

Tuesday – July 28, 2020- 5:00 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; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RESOLUTION NO. 20-126 - RESOLUTION OF APPRECIATION TO VIJAY KAPOOR

Mayor Manheimer read the resolution.

Resolution No. 20-126 was adopted by acclamation.

On behalf of City Council, Mayor Manheimer thanked Councilman Kapoor for his service to Asheville.

RESOLUTION BOOK NO. 41 - PAGE 380

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 14, 2020

B. RESOLUTION NO. 20-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MB HAYNES CORPORATION DBA HAYNES SOLAR FOR THE INSTALLATION OF ONSITE SOLAR PHOTOVOLTAIC SYSTEMS AT FIVE CITY FACILITIES

Action Requested: Adoption of resolution authorizing the City Manager to execute a contract with MB HAYNES Corporation DBA HAYNES Solar in the amount of \$788,835 for the Aggregated Solar Projects; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$78,884 (10%).

Background:

- On September 24, 2019, City Council approved an interlocal agreement with Buncombe County in [Resolution 19-214](#) to conduct feasibility site assessments and issue a joint solicitation for onsite renewable energy systems.
- This project was a joint venture between the City, Buncombe County, AB Tech, Asheville City Schools, and Buncombe County Schools, and will result in the installation of 7 MW of solar energy at 46 sites.

- The objective of this partnership with Buncombe County is to lead by example and prioritize highly visible sites as well as demonstrate fiscal responsibility through economies of scale.
- This project will see the installation of a combined total of 259 kW of solar photovoltaic energy on five (5) City-owned facilities:
 - Burton Street Community Center
 - Linwood Crump Shiloh Community Center
 - Fire Station #10
 - Fire Station #11
 - Wall Street Parking Deck
- On April 8, 2020, Buncombe County advertised the project. The County received and opened bids on June 19, 2020. The names, bid amounts, and all alternates of the six (6) bids that were submitted are listed below:

○ MB HAYNES Corporation DBA HAYNES Solar, Asheville, NC	\$ 788,835
○ Eagle Solar and Light, Birmingham, AL	\$ 810,036
○ Influent Energy, Kansas City, MO	\$ 901,429
○ Helios Energy, Fairview, TN ^{Note (1)}	\$ -
○ 8M Solar, Cary, NC ^{Note (2)}	\$ 676,116
○ Pine Gate Renewables, Asheville, NC	\$ 999,786

Note(1): The Helios Energy bid was determined to be non-responsive, and could not be accepted per County policy and general statutes. Their bid was non-responsive because the bid documents required a Bid Bond. Helios Energy did not include a bid bond and therefore could not be opened.

Note(2): The 8M Solar bid was disqualified due to a violation of specific instructions given in the bid solicitation by contacting a contractor of the project to request information on the bid specifications.

- MB HAYNES Corporation DBA HAYNES Solar was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- County staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State’s Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE firms submitted bids with this prime contractor and all work will be self performed by the prime contractor.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- Buncombe County Commission - July 21, 2020 - Approved debt service in the amount of \$10.3 million for solar installations at Buncombe County, AB Tech, Asheville City Schools, and Buncombe County Schools.

Pro(s):

- Demonstrates visible and measurable progress towards the 100% renewable energy goal ([Resolution 18-279](#)) by offsetting 3% of building energy use with solar generated electricity
- Supports the 80% carbon reduction goal ([Resolution 11-77](#)) by avoiding an estimated 320 metric tons of carbon annually

- The City potentially will receive over \$300,000 in rebates from Duke Energy Progress (pending availability)
- The City will save approximately \$30,000 in avoided electricity costs annually

Con(s):

- This project is being paid with funds from the Green Savings Account and will deplete most of the current account balance.

Fiscal Impact:

- The full budget for this project, including the contract and other associated costs, is estimated to be \$956,181 and is included in the FY 2020-21 Annual Budget Ordinance in the General Capital Projects Fund. Funding for the project will come from the Green Savings Account. Renewable Energy projects identified through this process, and their savings, will be reported to the Budget Division annually.

Motion:

- Motion to authorize the City Manager to execute a contract with MB Haynes Corporation DBA Haynes Solar in the amount of \$788,835, for the Aggregated Solar Projects; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$78,884 (10%).

Councilwoman Mayfield was pleased that the City is continuing it's renewable energy initiatives.

RESOLUTION BOOK NO. 41 - PAGE 385

C. RESOLUTION NO. 20-130 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ACCEPT A DONATION OF LAND FROM RIVERLINK INC. LOCATED ON GASH FARM ROAD

Action Requested: Adoption of a resolution authorizing the City Manager to accept land donation on Gash Farm Road from Riverlink.

Background:

- The City was approached by the Land Resources Manager of Riverlink with an offer to donate a 0.10 acre lot at the corner of Gash Farm Road and Azalea Road. The lot is improved with a gravel drive, trees and shrubs.
- The Real Estate Division consulted other City departments to determine whether or not the City would benefit from accepting this property.
- The Public Works Department indicated that the land could be used to improve the safety at that intersection and recommended that the City accept the donation. The intersection at Gash Farm and Azalea Road is difficult to navigate because it is at such a sharp angle. A mirror was installed recently by Transportation Department staff at that intersection to increase visibility.
- The lot size is smaller than the minimum size requirements per RS-2 (Residential Single-Family Low Density) zoning and is too small to be considered buildable. It appears that using the property for traffic safety improvements is the best use.
- This triangular shaped parcel has a tax assessed value of \$900.00 and under Riverlink's ownership, the property does not contribute to City tax revenues.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- This land could be used to improve a traffic intersection, thereby increasing public safety.
- The land is being donated at no cost to the City.

Con(s):

- None.

Fiscal Impact:

- The donation of the land comes at no cost to the City. However, the cost of the improvements to the road is estimated to be approximately \$250,000. These improvements are not budgeted at this time but Public Works wants the land to plan for future road improvements.

Motion:

- Motion to approve the resolution authorizing the City Manager to accept this donation of land.

RESOLUTION BOOK NO. 41 - PAGE 386

D. RESOLUTION NO. 20-131 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TRAFFIC REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION (NCDOT) FOR THE NCDOT TO PERFORM DESIGN REVIEW AND INSPECTION OF THE ADDITION OF PEDESTRIAN PHASING AT THE SIGNALIZED INTERSECTION ALONG NC 280 (AIRPORT ROAD) AND WALMART/CAROLINA FURNITURE CONCEPTS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a traffic - review and inspection agreement with the N.C. Dept. of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the signalized intersection of NC 280 (Airport Road) and Walmart / Carolina Furniture Concepts and to submit payment in the amount of \$5,000 upon partial execution of the agreement by the City.

Background:

- The City has plans to construct a new sidewalk along NC 280 (Airport Road) from US 25 (Hendersonville Road) to the western end of Wal-Mart through the bond program.
- This sidewalk will tie into an existing sidewalk recently constructed by the NCDOT.
- The project includes pedestrian phasing and crosswalks at four signalized intersections (A traffic - review and inspection agreement with the NCDOT for three of the signalized intersections was approved on July 23, 2019 via Resolution # 19-173).
- The subject action is needed because NCDOT recently installed a fourth signalized intersection within the project limits.
- The City has prepared the appropriate designs to add pedestrian phasing and will be furnishing and installing the equipment and crosswalks.
- The NCDOT will review the designs and inspect the work during the construction phase.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- A new section of sidewalk will be constructed that will provide an important pedestrian connection between Hendersonville Road and the airport.
- The pedestrian experience will be enhanced through signalized intersections with pedestrian phasing and crosswalks.
- The NCDOT will own and control the traffic signal (and associated equipment) and maintenance will be accomplished according to their current policies and procedures.

Con(s):

- None

Fiscal Impact:

- The financial impact is estimated to be \$5,000 and the City must submit payment upon partial execution of the agreement by the City. The funds are already included in the bond program budget.

Motion:

- Motion to authorize the City Manager to enter into and execute a traffic - review and inspection agreement with the NCDOT for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the signalized intersection of NC 280 (Airport Road) and Walmart / Carolina Furniture Concepts and to submit payment in the amount of \$5,000 upon partial execution of the agreement by the City.

RESOLUTION BOOK NO. 41 - PAGE 387

E. RESOLUTION NO. 20-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RED ROOF INN, INC. AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

Action(s) Requested: Authorization for City Manager's execution of contract extensions with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security.

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-four (64) 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.
- The incidence of confirmed COVID-19 cases continues to rise, posing ongoing risk to people experiencing homelessness.
- To avoid any lapse in service to this population, it is necessary to execute the contract amendments prior to August 8th to continue the agreements.
- A transitional exit strategy for those in the shelter is currently being planned.

- The existing agreements with the vendors allow for extensions to continue operations but additional funding is necessary.
- The additional budget needed for these contracts is included in a separate budget amendment agenda item that is also on Council's July 28th agenda.

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.
- Allows for additional time to effect housing placement for shelter occupants.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.

Con(s):

- None.

Fiscal Impact:

- The additional contract funding requested as part of this Council action includes: \$150,000 for Homeward Bound to operate the shelter and \$366,048 for Red Roof Inn (includes allocation for month 3 of existing operations).
- The full budget for shelter operations through November 8, 2020, including expenses incurred while at the Harrah's Cherokee Center (HCCA), is \$1.6 million.

Motion(s):

- Motion to adopt a resolution to authorize the City Manager's execution of new services contracts with Homeward Bound of Western North Carolina, Red Roof Inn incorporated, and Axis Security for shelter rooms, essential operations, and security for up to 90 additional days commencing on August 8, 2020.

RESOLUTION BOOK NO. 41 - PAGE 388

F. ORDINANCE NO. 4814 - BUDGET AMENDMENT TO ESTABLISH A BUDGET IN THE CITY'S SPECIAL REVENUE FUND BEGINNING IN FISCAL YEAR 2019-20 BUDGET FOR THE FUNDING THAT THE CITY HAS RECEIVED FROM BUNCOMBE COUNTY AS PART OF THE STATE'S CORONAVIRUS RELIEF FUND

ORDINANCE NO. 4815 - BUDGET AMENDMENT TO ESTABLISH A BUDGET IN THE CITY'S SPECIAL REVENUE FUND BEGINNING IN FISCAL YEAR 2019-20 FOR EXPENSES AND REVENUES RELATED TO THE CITY'S COVID-19 SHELTER OPERATIONS

Action Requested: Adoption of: 1) A budget amendment in the amount of \$943,771 to establish a budget in the City's Special Revenue Fund beginning in fiscal year 2019-20 for the funding that the City has received from Buncombe County as part of the State's Coronavirus Relief Fund

(CRF); and 2) A budget amendment in the amount of \$1.6 million to establish a budget in the City's Special Revenue Fund beginning in fiscal year 2019-20 for expenses and revenues related to the City's COVID-19 Shelter Operations.

Background:

- The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) is a \$2 trillion economic stimulus bill passed by Congress and signed into law in March 2020 in response to the economic downturn caused by the COVID-19 pandemic.
- The State of North Carolina received \$7.6 billion from the CARES Act, and on May 4, 2020 North Carolina Governor Roy Cooper signed session law 2020-4 which appropriated \$150 million from this funding to NC counties via the Coronavirus Relief Fund (CRF).
- Buncombe County received an allocation of approximately \$4.5 million from the CRF and shared a portion of this funding with other governments in the county based on the local sales tax distribution formula.
- Under this formula, the City of Asheville received \$943,771 in funding.
- City staff has identified FY 2019-20 COVID-19 related expenses that are eligible for reimbursement under federal and state guidelines and have submitted these expenses to Buncombe County for reimbursement.
- The NC Pandemic Recovery Office (NCPRO) has provided guidance regarding reporting requirements related to CRF funds which indicate that all CRF funding should be budgeted and accounted for in a special revenue fund.
- To be in compliance with this guidance, staff is recommending City Council approve a budget amendment in the amount of \$943,771 to establish a budget for the City's CRF funding in the Special Revenue Fund.
- In addition, in April of 2020, the City began operating an 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.
- Since operation of the shelter began, the City has been utilizing existing budget authorization within the Affordable Housing Project in the City's General Capital Projects Fund.
- Funding to offset the shelter expenses will be coming from a mix of special revenue sources, including federal grant reimbursements and private donations; therefore a budget needs to be established in the City's Special Revenue Fund to account for the shelter operations.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Ensures the City is in compliance with accounting and reporting requirements recommended by the State of North Carolina.

Con(s):

- None.

Fiscal Impact:

- There is no overall fiscal impact with the CRF budget amendment since the expenses already occurred in FY 2019-20. The amendment will simply allow staff to consolidate all expenses in a single project in the City's Special Revenue Fund.
- For the Shelter Operations budget amendment, staff is including sufficient budget authorization for expenses already incurred as well for anticipated expenses through November 8, 2020. All expenses associated with the Shelter Operations are expected to be offset with revenue from the federal and state government and private donations.

Motion:

- Motion to adopt: 1) A budget amendment in the amount of \$943,771 to establish a budget in the City's Special Revenue Fund beginning in fiscal year 2019-20 for the funding that the City has received from Buncombe County as part of the State's Coronavirus Relief Fund (CRF); and 2) A budget amendment in the amount of \$1.6 million to establish a budget in the City's Special Revenue Fund beginning in fiscal year 2019-20 for expenses and revenues related to the City's COVID-19 Shelter Operations.

ORDINANCE NO. 4814- ORDINANCE BOOK NO. 33 - PAGE 92

ORDINANCE NO. 4815- ORDINANCE BOOK NO. 22 - PAGE 93

G. RESOLUTION NO. 20-133 - RESOLUTION APPOINTING MEMBERS TO THE VANCE MONUMENT TASK FORCE

Summary: On June 9, 2020, by Resolution No. 20-116, City Council adopted a joint resolution with the Buncombe County Board of Commissioners to appoint a joint task force consisting of not more than 12 members whose appointments will be made in equal numbers by the two governing boards. The task force shall, within three months of all appointments being made, provide a report to the City Council and County Commissioners 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.

The following individuals applied for a City seat: Savannah Michelle Gibson, Dave Perkins, Curry First, James Greene, Richard E. Nantelle III, Ron Laboray, Elias Varn, Robert Stetson, David R. Hillier, Jessie Landl, Lawrence Gilliam, Ben Scales, Auburn Petty, Pepi Acebo, George Sieburg, Steven C. Rasmussen, David E. Bendel, Colgate Darden, Mark Mickey, Daniel Smith, Josh Carroll, William Scott Whitley, Ann Brown, David Taylor, Jim Samsel, Philip Hawkins, Kelsey Buckner, Ryan Sweeney, Christopher Keiser-Liontree, S. Antanette Mosley, Jim Tebay, Tisha Dickson, Alicia D. Nichols, Leslie McCullough Casse, Cecilia Smith, Edwin Williamson, Charlie Muehl, Hanna Zahory, Shirley Walker Whitesides, Floyd Dupree, Takira Rose, Evan Richardson, Dennis R. Campbell, Will Hall, Robbie Sweetser, Amy Gerald, Edie Weichert, Jennifer Borrell Bayer, Eleanor Ivy Campbell, Craig Armstrong, Courtley Garcia, Tim Keenan, Melanie B. Arrowood, Christopher "Kipper" Schauer, Chip Howell, George Stevens Jr., Joseph Shuler, Peggy Gardner, Laura Linneman, Michael Wiezman, John W. Ellis, Bernard V. Oliphant, Aryel Vance, Grady Wilson, David Avigdor, Joshua Clark, Roger Dean Sharpe, Fred Northup, Peter Billingsley, Lara Diblasio, Kate Pett, Julia Dorn, Lyndsey Crumbley, Pearson Ripley, Emily Dresback, Edward Martin, Gary Zahler, John T. Schlotterbeck, Dena Rappaport, William McBee, John Vigeland, James C. Drake, Rachel Dudasik, Robert F. Wilson, Betty Lawrence, Sharon Fahrer, Karen Marie Foster, Deborah Miles, Mary Monaghan, Vanessa Nowik, Jake Farrar, Harold Littleton, Mort Stein, Oralene Simmons, Carleton Collins, Marc Mullinax, Carol M. Anders, David Gwaltney, Michael McDonough, Samuel Lee Quick Jr., Andrew Fletcher, Natalie Kramer-Shaw, Noel Nickle, Kelly Prime, Ken Richards and Lary Holt.

Mayor Manheimer explained the process used by City Council to arrive at these appointments. City Council was sent all applications and they in turn rated their top eight choices - with the two lowest ranking individuals being alternates. After tallying, Antanette Mosley, Deborah Miles, Bernard Oliphant, Savannah Gibson, Oralene Simmons, and Shirley Whitesides were appointed as City appointments to the Vance Monument Task Force; and Lawrence Gilliam and Ben Scales being alternates.

RESOLUTION BOOK NO. 41 – PAGE 389

Mr. Ben Spencer was unhappy that City Council revised their meeting options to make people call in advance to have live call in. He also questioned how the rules of decorum were adopted by City Council.

Ms. Ashley Cooper was pleased to see money toward solar initiatives and shelter operations but hoped to see funds moving into the Black community. And, she hoped that on any land issues there is strong attention on how it fits into reparations.

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.

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

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - 30/60/90 DAY WORK PLAN

City Manager Campbell explained her presentation overview: (1) Over the next several months, as part of my Manager's report, I will update Council and the community on our 30/60/90 Day Work Plan; (2) The 30/60/90 Day Work Plan was developed in response to numerous requests from the Black Asheville Demands coalition to address specific racial and economic justice issues; (3) The Work Plan allows staff to prioritize and track the work; and (4) Tonight will specifically focus the update on the request to Defund the Police by 50% or to "*Divest resources from the APDs' budget and Invest in long-term safety strategies.*"

The following is the defund/divest/invest strategy: (1) Hear concerns that current service delivery models especially related to law enforcement and policing do more harm than good especially in Black, Indigenous and Latinx communities; (2) Current approaches of "over policing" seem to criminalize and victimize Black, Indigenous and Latinx communities; (3) Goal is to make communities feel safer not with additional law enforcement but with holistic health, economic, educational and other human services that nourish and stabilize people in their communities; (4) City staff supports the Divest and Invest Strategy; (5) Racism is a systemic problem, bigger than police and the City cannot solve alone and within 90 days; (6) The response needs to be strategic, attainable and collaborative; (7) Next steps will be to determine how we Reimagine Public Safety in Asheville; and (8) Work with the community to define roles and responsibilities of Police and other City Departments and community partners.

Reimagining public safety in Asheville's goal is to determine how the City of Asheville structures department responsibilities and community partnerships in a way that promotes racial equity and economic inclusion.

The following is the public engagement process: (1) Step 1 (complete): Get feedback on an approach from key focus groups (a) Three meetings-Facilitators; Internal staff; and Community representatives.

She thanked the following focus group participants. Their input was invaluable and revealing: Dee Williams, Jackie Latek, Carmen Ramos Kennedy, Rob Thomas, Amy Cantrell, Darlene Azarmi, Libby Kyles, Tara Irby, Brandon Mays, Dionne Greenlee, Cheri Torres, Michelle Smith, Tim Splain, Cortina Caldwell, Daniel Suber, Michael Hayes, Sgt. Joshua Veridal, Jessica Johnston, Tameka Crudup, Jakob Klodt, Sgt. Diana Loveland, Dana Frankel, Rosanna Mulcahy, Treva Williams, Brandon Buckner, and Matthew Pride.

They learned from the focus group participants (1) Community trust in City government has been eroded and may be difficult to regain; (2) City is good at stretching processes out indefinitely with little or no tangible results; (3) Meet people where they are which may mean people will want to share their encounters with APD before they are ready to talk about how to improve relations; (4) Need to have authentic conversations about types of change that's really possible; figure out what's broken and commit to making changes; (5) Use paid community facilitators for these discussions; (6) Make a special effort to hear from most impacted populations, Blacks, Indigenous, and Latinx; (7) Communicate information about services APD and City currently provide; (8) Do more than just divest in APD's budget, invest in a way that reflects community priorities; (9) Balance need for people to have input and using what they have already told us (information that has already been shared with us); (10) Convene smaller groups so people have optimum opportunities for genuine input; and (11) Use lots of mediums for input, questionnaires, blogs, face to face meetings, etc.

She said Step 2: Host Community Meetings will consist of (1) Community facilitators to lead the process; and (2) Meetings from mid-August to mid-September to: (a) Make sure we understand the problem we are trying to solve; (b) Provide context so we can make smart decisions regarding divesting and investing public safety resources; and (c) Begin to make strategic organizational and budgetary changes.

Themes for community discussions include (1) Share services provided now by the City, especially APD. **Community Feedback will be (1)** Do you feel safe in your community, if so why and if not why not?; (2) What do you think is needed to help you feel safer in your community?; (3) Of these things, which do you think should be done by APD?; (4) What things should be done by other agencies or organizations?; and (5) What other types of investments are needed in your community to improve your and others quality of life?

She said Step 3; Report, Recommendations and Implementation will consist of (1) Regular Updates on Community Engagement; (2) Develop Preliminary Recommendations for Divesting/Investing (Aug. - Sept. 22); and (3) Implementation of Divesting/Investing Strategies (Sept. 22 and on-going).

Councilman Kapoor and Vice-Mayor Wisler felt that there should be research into what duties state law requires police officers to perform.

In response to Councilwoman Mayfield, City Manager Campbell said that the police will not be in the room when conversations with the community are happening; however, they will be data gathering. They will also be asked about duties they are presently performing but are not trained for, duties that drain their resources, etc.. Ms. Campbell said that the focus will be on the role of the City as an organization. She believed this effort sets a good foundation for the concept of reparations.

Councilman Young appreciated the intentionality in wanting to engage in this complex issue and looked forward to moving the process through with the help of the community.

Councilwoman Mayfield said that City Manager Campbell has laid out a process to get to the place where we can shift money and resources from the police to other community partners and possibly other City departments. She explained that there is no major shift in the budget presented but that will come after the process the City Manager has outlined. She also understood the frustration that people are expressing about the pace of change. We can't undo the system quickly. Cutting the Police Department's budget by 50% or banning tear gas isn't going to change the culture of policing. We must have a thoughtful analysis and planning before that we make lasting changes. We are in this moment of great change and everyone on Council

embraces that change and wants to move forward.

Mayor Manheimer said that we would like to explore the concept of changing how we are doing policing and taking away some duties that might be appropriate in other ways with perhaps other partnerships. But, you need more than two months to bring on other people who can provide those services. The process the City Manager is proposing is something of a road map of what we are going to do and how to get there with hopefully some timelines. The key ingredient is being transparent so the public can engage and understand how the process works.

B. CITY COUNCIL VACANCY ANTICIPATED TIMELINE

Mayor Manheimer said that Councilman Vijay Kapoor is moving out of state with his family and has resigned from his Council seat, effective August 2020. The appointed individual will serve the remainder of the vacant term, ending in December, 2022. Eligible candidates must be a resident of the City of Asheville and registered to vote in the City of Asheville. The anticipated timeline will be: August 3 - advertising announcement, application process opened; August 20 - deadline for applications & supplemental information at Noon; August 25 - Council to determine how many and who to interview; September 8 - interviews to be held during the day and appointment to be made at the formal Council meeting; and September 22 - new Council member sworn in.

City Attorney Branham said that state law provides a specific procedure for filling a Council vacancy but the state law is somewhat complex when compared with our local charter. In order to fully determine the proper process for filling the vacant seat, additional legal research was performed and election law experts consulted. As a result, it has been determined that the City's charter does not allow for a special election in these circumstances. In addition, the timing of a resignation of a Council Member in the City of Asheville has no effect on the process for appointing a replacement. Even though the State statutes lay out a different process based upon the timing of the vacancy, the City's charter makes no such distinction. In cases where conflicts of this nature exist between the State statute and a city's charter, the city charter supersedes state law. The Asheville City Charter, Section 7 states: "**Any vacancy in the office of mayor or council shall be filled by the council for the remainder of the unexpired term from the qualified electors of the City of Asheville.**" North Carolina General Statute 160A-3 states in part: "**..... in case of conflict or inconsistency between the two procedures, the charter procedure shall control.**" Pursuant to these laws, Asheville City Council is required to appoint a successor for the vacant Council seat, and that individual will serve the remainder of the unexpired term. The timing of the vacancy has no effect on this legal requirement. Therefore, the City's charter precludes any special election, regardless of when the Council vacancy occurs. He has spoken with some election law experts and the local Chair of the Buncombe County Board of Elections and all have confirmed the same understanding.

In response to Vice-Mayor Wisler who said the General Counsel for the State Board of Elections says that the City may be able to choose to follow the Charter to the General Statutes, City Attorney Branham said that she is referring the same statute; however, she is reading from a different provision (subsection a). However, he, and election law experts, feel that the applicable provision (subsection b) is the statute that is applicable.

IV. UNFINISHED BUSINESS:

- A. ORDINANCE NO. 4816 - ORDINANCE TO REZONE PROPERTY LOCATED AT 99999 COURTLAND AVENUE, 99999 WOODSIDE PLACE, AND 99999 GUDGER STREET FROM URBAN VILLAGE TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT**

Mayor Manheimer said that this public hearing was held on July 14, 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 and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the rezoning request from Urban Village (UV) to Residential Single-family, High Density (RS-8) thereby assigning a zoning designation that is more compatible with the surrounding properties and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the rezoning will, 1) assign a zoning designation that is consistent with the future land use designation; 2) allow opportunity for compatible infill development, and 3) support the development of housing in a locationally efficient area. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 94

V. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 137 BROAD STREET FROM COMMUNITY BUSINESS I TO COMMUNITY BUSINESS I/CONDITIONAL ZONE TO INCLUDE AN ADJACENT PARCEL FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING

Principal Planner Shannon Tuch said that this is the consideration of an amendment to a previously approved conditional zoning at 137 Broad Street from Community Business I to Community Business I/Conditional Zone to include an adjacent parcel for the construction of a new mixed-use building. This public hearing was advertised on April 3 and 10, 2020. On April 14, 2020, City Council continued the public hearing until May 12, 2020. On May 12, 2020, City Council continued the public hearing until May 26, 2020. On May 26, 2020, City Council continued the public hearing until this date.

Action Requested: Amend a previously approved conditional zoning to adjust an interior lot line and include development on an adjacent parcel, currently zoned CB-I (Community Business I) and CBI-CZ (Community Business I - Conditional Zone) to CB I-CZ (Community Business I - Conditional Zone)

Project Location and Contacts:

- The project site consists of two parcels located at 135 and 137 Broad Street (PINs 9649-53-7557 and 9649.53-8527)
- Owner / Petitioner: Broad Properties LLC; Contact: Michael Derrig

Summary of Petition:

- The proposal is for a new mixed-use structure containing four residential units above office space and structured parking on the ground level on the property located at 137 Broad Street in the Chestnut Hills neighborhood.
- There is an existing mixed-use building on the adjacent parcel, 135 Broad Street, that was approved in 2015 under conditional zoning ordinance number 4381 and is under the

- same ownership.
- This two-story building has commercial (office) space on the ground level and three residential units above with surface parking behind the building.
- A right-of-way between the two properties was closed as a part of the development process.
- This application proposes to shift the internal lot line, resulting in the request being evaluated as an amendment to the previous ordinance to reflect that change and include the new development proposed.
- The development parcel is currently zoned CB-I, which allows a mix of uses and up to 40 dwelling units per acre when at least 20 percent of the dwelling units are designated affordable (or up to 20 dwelling units per acre with no affordable housing). The applicant is proposing four units (equals 40 units per acre), one of which will be designated as affordable.
- The four residential units are efficiency and one-bedroom configurations, ranging between approximately 460 to 600 square feet in size.
- The three-story structure does not exceed 40 feet in height per the UDO definition (48 feet to the peak of the roof) and contains approximately 2,200 square feet of office space on the second floor.
- The plan shows utilizing a 14-foot wide shared driveway between the two properties to provide access to the seven proposed parking spaces structured under the building at 137 and to the six surface spaces existing behind 135 Broad Street.
- Due to the proximity to downtown and per Section 7-11-2(c)(4) of the UDO, there is no off-street parking requirement for the residential units; the parking proposed meets the requirement for the office use.
- The sidewalk will be rebuilt to match the existing six foot, back-of-curb configuration that is in place along Broad Street (*which requires a condition as this is not the City's standard*).
- Minimal landscaping is required for this project with just two street trees and parking deck screening required. Open space is not required due to the small size of the lot.
- The development parcel falls within the Charlotte Street Transition Overlay District (Section 7-9-10 of the UDO) which has specific design standards; the project appears to have the ability to comply with the applicable standards such as roof pitch, materials (brick and stucco) and residential-styled forms.
- The project includes the following conditions (and as otherwise noted in the B.1 Conditions):
 - The applicant has offered to dedicate 25% of the residential units (one unit) as affordable at 80% area median income (AMI) for a period of 10 years.
 - There will be shared access following the driveway as shown on plans.
 - The sidewalk will follow the existing development pattern of six foot back-of-curb.
 - The parking spaces will be allowed to be used by the residential units during off-business hours.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the development site is within the area designated as Traditional Corridor in the Future Land Use map, which anticipates a mix of uses at a variety of scales.
- Increasing the housing supply, especially in a walkable and transit-supportive location is a primary goal of the Resilient Economy section of the plan.
- Additionally, the inclusion of affordable housing is a goal of the plan in multiple areas.

Other Plan Considerations:

- The 2020 Bowen Regional Housing Needs Assessment notes that there is a very low vacancy rate in “non-conventional rental housing” (meaning four or less units within one building) resulting in a high demand for the type of housing proposed in this project; the

need for housing for individuals and seniors seeking small units is projected to have the largest growth.

- The updated assessment still notes a high need for very affordable housing but also indicates a high need for moderate market rate housing, especially in these unit sizes.

Compatibility Analysis:

- The proposal for a mixed-use building is aligned with the existing zoning and other uses along the Charlotte Street corridor where there are both residential and commercial uses in a variety of structures in terms of height and massing and complies with applicable design standards in the Charlotte Street Overlay.
- Additionally, the Charlotte Street Road Diet and Spot Safety Improvement project is currently under construction with the goal of improving mobility and access to multiple modes of transportation.
- Parking is provided on-site for the office use and is visually integrated into the structure rather than a surface lot. The applicant agreed to a condition that will allow for residential use of the parking spaces during off-business hours.
- Because of the proximity to downtown, no off-street parking is technically required for residential uses in this location, however, the proposal does increase the residential density by 300% in an area that has higher densities already which can result in a greater demand for limited on-street parking.
- The proposed structure would be taller than any nearby building but at three stories and 40 feet (per UDO height definition), it will be within the height allowed in all surrounding zoning districts.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - February 3, 2020 - approved with conditions
- Planning & Zoning Commission - March 4, 2020 - recommended approval (6-0)

Staff Recommendation:

- Staff recommends approval of this project and finds that the mixed use development and higher residential density is compatible with the goals of the zoning district and the Living Asheville Comprehensive Plan in numerous ways as noted in the report.
- The small size of the residential units is aligned with needs identified in the most recent Bowen report and the offer of an affordable unit is a benefit for the needs of the community.

Mayor Manheimer opened the public hearing at 6:27 p.m.

Ms. Ruth Smith was opposed to this conditional zoning as it will affect property values and increase traffic.

Ms. Ashley Cooper and Mr. Ben Spencer felt that the City Council should think about reparations when making their decisions of new expansions or changes to neighborhoods.

Ms. Kate Fisher, resident on Madison Avenue, said the same developer built 135 Broad was conditioned to put in residential units; however, they have not been rented. She asked that this project, if approved, be conditioned that the developer must rent the residential units.

Mr. Mike Derrig, representing the owner, said that the developer will lease parking spaces to minimize any parking impact on the site. The building size and use of mixed-use is what the zoning ordinance allows.

In response to Councilwoman Mayfield, City Attorney Branham said that with regard to zoning, the City is allowed to place zoning restrictions on the use of property, but not to control the ownership of the property. City Council can only preclude them from using the residential portion for commercial use but we force people to live in the residential portion.

In response to Councilwoman Mayfield, Ms. Tuch said to the best of her knowledge, the City ever owned this parcel of land. She also noted that the Planning & Zoning Commission has scheduled at their September meeting some conversation regarding what does a reparation lens look like in terms of land rezonings, etc..

Mr. Derrig said that the owner of 135 Broad Street finished the interior of the residential units in January and had planned to show and rent those as furnished apartments. However, the pandemic started and the issue of showing the units was put on hold. The owner does plan to rent them as soon as he is comfortable in having the units shown.

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 July 30, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

B. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilman Young moved to continue the public hearing to amend the Unified Development Ordinance to update open space standards until August 25, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by a roll call vote.

C. 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

Community Development Director Paul D'Angelo said that this is the consideration of a resolution authorizing submission of the Community Development Block Grant and HOME Investment Partnership Act funds Annual Action Plan for Fiscal Year 2020-21 to the U.S. Dept. of Housing & Urban Development. This public hearing was advertised on May 29 and June 5, 2020.

Action Requested: Authorization from the City Manager to submit the 2020-21 Annual Action Plan for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs to the U.S. Department of Housing and Urban Development (HUD) and to sign all documents necessary to implement the plan.

Background:

- The City will have approximately \$1,121,092 in CDBG funds and \$1,378,014 in HOME funds available for the fiscal year beginning July 1, 2020. Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, has made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the City of Asheville. Partner Agencies & Programs that will be assisted, if approved -

- CARING for Children-Trinity Place Runaway and Homeless Youth Shelter
- Helpmate, Inc-Emergency Shelter for Domestic Violence Survivors
- Homeward Bound of Western North Carolina-AHOPE Coordinated Entry
- OnTrack Financial Education & Counseling-Financial Capabilities Program
- YWCA of Asheville and Western North Carolina-Empowerment Child Care
- Pisgah Legal Services-Homelessness Prevention Project
- Homeward Bound-Housing Services
- Asheville Area Habitat for Humanity-Home Repair-Low Income Homeowners
- Mountain Housing Opportunity - Emergency Home Repair
- Mountain BizWorks-Opportunity Asheville
- Carolina Small Business Development Fund-Opportunity Asheville
- Eagle Market Streets Development Corporation IDA for Small Business
- The SPARC Foundation-Changing Together
- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties). Partner Agencies & Programs and Builds that will be assisted, if approved -
 - Community Housing Coalition Madison County-Rural Rehabilitation
 - Workforce Homestead-Falling Waters
 - WDT Development-The Villas at Swannanoa
 - WDT Development-White Pine Villas
 - Housing Authority of the City of Asheville-TBRA Resident Mobility
 - Homeward Bound of Western North Carolina-TBRA Asheville
 - Homeward Bound of Western North Carolina-TBRA Buncombe
 - Eliada Homes-Homeless Services Program
- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan. A new 5 Year Consolidated Plan, that will include this 20/21 Action Plan, is expected to come before Council on August 28, 2020, for approval.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Asheville Regional Housing Consortium Board - May 26, 2020
- Housing & Community Development Committee - July 21, 2020

Pro(s):

- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

Con(s):

- It is not possible to fund all of the applications received, and many agencies funded will receive less than the amounts requested.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previous completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.

- The funded programs will provide new construction and other economic activity in the City and the region, creating and sustaining employment and impacting moderate and low income communities.

Mayor Manheimer opened the public hearing at 6:59 p.m.

Ms. Kim Roney spoke in support of these allocations.

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, Councilwoman Mayfield moved to recess this item until July 30, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

D. PUBLIC HEARING TO CONSIDER CONDITIONALLY REZONING PROPERTY LOCATED AT 61 INNOVATION DRIVE FROM COMMERCIAL INDUSTRIAL DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONE, ALONG WITH A CHANGE IN THE FUTURE LAND USE MAP FROM INDUSTRIAL/MANUFACTURING TO EMPLOYMENT/ANCHOR INSTITUTION CENTER

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezone property located at 61 Innovation Drive from Commercial Industrial District to Institutional District/Conditional Zone, along with a change in the Future Land Use Map from Industrial/Manufacturing to Employment/Anchor Institution Center. This public hearing was advertised on July 3 and 10, 2020.

Project Location and Contacts:

- The project site consists of a single parcel located at 61 Innovation Drive (PIN 9627-01-2917)
- Owner / Petitioner: Franklin School of Innovation; Contact: Bryan Moffitt

Summary of Petition:

- The site is currently the location of the Franklin School of Innovation, which has been constructed in phases beginning with a Level I in 2015 (15-09144) and most recently reviewed and permitted as a Level II project in 2018 (18-01129 PZ).
- The third and final phase of construction is anticipated to be completed by 2025 and will total approximately 78,000 square feet of permanent building space, 140 parking spaces, and other facilities common to schools.
- The primary purpose of the conditional zoning request is to change the zoning classification in order to allow the use of temporary, factory fabricated classroom buildings on the subject site beyond the five year limit per Section 7-14-2(e)1 of the UDO (Unified Development Ordinance).
- Landscaping compliance was reviewed during the 2018 Level II review and included street trees along Sardis Road, parking lot landscaping and building impact landscaping as shown on plans. 2.17 acres of open space is provided on the site, exceeding the 15% requirement for the zoning district. Eight street trees were required and were initially provided; however, two trees were removed by Duke Energy for utility conflict as part of the widening of Sardis Road.
- Through this conditional zoning, the project is seeking a modification from the following zoning requirements (and further detailed in the exhibit B.1 conditions):
 - Temporary factory fabricated school buildings will be permitted on the site.
 - Six street trees (rather than eight as required) will be maintained in the location

as shown on plans, behind the sidewalk approximately 20 feet from the street and outside of the utility easement.

- The applicant will voluntarily provide a greenway easement along the Hominy Creek at the rear of the site to help meet city adopted goals and plans (also detailed in the exhibit B.1 conditions).

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the project provides sidewalks along Sardis Road as well as commits to the future greenway along the rear of the site, directly adding to goals throughout the Livable Built Environment section of the Plan to increase walkability and multi-modal transportation options.
- Supporting schools and educational institutions is highly recommended throughout the Plan, notably in the Resilient Economy section. Linking schools to greenways is specifically highlighted in several sections of the Plan.
- While the request does necessitate a change to the Future Land Use Map as it is currently categorized as Industrial / Manufacturing, the Preferred Growth Scenario Map identifies areas for the the Employment / Anchor Institution use in the Candler area, not far from this site, and it is the category that is most appropriate for a large parcel with an educational use.
- Additionally, the underlying Commercial Industrial (CI) zoning is stated as an appropriate zoning district for the Employment / Anchor Institution category (pp. 342-3).

Compatibility Analysis:

- Commercial Industrial zoning is adjacent on both sides and parcels across Sardis Road are zoned Industrial, however there are a variety of uses in the vicinity including commercial uses along Sardis Road and multi-family residential in multiple directions as well. The Enka Intermediate School (Buncombe County) is less than a mile away from this site. The nature of the area is mixed between residential, commercial and industrial. The school use was allowed in the underlying zoning and is considered to be compatible with the surrounding uses.

Council Goal(s):

- Equitable and Diverse Community
- A Well-Planned and Livable Community
- A Clean and Healthy Environment

Committee(s):

- Technical Review Committee (TRC) - June 15, 2020 - approved with conditions
- Planning & Zoning Commission - July 1, 2020 - recommended approval (7-0)

Staff Recommendation:

- Staff recommends approval of this request with the conditions and finds that the use of temporary buildings until full build-out is able to be achieved is acceptable.

Mayor Manheimer opened the public hearing at 7:09 p.m., and received no comments.

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 July 30, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

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

Assistant Finance Director Tony McDowell said that this is the public hearing on the City of Asheville Fiscal Year 2020-21 Annual Operating Budget and inclusion of public input in City Council's consideration of the budget. This public hearing was advertised on July 17, 2020.

Background:

- The Fiscal Year (FY) 2020-21 Proposed Annual Operating Budget was presented to City Council on May 26, 2020. In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 29, 2020.
- Following presentation of the FY 2020-21 Proposed Budget, the City decided that adopting an interim budget would allow time to plan a public engagement process around reallocating resources to address equity, social disparity, and policing concerns voiced by the community.
- At its June 23, 2020, meeting, City Council adopted a one month interim budget pursuant to North Carolina General Statute §159-16, and the Public Hearing originally scheduled for June 9, 2020 was rescheduled for July 28, 2020. A notice for the second Public Hearing was published on July 17, 2020.
- Per NC General Statutes, the City cannot adopt the annual property tax rate with an interim budget. The property tax rate can only be adopted as part of the annual budget ordinance and must be adopted by August 1.
- The annual budget ordinance that staff has prepared for Council consideration includes adoption of the annual property tax rate and full annual budgets at the fund level. The Proposed Budget is balanced with an ad valorem tax rate of \$0.4289 per \$100 of assessed value, which is unchanged from the current rate.
- Per Council's direction, each General and Enterprise Fund operating department will only receive funding in its budget for operations through the end of September with the remaining budget being held in reserve in a non-departmental account while the City Manager's Office completes the community engagement process to determine investments in the Asheville Police Department, other City departments, and various community programs.
- At City Council's September 22, 2020, meeting, the City Manager will present a budget amendment that will reflect input received during the public engagement effort and provide all departments with additional budget authority for the remainder of fiscal year 2020-21.
- The Proposed General Fund Budget includes four minor additions that were not part of the May 26, 2020 Proposed Budget:
 - \$49,225 in revenues and expenses associated with the purchase and disposition of property near Coxe Avenue and Federal Alley, which was approved at City Council's June 9, 2020 meeting.
 - \$100,000 for short-term COVID-19 expenses that may occur prior to the end of September. The City expects to receive additional Coronavirus Relief Funds (CRF) from Buncombe County to offset these expenses. Staff will return to Council with a budget amendment once the full amount of CRF funding is known.
 - \$50,000 in City Manager's contingency for potential costs associated with the community engagement process currently underway.
 - \$7,000 in the Aston Park Tennis Center budget from funding provided by a United States Tennis Association (USTA) Facility Recovery Grant and a Southern Cares Facility Initiative Grant.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Ensures City's compliance with North Carolina General Statutes that require local governments to adopt a balanced budget ordinance and establish a property tax rate by August 1 of each year.
- The budget is balanced with no increase in the property tax rate or any City fees and all essential City services are continued.
- Provides the City Manager with time to conduct a public engagement process to gather community input on investments in the Asheville Police Department, other City departments, and various community programs.

Cons:

- Requires departments to operate with only three months of budget funding until the end of September.
- Staff will be required to bring a budget amendment to City Council in late September to fully fund departmental operations for the entire fiscal year.

Fiscal Impact:

- As noted above, the Proposed FY 2020-21 General Fund budget is balanced with an ad valorem tax rate of \$0.4289 per \$100 of assessed value, which is unchanged from the current rate.
- The Proposed General Fund budget includes a \$1.6 million appropriation from fund balance. Based on current estimates, staff expects unassigned fund balance to be between 13% and 15% of expenses at the end of FY 2020-21.

Mr. McDowell gave an overview of (1) where we have been and where we are going with the budget process; (2) details on the 3-month budget proposed for adoption in July 30; and (3) next steps after July 30 with community engagement and the budget.

Key takeaways include (1) operating in a time of unprecedented financial, organizational, and community uncertainty; (2) per Council's direction, the July 30 budget will provide departments with 3 months of funding to continue current operations; and (3) September 22 budget amendment based on community input will fund the remainder of FY 21.

The financial update includes (1) COVID-19 continues to create major financial uncertainty; (2) fund balance will likely be needed to cover operating costs in both FY 20 and FY 21; and (3) continued federal and state financial assistance will be essential for maintaining operations.

On June 9, Council postponed the budget public hearing; and on June 23 Council (1) approved an ordinance for interim budget appropriations from July 1, 2020 to July 31, 2020; and (2) directed staff to prepare an annual budget with 3 months of funding for departments. Regarding the interim budget per N.C. General Statutes, (1) the interim budget does not allow for any new spending or capital projects, nor does it authorize establishment of the FY 2020-21 property tax rate; (2) the property tax rate can only be adopted as part of the annual budget ordinance and must be adopted by August 1; and (3) there are no alternative provisions for adopting the tax rate with an interim budget. On July 28, Council will receive public comment on the annual budget; and on July 30, Council will adopt the annual budget with only 3 months of funding allocated to departments and programs.

The 3-month budgets includes funding for departments to meet spending and contractual obligations through the end of September - annual contracts for items such as transit service,

recycling, and radio maintenance are fully budgeted. Other routine expenses are budgeted at 25%. Mr. McDowell then showed a slide showing the fund, 3-month and total budget for the General Fund and each enterprise fund.

In July-September, there will be community engagement and input. On September 22, a budget amendment will be presented to Council to allocate funds to departments for the full fiscal year.

In response to Councilman Kapoor, Mr. McDowell said that budget amendments can happen at any time during the year. He said that if Council cannot agree on a budget at the September 22 meeting, staff will have to amend the budget to provide the departments with more funding, which Council will have to approve and let staff know how many more additional months of funding.

When Vice-Mayor Wisler asked what would happen if Council doesn't have the majority vote in September to move the budget forward, will we have to stop operating and furlough employees? Mr. McDowell said that we have never operated in that kind of environment before and we would have to explore our options.

Councilwoman Mayfield stressed that on July 30 we will be adopting a full year's budget but only allocating 3 months of funds to departments. Mr. McDowell said that the balance of the budget will be sitting in the non-departmental account waiting to be allocated. If we vote on a month by month allocation, that might impact our bond rating and it would also create challenges for us with contracts.

Mayor Manheimer said that our fiscal year starts on July 1 and we have a statutory obligation to adopt a tax rate by August 1. To be clear, we are talking about adoption of a full year's budget, but only allocating the funds for the next 3 months. She is concerned that there is a community expectation that it will be possible to radically change what and how we are doing policing by September 22. She hears that the City Manager feels it may be possible to come up with some movement in that direction, but not cutting the Police Department without a plan in place. Other than the concerns expressed about the police budget, she doesn't hear any concerns about not fully funding the other departments.

Councilman Haynes said that during Council check-ins he informed the City Manager that unless the City's hiring freeze was extended to the Police Department and that was made as part of the budget, he would not be supportive of the budget.

In response to Councilwoman Mayfield, City Manager Campbell said that the Police Department is not included in the hiring freeze because we have critical positions that from a community safety standpoint, we need to make sure that positions are filled until we decide those positions are no longer needed. We are not adding to the position count. If there is a position that we feel is not essential in terms of providing community safety response time or addressing those kinds of things, when we will consider not filling those over the next 3 months until there has been community dialogue.

Mayor Manheimer opened the public comment at 7:50 p.m.

From advanced live call-ins, individuals spoke to Council on several items, including, but not limited to: defund the Asheville Police Department (APD) by at least 50%; demand at least 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; implement Police Department hiring freeze; disappointment in limiting public comment on the budget to 2 minutes; need for financial investments for reparations to Black community; sales tax revenue

decline; more police does not mean a safer community; demilitarize the APD; ban the use of tear gas; and total support of Black Asheville demands.

Mayor Manheimer said that City Council will need to recess this meeting until July 30 in order to adopt the budget. She explained that legislation that applies to virtual meetings does not allow Council to vote on public hearing items the same day as the actual hearing. Therefore, Council will recess the meeting for two days and then vote on the public hearing items, including the budget. When the items come back for vote on July 30, there will be no further public comment.

Councilman Kapoor supported a full year allocation with support for taking a deep dive into looking at the Police budget. He felt that we will be putting ourselves and staff at an unnecessary risk to not allocate funding for an entire year when Council has the ability to amend the budget anytime they wish. He agrees that we will not be able to make significant operational cuts to the Police budget in three months and there are other big issues City Council is dealing with, some being reparations, removal of monuments, hotel moratorium, his replacement on City Council, etc. He felt if Council passes a full year's budget, they will be able to focus on some of the other large issues facing Council, including the Police Department's budget.

Mayor Manheimer said we, as a Council, and City Manager Campbell have tried hard to figure out how to engage the community to meet the demands we are hearing. She didn't want to drive the expectation that before the end of September we will defund the Police Department without having a plan for replacement services. She felt we should adopt the full year's budget but continue to follow through with the process the City Manager has set out to engage the community to transform policing in Asheville. Then City Council can make the appropriate budget amendment, which may be a reduction in the Police budget or an increase in funding in other areas.

Vice-Mayor Wisler also supported adopting the full year's budget and supported reimagining public safety in Asheville. She believed that there are other agencies that can perform some of the duties or maybe some of the duties no one should be doing. As soon as we find areas that make sense to change we can amend the budget. She did not want to get to the end of September and not be able to have consensus on the budget.

Councilman Haynes was concerned that we just held the budget public hearing on adopting the full year's budget and allocating a three-month allocation with no additional public comment being accepted. Mayor Manheimer explained that the public hearing was on adoption of the full year's budget. This is just the next layer down on how do we allocate the funding.

Councilman Young heard the concerns of Council, but he didn't share them. He believed we can press forward and tackle the challenges ahead of us.

Councilwoman Smith felt this is a time we have to work in harmony and we will overcome our challenges.

Councilwoman Mayfield said that we are committed to moving forward with change, but she was not sure how long it will take us to get there, since there will be a lot of community engagement and community partners to work with. She suggested an option that all departments receive their 12-month allocation except for the Police Department, which will only receive a 3-month allocation.

In response to Councilwoman Mayfield's option, Councilman Young felt that change in the process should include more public input. Councilman Kapoor did not support that option either, but for the reason he felt Council will be just kicking the can down the road.

City Manager Campbell said that she will come back on July 30 with three budget options: (1) full year allocation to all City departments, except the Police Department who will only be allocated for 3 months; (2) all City departments be allocated 3 months; and (3) a full year funding for all City departments.

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, Councilwoman Mayfield moved to recess this item until July 30, 2020, at which time this public hearing will be voted. This motion was seconded by Councilman Kapoor and carried unanimously on a 6-1 roll call vote, with Councilman Young voting "no."

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, individuals spoke to Council, on several items, some being, but are not limited to: defunding the Asheville Police Department (APD) by at least 50% and invest in the Black community; the demand for defunding the APD is not something new and has been asked for for years; requiring advanced live call-ins make it difficult for public engagement; disappointment in limiting public comment on the budget to 2 minutes; Councilman Kapoor should resign immediately in order to have a special election; concern City Council is talking about amending the budget differently than what was presented before public comment was opened; lack of trust of City Council members; City cares more about tourists than residents as seen by the number of potholes and conditions of streets in the neighborhoods outside of downtown; ban the use of tear gas; institute a hiring freeze in the APD; support Black Asheville demands; support of remote Council meetings; prioritize Black community needs; APD officers should be held accountable for the use of tear gas and tearing down the medical tent and supplies; request Mayor Manheimer resign; Council should appoint new Council member now and then have that person resign after the elections, leaving that seat open for the 4th highest vote-getter; do a Request for Proposals to hire an equity consultant on the entire budget; Office of Equity & Inclusion should report directly to the City Council;

VIII. RECESS:

Mayor Manheimer said that Council will need to recess this meeting until Thursday, July 30, 2020, at 5:00 p.m. That meeting will be remote, with no public comment on the actions to be taken and no further public comment.

Councilman Kapoor moved to recess this meeting until Thursday, July 30, 2020, at 5:00 p.m. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

Thursday – July 30, 2020 - 5:00 p.m. - Continuation
of Tuesday, July 28, 2020, Meeting

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

A. ORDINANCE NO. 4817- ORDINANCE TO AMEND A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 137 BROAD STREET FROM COMMUNITY BUSINESS I TO COMMUNITY BUSINESS I/CONDITIONAL ZONE TO INCLUDE AN ADJACENT PARCEL FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING

Mayor Manheimer said that this public hearing was held on July 28, 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 said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the conditional zoning amendment request for the properties located at 135 and 137 Broad Street from CB-I (Community Business I) and CB-I CZ (Community Business I Conditional Zone) to CB-I CZ (Community Business I Conditional Zone) for the construction of a new mixed-use building and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that: 1) the Traditional Corridor Future Land Use category of the Living Asheville Comprehensive Plan anticipates a mix of uses as included in this development; 2) the project is compatible with the surrounding area; 3) the proposal sites residential units in a walkable area convenient to transit and 4) the project includes a dedicated affordable residential component. This motion was seconded by Councilman Kapoor and carried on a 5-2 roll call vote, with Councilman Haynes and Councilwoman Smith voting "no."

ORDINANCE BOOK NO. 33 – PAGE 97

B. RESOLUTION NO. 20-134 - RESOLUTION AUTHORIZING SUBMISSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2020-21 TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Mayor Manheimer said that this public hearing was held on July 28, 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 and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to adopt the resolution authorizing submission of the City's Annual Action Plan for 2020-2021 to the U.S. Department of Housing and Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the Consolidated Annual Action Plan. This motion was seconded by Councilwoman Smith carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 390

C. ORDINANCE NO. 4818 - ORDINANCE TO CONDITIONALLY REZONE PROPERTY LOCATED AT 61 INNOVATION DRIVE FROM COMMERCIAL INDUSTRIAL DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONE, ALONG WITH A CHANGE IN THE FUTURE LAND USE MAP FROM INDUSTRIAL/MANUFACTURING TO EMPLOYMENT/ANCHOR INSTITUTION CENTER

Mayor Manheimer said that this public hearing was held on July 28, 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 and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve the conditional zoning request for the property located at 61 Innovation Drive from Commercial Industrial to Institutional Conditional Zone with an amendment to the Future Land Use Map of the Living Asheville Comprehensive Plan from Industrial/Manufacturing to Employment/Anchor Institution Center and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that: 1) the request allows for longer phasing for use of temporary buildings; 2) the use is appropriate in the underlying zoning district and is already in operation; 3) site improvements such as sidewalk and dedication of a greenway easement provide valuable amenities; and, 4) the proposed change to the Future Land Use of the Living Asheville Comprehensive Plan better aligns with the use of the property. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 103

D. ORDINANCE NO. 4819 - ORDINANCE ADOPTING THE FISCAL YEAR 2020-21 ANNUAL OPERATING BUDGET

Mayor Manheimer said that this public hearing was held on July 28, 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 receiving additional written public comment, Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved to approve the Fiscal Year 2020-21 Annual Operating Budget that provides 3-months funding for all City departments. This motion was seconded by Councilwoman Mayfield.

Councilman Haynes said that "last night some folks erected a banner in my yard calling for me to defund the APD. I know this happened to other Council members as well. Again, I want to reiterate my convictions for both defunding and demilitarizing the APD. I also recognize that for many people upon hearing the word "defund" fearfully they hear it as a call for abolishing APD and police forces across the nation. While there is understandably a rapid growing movement for police abolitionism, defunding is a proactive attempt to bring an absolutely necessary overhaul to policing without starting from scratch. At our meeting two nights ago I said

that I would be voting against the 3-month budget plan because it did not contain an APD hiring freeze. While I feel strongly that this should have been included, I do not wish to see the full-year budget proposed.” He will be voting to support the interim budget as proposed by the City Manager.

Vice-Mayor Wisler said “I continue to believe we should adopt a fully allocated yearly budget and amend the budget for solutions around public safety as they are identified and developed. I read all of my emails and listen to all of my voicemails and I listen to all the public comment about public safety spending. I hear what some people are asking for. They are asking for an immediate 50% cut to APD’s budget and reallocation of those funds. They also say they don’t trust our government. In June I agreed to an interim budget because I hoped that our community would rally around a process to divest and invest. I hoped that our community would understand that this process will be ongoing, will require creativity, require resources and most importantly would require time. However, all that I’ve heard is to defund APD by 50% immediately. My hopes have not played out. I do not believe that no matter what we come up with in September the people we heard from will be satisfied. For two months we’ve heard our City Manager tell us that defunding the police by that amount immediately is not responsible. The City cannot come up with a plan to do that. Some people have call me practical, God forbid. Some people say I lack courage. Some people believe that if we continue to ask miracles of our staff, the staff will produce magic. When I shadowed Cathy Ball in her Interim City Manager role, I witnessed behind the scenes the dedication and hard work of our staff. I watched Debra Campbell motivate and push the staff to do great work. They want to make our dreams come true. They want to produce magic for us. But we don’t give them magic wands, much less funding and staff. They also, like me, recognize the law and try as hard as they can to keep the City, and us, out of trouble. Do you know why the community doesn’t trust us? Because this Council won’t fess up to the fact that we actually believe the staff. We know that defunding APD by 50% immediately is not doable. Not responsible. But rather than telling the truth now, we will tie the staff in knots, require them from now until September, and possibly after that, to worry whether this nickel should be spent in July or October. We will make them concerned that we will push the budget to the brink. They will wonder what deal will have to be made to get the majority of Council to agree on a budget. All of this will be distracting, time-consuming and frustrating. Rather than have our staff do all that, I want them to be working on the goal of finding ways that APD can discontinue work that they don’t need to be doing. I want them finding solutions that work for Asheville, not for Los Angeles, not for New York, not for Minneapolis. If we let staff do that work now we will have a much better product to show our community in September. But, unfortunately we don’t have the courage for that.”

Councilman Kapoor said “I wanted to thank all of you again for the kind resolution that you gave me on Tuesday. Given this will likely be my last meeting and vote, I’d like to use my time here to say some thank yous and goodbye remarks in the context of our budget vote since it really encapsulates what I’ve seen in my time on Council. First off, I’d like to thank my family for putting up with the time that this position has taken me away from them both physically and mentally. Second, I want to thank my fellow Council members for serving. You never truly know the pressures of this responsibility until you actually sit in these seats. The world changed quickly in the last two and a half years and we have had to face some pretty incredible problems and incidents almost from the start. Third, thank you to those who voted for me, who campaigned for me and who sent me words of encouragement. I’m looking at you Pat Deck. Fourth, I want to thank the staff of this city who have worked tirelessly on residents’ behalf. I’ve said it many times, but I will again – we are lucky to have this high caliber staff in a City this size. I also want to specifically thank City Manager Debra Campbell and City Attorney Brad Branham for their professionalism. My most important votes on this Council, and the ones that I’m most proud of, were the two appointing both of you. If you wanted, you could have jobs in many other cities. I hope the residents realize how lucky they are to have you here. On a sadder note, I want to apologize to the family of Derrick Lee Jr. Derrick was 12 years old and a rising 7th grader at

Valley Springs Middle School when he was shot and killed on July 1st 2 2018 – a little over two years ago. A child was killed in this city on my watch and that is my responsibility. To this day, we have not found who killed Derrick and that is one of my biggest regrets. While we will name a playground after Derrick at Lee Walker Heights once it's completed, I know that is small solace to Derrick's grandparents Rev. and Mrs. Tolbert, Derrick's brother Darius and to Derrick's parents. I hope one day to read that his killer or killers have been caught so that his family can find peace. Let me move now to the budget and specifically to what happened at the Council meeting on Tuesday which I think was a microcosm of what's happening in this City. If you didn't tune into the almost seven-hour meeting, let me recount some of the relevant highlights for you. City Manager Debra Campbell provided an update on the 30/60/90-day plan to, in her words, "reimagine" public safety in Asheville. She talked about how City staff supports a Divest and Invest strategy, how racism is a systemic problem which is bigger than the police and that the City cannot solve alone in 90 days, and that the strategy needs to be strategic, attainable and collaborative. After Ms. Campbell's presentation, Councilwoman Mayfield talked directly to advocates for "defunding the police" expressing support for real change while explaining the reality that just because things aren't happening exactly the way they want them to or as fast as they want them to that it doesn't mean the City doesn't care or isn't committed to making real change. She also shared her experience and her advice as an advocate who lobbies government officials – quite successfully I may add. Later on in the meeting, Councilwoman Mayfield was attacked by callers who said that her words were condescending and outrageous as if she as an elected official should not demonstrate the responsibility of speaking to the issues especially where she was trying to find common ground to move towards what these same folks say that they want. 3 Later, she apologized for her choice of words, but Julie you had absolutely no reason to apologize and I'm sorry that I didn't speak up to say so at the time. Nothing you said was offensive. The only mistake you made was that what you said wasn't in 100% agreement with them. We are elected officials. We have the right and indeed the obligation to speak our minds. No one has the right to silence you, me or anyone else on Council. During public comment, the overwhelming majority called for an immediate 50% defunding of the police department. This was a well-coordinated effort and I think we all know that. Organized groups have every right to do this, but we would be making a mistake if we took that public comment to mean that everyone in the City wanted an immediate 50% defunding of the police department. Two other things about that public comment struck me. First, there were many callers – nearly all of whom who were white by the way - who said that they were speaking for the "community," who were incredulous that we weren't doing what the "community" wanted. Again, as if there were no other people in this community who had a different view from those callers. So, what does that mean – if you have a different view, are you not considered part of the community or does it mean that if you have a different view your view doesn't count? I'm always skeptical when people on the right or the left say that they are speaking for the "community" or the "people" implying that those who see things differently are the "other." Maybe it's because I grew up a brown child of immigrants in the South that I'm particularly attuned to this kind of language. I heard it a lot here in Asheville during my time on Council. The second thing that struck me was a particular comment directed to Mayor Manheimer and Councilwoman Mayfield angrily chastising them for somehow putting themselves "in front" during the reparations discussion. I have no idea what this caller was talking about. Each 4 Council member has a right to speak on any matter that we are deliberating and every Council member made comments on the reparations vote. Again, it's the problem of trying to silence or intimidate people from actually being part of the conversation. I can't help but note that the caller sounded like a young white man. The irony in Asheville – a white male telling two elected female representatives which topics are off limits for their comments or how they should conduct themselves. Finally, this morning. Three different signs were put out by an anonymous group or person at the homes of the Mayor, the City Manager and Councilwoman Mayfield that had their name and the words "Defund Asheville PD." Those signs had a bigger message than to just innocently advocate for a budget vote tonight. That gives cover. It was a message that we know where you live. It was done to intimidate. Think about that, an anonymous sign with her name on it shows up in front of the house of our first African-American female city manager. All of this

brings us to tonight's vote on the budget. The key question is whether to allocate funding for essentially three months of operations or for the full year. There is no disagreement that the budget should be revisited in September based on recommendations from the Reimagining Public Safety effort. There is no disagreement that City Council has the right to amend the budget at any time, and could specifically amend the budget in September when the Reimagining Public Safety recommendations are in hand. I believe that the best and most responsible path forward is to allocate funding for operations for the entire year now and then to amend the budget in September. Only allocating three months of funding during a pandemic and a fiscal crisis is irresponsibly risky and will only delay the other critical work that Council and staff need to do including developing and implementing the Reparations Plan, addressing the Vance monument, filling my Council seat and responding to 5 any other emergencies that come your way not to mention addressing the backlog of items that have delayed due to COVID. This is going to be hard enough on you and staff without having a budget hanging over your head. And it's also an election year. There is no guarantee that you will come to a consensus on my replacement which may result in a deadlocked vote on the budget and a hasty, careless defunding of the police which is exactly what one group wants, but I suspect very few of the residents of Asheville truly do. I trust that all of you are approaching replacing me in good faith, but even with good faith, you can still deadlock. My guess is that the group will push a litmus test for any replacement that they must commit to immediately defunding the APD by 50%. Furthermore, you are not going to have a plan to cut APD's budget by 50% by September. We all know that. You'll likely need to lay off over 100 officers to do that. Passing a three-month budget with no realistic chance of making this happen is going to once again set expectations sky-high and fall short. It will be a repeat of Tuesday all over again. Fellow Councilmembers - if you believe that passing a three-month allocation is the right thing to do for the City, I absolutely respect that. But if you are doing it because you think doing so will gain the respect or trust of these same people who monopolized the public comment on Tuesday and who have engaged in a pattern of intimidation against anyone who isn't 100% in agreement with them, please think again. They have made it clear that they will accept nothing less than laying off half of our police department and they do not care whether there is a backup plan or not. Please don't reward this kind of behavior. It needs to stop right now. Know that there are many more people out there who are looking at us to do the responsible thing. Please, let's pass a full year allocation tonight so that we can keep our city steady and allow the Reimagining Public Safety process to work."

Mayor Manheimer said "I want to thank the public, the Council and the staff for working so hard as we've moved through this budget process. In my memory, I've never seen so many people engaged and involved in the budget process. Although we have been talking about one area of the budget in this process, I do want to highlight that we are passing a full budget tonight and that includes a lot of things that haven't gotten a lot of attention during this budget cycle, but normally do. Good things, such as transit and construction of roads, and sidewalks, enhancements to parks and greenways, economic development, affordable housing, a partnership with Homeward Bound to serve those experiencing homelessness, and much more. So, there's a lot of good things in this budget despite the economic crash we've experienced as a City due to COVID and the loss of sales tax revenue. There is still so much to celebrate in this budget. As has been stated already and just to reiterate, I do feel like this Council, despite our clashing from time to time does agree on the idea of divesting and investing in an impactful, responsible way that will be meaningful to our community when it comes to the police budget. I think that for all our differences there is general agreement that we want to see new ideas explored, new directions to go in in terms of traditional policing in our community. How we get there, how fast we get there, what that looks like, I think that is the part we are struggling with and how that will work. This is going to be very important work and it's going to be really hard work. As Gwen mentioned, it takes an incredible amount of staff time and resources to do this - for it to be impactful beyond our terms in office. I think it needs to be thoughtful, it needs to include the community, it needs to be transparent. And that is not something that happens overnight. That is something that takes time. We have gotten a lot of emails that have said something along the

lines of 'it's been 2 months. Why haven't you done this already.' We are talking about a \$30 Million budget for policing and a department that employs around 250 people and that's why. It takes a long time to figure out how to change and then how to move in that direction. We all know that. That is true. We have been here a long time and we know how this works. This is more like turning a battleship and it just takes an incredible effort to make that happen. But I'm committed to this work and I know that you-all are. I know that our staff is. One of the things that is so heartening is that this isn't just lip-service. I know that our staff is really committed and believes in looking at these different ideas and changes and wants to explore them. This is a city where we are lucky to have fantastic staff. So many times they have brought us ideas that are innovative and cool and interesting and we've had to do the less hard work of just supporting that effort. So we are really lucky in that way. I do want to say that it is - it's true, it's not realistic in September 22 when we vote on an amendment to this budget, to fund the rest of the year that we will see a proposal from our City Manager that includes a defunding of the Police Department, or even a 50% cut to the Police Department. I think we know that. I've had some dialogue with folks in the community and they recognize that's true. I think people will say but I want to push you so I'm going to keep using this language around defunding the police or reduce the funds by 50% because if I don't keep messaging in that way then we won't get any movement at all. So, I hear how the campaign works on that and I know that we are committed to getting there, but I also know that we are not, for anyone out there who thinks that we are going to see a budget presented to us that is defunding the police by 50% on September 22 - that is not realistic. What our City Manager said to us on Tuesday night is that the goal is to determine how the City of Asheville structures department responsibilities and community partnerships in a way that promotes racial equity and economic inclusion. And that is my expectation. Where we are going to be continued to be headed. Most mayors in North Carolina (we have weak mayors in North Carolina and not strong mayors in North Carolina) and most mayors don't even get to vote. So I'm one of the unusual mayors that votes on every item on the agenda. That is very unusual. I'm not just a tie-breaker mayor, which is generally what happens. I will tell you what tugs at me when we are faced with a deadline. It is July 30 and we need a budget. Legally we need a budget. We have to have a budget. We don't have a choice of not having a budget or we have a government shutdown. And, what tugs at me is my responsibility to this community. I hear what Councilman Kapoor is saying and I hear what Vice-Mayor Wisler is saying. I am deeply concerned that we are going to set ourselves up for possibly an insurmountable challenge on September 22. But I have tried to talk to everyone to understand this path forward and that folks on this Council are committed to getting to a solution by September 22 and you-guys have reassured me that we will be together in this and we're going to get there. I trust you. I worked with you-guys for a long time and I really like working with you. I think we are going to get there. But what it comes down for me is, if I don't vote for this motion, then we don't have a budget, because I know where all the rest of the votes fall. I think it's my responsibility to make sure that we continue to operate as a city. That we pay our staff. We can still pick up the garbage. We can still make sure the water comes out of your faucet when you turn it on. That the basic services that you need to count on as a community will continue to be there. So, for me that's that it came down to. In the end, Councilman Haynes came over and said he was going to support this budget tonight. I wasn't sure of that until just before this meeting. So, that was my calculation. Will we have a budget in place? Was our manager going to have a City that she can keep running, and money to do it with. At the end, I want us to be successful. I care a lot about this City and you do too, so that makes me feel comfortable in making this decision today."

The motion made by Councilman Young and seconded by Councilwoman Mayfield to approve the Fiscal Year 2020-21 Annual Operating Budget that provides 3-months funding for all City departments, carried on a 5-2 roll call vote, with Vice-Mayor Wisler and Councilman Kapoor voting "no."

Mayor Manheimer said that we have adopted the City's annual budget and we have funded City operations for the first quarter and we will continue with the community engagement process around the budget and revisit the budget on September 22, 2020.

ORDINANCE BOOK NO. 33 – PAGE 110

Closed Session

At 5:38 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To establish, or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5). This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

At 6:15 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Vice-Mayor Wisler adjourned the meeting at 6:15 p.m.

CITY CLERK

MAYOR