city. What I've learned from you is that to do your job effectively, the people that you serve and protect in the community need to trust you. And if we're being honest with each other, right now many of them don't. Last week changed things in this country. Nationwide, people saw things across the country that have shaken their confidence in police. People are hurting right now in this city and their pain is real. I am asking you to buy-in to the reforms that Chief Zack talked about not because you have to, but because you actually want to take a step in the direction of establishing trust. You cannot control what happens in other parts of the country, but each one of you can impact what happens here in Asheville. Though it may not seem that way now, there is an opportunity for all of us to come out stronger than when we began if people work together. Please take that step. "

Councilwoman Mayfield read the following statement: "Last week has been challenging in many ways – one of the hardest of my time on council for sure. People rightly look to council for action and change, and that can be hard to do in the midst of an immediate crisis. People look to us to be in charge, but we are not in charge of operational decisions like those made last week. Left me feeling helpless and the public feeling angry and frustrated at the lack of response. With the immediate events of last week behind us, however, now IS OUR time to act. We are taking first steps today with our vote on the confederate monuments and by postponing the budget adoption so we can identify new and different investments to make in our communities. And the chief has laid out some helpful reforms. But there is much more to be done. As someone who began my career as a HR advocate with Amnesty International, fighting the death penalty and other government abuses of power, and as someone who got into government work because I fervently believe in the power and purpose of government to protect people and improve their lives, I am elated about the opportunity before us to make sweeping change. I am sick, of course, about the immediate reason we are here – the tragic, senseless and needless murder of George Floyd. That tragedy, however, has presented us with this moment of transformation when we can be our best. We have the right people in place in the city staff and on council, we have momentum and leadership in the community, and we are a small, creative, engaged, and passionate city – together we can rise to the opportunities presented by this moment. I challenge us all not to squander it. Thank you to the thousands of people who emailed and called us. I love that you engaged with us and she assured everyone that we've never seen anything like this. " Some questions raised by Councilwoman Mayfield include: (1) What can we do participatory budgeting around in the coming year? (2) Can we overlay the urban renewal maps with properties owned and used by the city to look for opportunities to give them back or otherwise put them to use for the black community - Specifically re the Biltmore Ave. property - can we make space available there or elsewhere for black owned businesses/nonprofits?; (4) Can we bring to a close the long process of amending our personnel policies so there are faster consequences for bad behavior?; (5) Can we regularly report to council traffic stop numbers and other indicators of racially-motivated policing?; and (6) Can we bring the Racial Equity institute to town just for the police to ensure they have this important experience?

City Manager Campbell said that as we start the work over the next few months, some of the items raised will be a part of that work. She felt we can include them in our 30/60/90 day list of things we want to respond to. We want to be action oriented. She was not saying that we can do everything in 90 days, but we can get started. Our commitment to the community is that this is urgent and we will move quickly.

Councilman Young said that a big conversation needs to be about how we do public safety, and we need to begin by looking at a menu of options which will lead to reallocation of funding. We need to also address more than funding - explore the other systems the APD touches, i.e., the criminal justice system, police accountability, reforming the Civil Service Board, a Citizens Review Board, and the school to prison pipeline. We need to make changes on how we interact with those systems. He would reject any options of change by staff without input from the Black community. He is ready to get started.

Councilman Haynes read the following statement: "At Saturday's Black-led protest march the Mayor, City Manager, and other elected officials listened as people in our African American community lifted their voices, shared their pain, frustration and anger of the ongoing racism they have faced in Asheville that was reignited by the senseless murder of George Floyd at the hands of members of the Minneapolis Police force. From those voices came a list of very substantive and actionable demands for our City. I want to say clearly that I am in full support of those demands. I have also heard the call for years for us to examine our priorities and reflect those priorities in how we use our resources, in other words the relationship between our stated priorities and our ability to carry them out via the tool of our budget. The Defunding of the APD must begin now as part of this budget and continue into the next. We need to not only deny the 400,000 increase being requested but seek **much deeper cuts**, reallocating funds towards programs providing opportunity to the Black Community and poverty remediation. There is also a loud chorus of Black Voices around the Nation demanding these funds derived from the defunding of the police be directly invested into the black community. Philip and Thenjiwe McHarris wrote in the New York Times: 'The only way we're going to stop these endless cycles of police violence is by creating alternatives to policing.' They went on to state: "the solution to ending police violence and cultivating a safer country lies in reducing the power of the police and their contact with the public.' I agree with this statement as a goal moving forward. They called for reinvesting cuts in police budgets into alternative emergency response programs. Here in Asheville, Asheville in BLACK has called on us to create a strategic plan for policing alternatives with goals, action steps, resources committed, and a timeline. I am in full agreement with this call and want to see us commit to bringing this about in our City via creating an action plan. We can create alternative emergency response programs made up of social workers, counselors, mediators etc. who would respond to many 911 calls of which they are exceedingly qualified to manage and eliminate an unnecessary armed police presence. This along with a major reduction in the scope of police responsibilities should result in a *smaller* yet **more efficient** police workforce. Police Chief David Zack addressing these Black Leaders made a vow to the Black Community to bring about the necessary changes to the APD and its culture that will lead to a more **just** policing, and declared that cause, his *primary* reason for coming here. It's now imperative that we begin to work immediately on these changes, that they come about through deep listening to the Black Community, while seeking their *direct* and **continuous** collaboration with both the City of Asheville and the APD. Demilitarization of Police forces is now being called for across this nation. The excessive use of *weaponry* turned on protesters recently here in Asheville and across the nation, *radicalizes* protesters and has highlighted the need for *major* reform of crowd control tactics. Containing protesters with Blue Walls of heavily armed officers in full riot gear induces conflict among otherwise peaceful protests, along with sending a message of us versus them. There is current legislation being put forth to end the program supplying police

forces with U.S Military surplus along with demands that police forces return the stockpiles of military grade weapons sitting in police armories everywhere. **We must eliminate combat training and military grade weapons for officers** that would ultimately be **used on our own citizens**. We need to encourage all officers to *abide by their oath of office* and remind them that their true role is to 'serve and to protect'. So I would like to move some proposals forward, Mayor Manheimer. Should we take these one by one? (1) That we instruct staff to audit the APD budget to find the appropriate areas to make meaningful cuts. I hear and wholeheartedly agree with our African American community leaders who called on us via Black Asheville Demands to reduce the APD budget by 50 percent and to invest those funds into the black community. I would like to see a draft budget toward those ends; (2) That we **commit** to addressing all demands being made by Black Asheville and its allies through community participation in decision making; (3) That we commit to a serious strategic plan to create policing alternatives in Asheville this year that is clear, intentional, and resourced with goals, action steps, and a timeline; and (4) As part of an effort to Demilitarize the APD, I am requesting that Chief David Zack on his own accord or through the appeal of City Manager Debra Campbell make available to the public, a complete inventory of military grade arms contained in the APD Armory. I would like to hear the results of this audit by our next Council meeting and that this topic be added to our next agenda so that we can begin the process to authorize the returning/retiring of this weaponry that **should not** be used by municipal police forces on our citizenry."

Mayor Manheimer appreciated Council working together through this process. She also thanked staff who have been working around the clock. The City and County have also worked together and will be considering a joint resolution regarding monuments. She especially thanked the people because change doesn't happen unless people come together with enough will to make that change happen. This isn't the first time we have tried to embark on significant change. We tried to get legislation to create a citizen review board, changes to the Civil Service Board, and legislation for body cam access. The City was there alone and didn't have the voice of the community to help make those changes. In the case of the Civil Service Board (only six in the state of North Carolina), the City terminates an employee (including officers), but the Civil Service Board reinstates them. She was glad there are so many people engaged and didn't want to lose that engagement. The City needs your help and support to make some of these changes that are outside our control. She also acknowledged that she has criticized the actions of our police force more than once, but does support them because they do care for our community.

C. CITY MANAGER UPDATE ON FISCAL YEAR 2020-21 INTERIM BUDGET

Mayor Manheimer said that we received 1,379 people who called in and left voicemail messages, mostly regarding the budget. That is almost 57 hours of voicemail messages. In addition, we received 1,642 written comments, mostly regarding the budget. The voicemail messages will be transcribed and those, along with the written comments, will be posted on the City's website.

Mayor Manheimer said that in light of what we have heard from the community, she asked for a motion to continue the budget public hearing until August 25, 2020. City Manager Campbell noted that the budget before Council is not what we would like to be considered, so we are asking to continue the public hearing until we do have a budget that we think is appropriate.

City Manager Campbell said we are hearing (1) Defund the Police Department to fund other services; (2) Ensure police accountability, both individually and organizationally; and (3) Repair past and continuing harm to Asheville's black community.

She said the response is: (1) We have heard the community; (2) We want to respond and move forward together; (3) Racism is a systemic problem, not just a police problem, and the

City cannot solve it alone; (4) The solution lies in collaborative work with the County, schools, and other organizations to address social disparities and equity; and (5) The solution needs to be strategic and reflect community values.

Her recommendation is that we adopt an interim budget. We will spend the next 60 days engaging the community to develop the final budget, with the final budget will be adopted early September.

She reviewed the revised budget schedule - Budget public hearing on August 25 and Council adoption on 9-8-20.

Why did the budget show an increase to the Police Department of \$410,000? (1) \$200,000: state-mandated increase in the City's contribution to the Local Government Employee Retirement System (LGERS); (2) \$108,000: fuel and fleet maintenance costs associated with the implementation of a take-home vehicle program approved during the current fiscal year; (3) \$81,000: lease costs associated with the relocated South District Substation; (4) \$21,000: The department will no longer receive state grant funding for the DWI Task Force. Salary costs that used to be partially covered by the grant will be fully funded in the General Fund in FY 2020-21; and (5) No new personnel or equipment.

Why did the budget show an increase to the Fire Department of \$1,000,000? (1) \$200,000: state-mandated increase in the City's contribution to the Local Government Employee Retirement System (LGERS); (2) \$316,000: the City's share of the cost for 15 firefighter positions that were added in November 2018 and November 2019 as part of the Staffing for Adequate Fire & Emergency Response (SAFER) grant program; (3) \$200,000: increases to the AFD overtime budget and fleet and fuel budget based on spending trends from recent fiscal years; and (4) \$284,000: other cost increases associated with the firefighters added in 2018 and 2019.

In summary, we are listening, hearing, and trying to be responsive to all community needs in a constrained fiscal situation. We must use these challenges as an opportunity to rethink and reinvest in collaboration with the community. An interim budget allows time to engage the community.

Councilman Haynes asked that the line item budget for all departments be made available. City Clerk Burleson said that department summaries (which show expenses by category, as well as highlights of any major budget to budget changes for each department) is available on the City's website.

Councilman Young moved to amend the budget schedule to hold the budget public hearing on August 25, 2020, and adoption of the budget on September 8, 2020. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

Councilman Young moved to continue the budget public hearing until August 25, 2020. This motion was seconded by Councilwoman Smith and carried unanimously on a roll call vote.

IV. UNFINISHED BUSINESS:

A. RESOLUTION NO. 20-114 - RESOLUTION GRANTING A LAND USE INCENTIVE GRANT FOR 2 RESTAURANT COURT RENTAL COMMUNITY, BEAUCATCHER VISTA LLC

Mayor Manheimer said that this public hearing was held on May 26, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding

public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After reviewing the written public comments made 24 hours after the public hearing, Mayor Manheimer closed the public hearing at 7:10 p.m. and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Mayfield said that neighbors had complained about trash issues. She said that the developer, Kirk Booth, has installed a trash dumpster so there will no longer be overflowing trash bins at the 444 Beacatcher Road development.

Councilman Kapoor moved to grant a land use incentive grant for 2 Restaurant Court Rental Community, Beacatcher Vista LLC. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

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B. RESOLUTION NO. 20-115 - RESOLUTION GRANTING A LAND USE INCENTIVE GRANT FOR TRIBUTE DEVELOPMENT COLLIER AVENUE APARTMENTS

Mayor Manheimer said that this public hearing was held on May 26, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing at 7:13 p.m. and said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to grant a land use incentive grant for Tribute Development Collier Avenue Apartments. This motion was seconded by Councilman Kapoor and carried on a 6-1 roll call vote, with Councilman Haynes voting “no”

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ADDITION TO AGENDA

Mayor Manheimer asked that the agenda be modified to add an item under New Business, and that the New Business item be considered before the public hearings. The new item will be a joint resolution with Buncombe County to remove the Confederate monuments located at the Buncombe County Courthouse and in Pack Square Park, and to establish a jointly appointed task force to recommend action regarding the removal or repurposing of the Vance Monument.

Councilman Young moved to approve modifying the agenda to add a new agenda item, which is a joint resolution with Buncombe County to remove the Confederate monuments located at the Buncombe County Courthouse and in Pack Square Park, and to establish a jointly appointed task force to recommend action regarding the removal or repurposing of the Vance Monument, to New Business and that it be considered before the public hearings. This motion was seconded by Vice-Mayor Wisler and carried unanimously by a roll call vote.

V. NEW BUSINESS:

A. RESOLUTION NO. 20-216 - JOINT RESOLUTION OF THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY TO REMOVE THE CONFEDERATE MONUMENTS LOCATED AT THE BUNCOMBE COUNTY COURTHOUSE AND IN PACK SQUARE PARK, AND TO ESTABLISH A JOINTLY APPOINTED TASK FORCE TO RECOMMEND ACTION REGARDING THE REMOVAL OR REPURPOSING OF THE VANCE MONUMENT

Mayor Manheimer read the resolution as follows: “WHEREAS, Monuments to Confederate soldiers and military leaders, which were installed in Asheville and many other communities in the South in the late 19th and early 20th Centuries by white Southerners seeking to preserve the Confederacy, are widely perceived as offensive and painful public reminders of the legacy of slavery and present realities of systemic racism in our country; and WHEREAS, A memorial monument honoring the 60th Regiment of North Carolina Confederate soldiers currently stands in front of the Buncombe County Courthouse, sitting on county-owned land; and WHEREAS, A memorial monument known as the “Robert E. Lee Dixie Highway, Colonel John Connally Marker” is located in Pack Square Park, sitting on city-owned land; and WHEREAS, Both of these monuments were paid for and erected by a private organization known as the United Daughters of the Confederacy, and ownership of these monuments have never passed to either the City or the County; and WHEREAS, A memorial monument known as the “The Vance Monument” is also located in Pack Square Park, the former site of the county courthouse which is the likely location where slaves were sold and traded locally; and WHEREAS, African-American residents of the City of Asheville and Buncombe County have issued a clear call to remove and/or repurpose these monuments as expeditiously as possible due to the harm they pose, and to replace them with monuments that honor local African-American history and are created by African-American artists; and WHEREAS, The Confederacy was formed by its political leaders for the express purpose of perpetuating and expanding slavery of African Americans; and WHEREAS, the City of Asheville and Buncombe County recognize that the legacy of slavery, institutional segregation and ongoing systemic racism directly harm public safety and public health; and WHEREAS, pursuant to N.C. Gen. Stat. § 100-2.1(c), the City and County are authorized to remove the two Confederate monuments from public property; and WHEREAS, The City of Asheville and Buncombe County are committed to promoting racial equity and justice, and desire to express this commitment through a joint resolution of their respective governing boards; and WHEREAS, The City of Asheville and Buncombe County desire to remove Confederate monuments from the public spaces within the City of Asheville; and WHEREAS, the City of Asheville and Buncombe County desire specifically to remove the monument to Confederate soldiers from the grounds near the County Courthouse and the Robert E. Lee monument from Pack Square Park; and WHEREAS, The City of Asheville and Buncombe County desire to explore options for removing, relocating, or making alterations to the Vance Monument; and WHEREAS, It is the intent of the governing boards of the City of Asheville and Buncombe County that these monuments be replaced or altered in such as manner as to honor the local history of African Americans; and WHEREAS, The City of Asheville and Buncombe County want to seek citizen input - and particularly to hear from those most impacted by the monuments - regarding the future of the Vance Monument by the establishment of a jointly appointed task force which will explore options including removal, relocation, and alteration of the monument; and WHEREAS, the City of Asheville and Buncombe County approve this resolution jointly at separate meetings of their governing boards; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AND THE BUNCOMBE COUNTY COMMISSION THAT: Request is hereby made to the United Daughters of the Confederacy to immediately remove the two Confederate monuments located at the Buncombe County Courthouse and Pack Square Park. The City further requests that it receive from the United Daughters of the Confederacy its intent to remove the monument within 30 days, and that said removal is completed within 90 days. If the intent to remove is not received or the removal is not completed within the specified timeframes

from the date of full adoption of this resolution, then the City of Asheville and Buncombe County shall take action to remove the monuments; and a jointly appointed task force shall be established by the Asheville City Council and the Buncombe County Commission, consisting of not more than 12 members whose appointments will be made in equal numbers by the two governing boards. This task force shall, within three months of all appointments being made, provide a report to the City Council and the County Commission with a recommendation regarding the removal and/or repurposing of the Vance Monument. Once the report is presented, the task force shall perform such other duties as requested by the governing bodies. When no further action is requested, the task force shall dissolve. Upon passage of this resolution and until such time as the monument is removed or repurposed, it shall be shrouded in order to reduce its impact on the community and to reduce the risk of harm it presents in its current state.”

Eighteen callers supported taking the Vance Monument and other Confederate monuments down.

Two callers were opposed to taking down the Vance Monument and other Confederate monuments.

One caller favored repurposing of the Vance Monument and supported removing the other Confederate monuments.

Councilman Young said that a few people mentioned context. From a personal standpoint, his family has a long history in the City of Asheville. He spoke with his grandfather (who was born approximately 50 years at the end of the Civil War) about his experiences in life and his experiences of his great grandfather who was born in 1888, in the middle of Jim Crow. Some people feel that removing a flag or monument, etc. is erasing history. In fact, for example, across this country, but mostly in the south, say confederate flag supporters had more than 350 rallies in the 6 months after the Charleston attack. In Charlottesville, Virginia, Council voted to remove statues of Robert E. Lee and Stonewall Jackson and that sparked several demonstrations, including deadly protests in August of 2017. The argument that the Confederate flags or monuments or other displays represent heritage not hate, ignores the near universal heritage of African Americans enslaved by millions in the south. It trivializes their pain, their history and their concern about racism, whether it's the racism of the past or the racism of today. And it conceals the true history of the Confederate states of America and seven decades of Jim Crow segregation and oppression that followed the reconstruction era. And there is no doubt that if you ask any historian that Confederacy was established upon the premise of white supremacy and that the south fought the Civil War to preserve it's slave labor. It's founding documents and its leaders were very clear in what their intentions were - our new government is founded upon the great truth that the Negro is not equal to the white man. Those statues and monuments were not erected during reconstruction or Jim Crow - they were erected sometime far after that to remind Black people that we still have power and we still have control and this is your place in our society. I don't want to be a part of that and if anyone else wants to be a part of that, you show your true colors.

Councilwoman Smith said that this is not an insignificant action. We must start healing from racial trauma passed through our blood line. This is equally powerful as well as ceremonial. The white supremacy legacy has been there and it's time for us to confront it. She was glad to be a part of this history, but hated the opportunity came at the death of George Floyd.

Vice-Mayor Wisler moved to approve a joint resolution with Buncombe County to remove the Confederate monuments located at the Buncombe County Courthouse and in Pack Square Park, and to establish a jointly appointed task force to recommend the action regarding the removal or repurposing of the Vance Monument. This motion was seconded by Councilman Young and carried unanimously by a roll call vote.

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VI. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 1500 TUNNEL ROAD KNOWN AS "TRU HOTEL" TO INCLUDE A FREE-STANDING IDENTIFICATION SIGN

Urban Planner Sasha Vrtunski said that this is the consideration of an amendment to a previously approved conditional zoning at 1500 Tunnel Road known as "Tru Hotel" to include a free-standing identification sign. This public hearing was advertised on May 29 and June 5, 2020.

Project Location and Contacts:

- The project site consists of a 2.67 acres parcel located at 1500 Tunnel Road (PIN 9678.15-1933) that is owned by Commodore Holdings LLC.
- Petitioner and Contact: HP Patel.

Summary of Petition:

- The project was approved by City Council on July 25, 2017 (Ordinance No. 4604).
- The approved project was for a 86 room hotel in a 43,000 square foot building.
- The site was previously zoned Highway Business District.
- While the 2017 approved project included an image reference to a wall-mounted sign, it failed to provide specific size allowances and did not include any free-standing signage. The applicant is requesting an amendment to the B1 conditions for the project to clarify sign allowances.
- The conditions allow for some flexibility and provide for a free-standing sign not to exceed 60 square feet and 12 feet tall and attached building signage not to exceed 80 square feet. This will ensure flexibility for any changes to signage in the future and would be compatible with the surrounding area.
- New condition is "Signage for project shall be limited to one free-standing monument sign not to exceed twelve feet in height and 60 square feet in size, and one wall-mounted sign not to exceed 80 square feet in size. Temporary and directional signage may be permitted as allowed by the Unified Development Ordinance.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that "appropriate and contextual signage and articulation" is encouraged as a part of urban design.

Compatibility Analysis:

- The proposed signage would be less than what is allowed in the surrounding Highway Business District where free-standing identification signs are commonly used and relied upon.
- The proposed sign's smaller and slimmer profile helps to avoid conflict with adjacent signage along the corridor.

Council Goal(s):

- A Well-Planned and Livable Community.

Committee(s):

- None.

Staff Recommendation:

- Staff finds that the request for signage is appropriate and supports the amendment of the ordinance and conditions.

Mr. Patel, owner of the hotel, gave a brief background of the hotel site. He was unaware that signage was required by City Council at the time of original approval. He is proposing a much smaller sign than the other hotel in the area. He asked for Council's support.

Mayor Manheimer opened the public hearing at 8:40 p.m.

One voicemail individual spoke in favor of this conditional zoning amendment.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilman Kapoor moved to recess this item until June 23, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

B. PUBLIC HEARING TO SOLICIT COMMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2020-21

Councilman Kapoor moved to continue the public hearing amending the 2019-20 U.S. Dept. of Housing & Urban Development Annual Action Plan to allocate funds to help prevent, prepare for, and respond to COVID-19 until July 14, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING TO AMEND THE 2019-20 U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN

Councilman Kapoor moved to continue the public hearing amending the 2019-20 U.S. Dept. of Housing & Urban Development Annual Action Plan to allocate funds to help prevent, prepare for, and respond to COVID-19 until June 23, 2020. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

D. PUBLIC HEARING REGARDING THE FISCAL YEAR 2020-21 BUDGET

This public hearing was advertised on May 29, 2020. Mayor Manheimer said that earlier in this meeting, Councilman Young moved to continue the budget public hearing until August 25, 2020. The motion was seconded by Councilwoman Smith and carried unanimously on a roll call vote.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Individuals spoke to demand Asheville Police Department (APD) and officers accountability for the use of tear gas, rubber bullets and flash bangs at the peaceful assembly regarding George Floyd's death; reinvesting cuts in police budget into alternative emergency response programs; disappointment with APD and their destruction of the medic supply tent supplies; defunding the APD; and demanding 50% of the APD's budget be invested in long-term safety strategies including supporting Black startups/business, eliminating the racial opportunity gap in Asheville City Schools, and funding all-civilian oversight committee with the power to hold the APD and individual officers accountable.

One individual supported the APD's actions and urged Council to support the Department and it's officers.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:03 p.m.

CITY CLERK

MAYOR