

Tuesday – August 25, 2020- 5:00 p.m.

Regular 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; 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:

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 28, 2020, AND CONTINUED TO JULY 30, 2020**

- B. RESOLUTION NO. 20-135 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY REGARDING THE CONSTRUCTION OF SIDEWALKS AND ASSOCIATED EQUIPMENT ON NEW LEICESTER HIGHWAY**

Action Requested: Adoption of resolution authorizing the City Manager to enter into an Interlocal Agreement with Buncombe County regarding maintenance and responsibility for the City's newly constructed sidewalks and associated improvements on New Leicester Highway.

Background:

- The City of Asheville is in the midst of planning for a project to add sidewalks and pedestrian crossings on New Leicester Highway from Patton Avenue to Old County Home Road.
- In order to complete the network of sidewalks in the area, the City proposes to extend sidewalk construction approximately 600 feet outside City limits into Buncombe County jurisdiction to join with the existing sidewalk.
- The City will fund and manage construction of the new sidewalk. The Interlocal Agreement stipulates that the maintenance of sidewalks and associated improvements installed as part of the Project will be the responsibility of the County and City within their respective jurisdictions.
- The Project is funded through a federal grant, administered through NCDOT, with matching funds provided by the City.
- The current hold on funding due to budget challenges with NCDOT make the schedule for the project undetermined at this time. Once started, construction is anticipated to last approximately 12 months.

Vendor Outreach Efforts: None, as this is an interlocal agreement with Buncombe County, there is no other option for who we are entering the agreement with.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Construction of sidewalks that will meet City and all other applicable construction standards
- Improve mobility and safety on local streets
- Adhere to federal guidance and project funding

Con(s):

- Construction will be disruptive to adjacent residences and businesses

Fiscal Impact:

- Funding for the sidewalk project is already included in the adopted Capital Improvement Program(CIP), with federal funding of approximately \$2.5 million and City matching funds of \$726,000. The Interlocal Agreement does not impact the project funding.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an Interlocal Agreement with Buncombe County regarding maintenance and responsibility for City's newly constructed sidewalks and associated improvements on New Leicester Highway.

RESOLUTION BOOK NO. 41 - PAGE 391

C. ORDINANCE NO. 4820 - ORDINANCE CHANGING THE POSTED SPEED LIMIT ALONG SEVERAL STREETS WITHIN THE CITY OF ASHEVILLE

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

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- City staff received requests from the public to consider changes to the speed limits.
- City staff performed appropriate traffic-engineering studies along the various streets.
- Staff brings speed limit changes to City Council on a quarterly cycle in an effort to improve the efficiency of the approval process.
- Staff recommends that the speed limit on the following streets be changed from 35 mph to 20 miles per hour:
 - Balm Grove Place, from Balm Grove Avenue to Martin Avenue
 - Georgia Street, from Craven Street to Reynolds Road
 - London Road, from US 25A (Sweeten Creek Road) to Belvedere Road
 - Westview Road, from NC 694 (Town Mountain Road) to Oak Park Road
 - Windswept Drive, from College Street to Alexander Drive
- Staff recommends that the speed limit on the following streets be changed from 30 mph and 35 mph to 25 miles per hour:
 - Alabama Avenue, from Hanover Street to Swannanoa Avenue
 - Baker Avenue, from US 19-23 Business (Haywood Road) to Burton Street

- Bideford Row, from a point 725 feet north of Tiverton Lane to a point 500 feet south of Tiverton Lane
 - Blake Mountain Circle, from Galloway Drive to a point 400 feet east of Galloway Drive
 - Blakewood Court, from Galloway Drive to a point 250 feet north of Galloway Drive
 - Clay Street, from Kendall Street to Baker Avenue
 - Clovelly Way, from US 25 (Hendersonville Road) to a point 340 feet north of Tiverton Lane
 - Deanwood Circle, from US 25 (Hendersonville Road) to a point 660 feet east of Caribou Road
 - Forest Lake Drive, from Rock Hill Road to Forest Lake Drive
 - Forestdale Drive, from US 25 (Hendersonville Road) to a point 665 feet east of Caribou Road
 - Galloway Drive, from Westridge Drive to a point 680 feet south of Blake Mountain Circle
 - Glen Woods Court, from Forest Lake Drive to a point 230 feet east of Forest Lake Drive
 - Goldfinch Lane, from Forest Lake Drive to a point 150 east of Forest Lake Drive
 - Griffing Circle, from Maplewood Road to South Griffing Boulevard
 - Indiana Avenue, from Hanover Street to Swannanoa Avenue
 - Innsbrook Road, from Grovewood Road to Old Toll Road
 - Kingbird Lane, from Forest Lake Drive to a point 160 feet south of Forest Lake Drive
 - Long Street, from East Larchmont Road to Edgewood Road
 - Maplewood Parkway, from Maplewood Road to Northwood Road
 - Maplewood Road, from South Griffing Boulevard to Grovewood Road
 - Martin Avenue, from US 19-23 Business (Haywood Road) to Clay Street
 - Meadow Lake Road, from Forest Lake Drive to a point 960 feet south of Forest Lake Drive
 - Melody Lane, from Fairview Road to a point 990 feet north of Fairview Road
 - North Liberty Street, from East Chestnut Street to Hillside Street
 - Northview Street, from West Street to Forsythe Street
 - Northwood Road, from Woodcrest Road to a point 480 feet north of Maplewood Parkway
 - Oak Hill Circle, from Oak Hill Drive to Oak Hill Drive
 - Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road
 - Oakwilde Drive, from Briarcliff Drive to a point 650 feet east of Stancliff Drive
 - Rock Hill Road Extension, from Rock Hill Road to Miller Lane
 - South Liberty Street, from East Chestnut Street to Elm Street
 - Sawmill Road, from Forest Lake Drive to a point 360 feet south of Forest Lake Drive
 - Simpson Hollow Road, from Forest Lake Drive to a point 600 feet north of Forest Lake Drive
 - Sumner Place, from Grovewood Road to Grovewood Road
 - Tiverton Lane, from Clovelly Lane to a point 225 feet north of Bideford Row
 - Woodcrest Place, from Woodcrest Road to a point 170 feet west of Woodcrest Road
 - Woodcrest Road, from Maplewood Parkway to Old Toll Road
- Staff recommends that the speed limit on the following street will be changed from 35 miles per hour to 30 miles per hour:
 - Ralph Street, from Bartlett Street to South French Broad Avenue

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- City staff has been able to respond favorably to public requests.
- The new speed limits will be consistent with streets of similar characteristics and design.
- Drivers should adhere to the recommended speed limits on these streets.
- The new speed limits will provide enhanced safety to all users.

Con(s):

- None

Fiscal Impact:

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

Suggested Motion:

- Motion to approve an ordinance enacting (1) a 20 mph speed limit on Balm Grove Place, from Balm Grove Avenue to Martin Avenue, Georgia Street, from Craven Street to Reynolds Road, London Road, from Sweeten Creek Road (US 25) to Belvedere Road, Westview Road, from NC 694 (Town Mountain Road) to Oak Park Road, Windswept Drive, from College Street to Alexander Drive; and (2) a 25 mph speed limit on Alabama Avenue, from Hanover Street to Swannanoa Avenue, Baker Avenue, from US 19-23 Business (Haywood Road) to Burton Street, Bideford Row, from a point 725 feet north of Tiverton Lane to a point 500 feet south of Tiverton Lane, Blake Mountain Circle, from Galloway Drive to a point 400 feet east of Galloway Drive, Blakewood Court, from Galloway Drive to a point 250 feet north of Galloway Drive, Clay Street, from Kendall Street to Baker Avenue, Clovelly Way, from US 25 (Hendersonville Rd) to a point 340 feet north of Tiverton Ln, Deanwood Circle, from US 25 (Hendersonville Rd) to a point 660 feet east of Caribou Road, Forest Lake Drive, from Rock Hill Road to Forest Lake Drive, Forestdale Drive, from US 25 (Hendersonville Rd) to a point 655 feet east of Caribou Road, Galloway Drive, from Westridge Drive to a point 680 feet south of Blake Mountain Circle, Glen Woods Court, from Forest Lake Drive to a point 230 feet east of Forest Lake Drive, Goldfinch Lane, from Forest Lake Drive to a point 150 feet east of Forest Lake Drive, Griffing Circle, from Maplewood Road to South Griffing Boulevard, Indiana Avenue, from Hanover Street to Swannanoa Avenue, Innsbrook Road, from Grovewood Road to Old Toll Road, Kingbird Lane, from Forest Lake Drive to a point 160 feet south of Forest Lake Drive, Long Street, from East Larchmont Road to Edgewood Road, Maplewood Parkway, from Maplewood Road to Northwood Road, Maplewood Road, from South Griffing Boulevard to Grovewood Road, Martin Avenue, from US 19-23 Business (Haywood Road) to Clay Street, Meadow Lake Road, from Forest Lake Drive to a point 960 feet South of Forest Lake Drive, Melody Lane, from Fairview Road to a point 990 feet north of Fairview Road, North Liberty Street, from East Chestnut Street to Hillside Street, Northview Street, from West Street to Forsythe Street, Northwood Road, from Woodcrest Road to a point 480 feet north of Maplewood Parkway, Oak Hill Circle, from Oak Hill Drive to Oak Hill Drive, Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road, Oakwilde Drive, from Briarcliff Drive to a point 650 feet east of Stancliff Drive, Rock Hill Road Extension, from Rock Hill Road to Miller Lane, South Liberty Street, from East Chestnut Street to Elm Street, Sawmill Road, from Forest Lake Drive to a point 360 feet south of Forest Lake Drive, Simpson Hollow Road, from Forest Lake Drive to a point 600 feet north of Forest Lake Drive, Sumner Place, from

Groveswood Road to Groveswood Road, Tiverton Lane, from Clovelly Way to a point 225 feet north of Bideford Row, Woodcrest Place, from Woodcrest Road to a point 170 feet west of Woodcrest Road, Woodcrest Road, from Maplewood Parkway to Old Toll Road; and (3) a 30 mph speed limit on Ralph Street, from Bartlett Street to South French Broad Avenue.

ORDINANCE BOOK NO. 33 - PAGE 118

D. RESOLUTION NO. 20-136 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE GREEN BUILT ALLIANCE TO IMPLEMENT AND MANAGE THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

Background:

- On January 28, 2020, City Council authorized [Resolution 20-18](#) and created the Blue Horizons Community Council to help achieve the community-wide renewable energy goal.
- On January 28, 2020, City Council approved [Resolution 20-19](#) and authorized an interlocal agreement with Buncombe County to issue a joint request for proposals (RFP) to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.
- Buncombe County advertised the RFP on May 6, 2020 and received responses on June 12, 2020.
- The County received one response from the Green Built Alliance.
- The contract will be one year with the option to amend for an additional two years (annually), pending available budget.

Vendor Outreach Efforts:

- The Business Inclusion Manager conducted outreach through social media, community and business partners. City and County staff also conducted an optional virtual Q&A meeting
- No MWBE firms submitted bids

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The Green Built Alliance has been managing and implementing the Blue Horizons Project for the past two years; therefore there will be continuity with the continued program management.
- In the two years the Blue Horizons Project has been implemented there has been significant increases in Duke Energy Peak Demand Response and Energy-Efficiency programs resulting in the delay of a natural gas peaker plant unit.
- In addition, 350 low-income homes have received energy efficiency upgrades which are estimated to save a combined \$55,000 per year and reduce carbon emissions by more than 10,000 tons.

- Buncombe County is providing \$150,000 for the implementation of the Blue Horizons Project in partnership with the City of Asheville.

Con(s):

- None identified

Fiscal Impact:

- The contract will total \$100,000 from the FY21 Office of Sustainability budget. Funding is already budgeted and available.

Motion:

- Adoption of a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the [Blue Horizons Project](#) and Blue Horizons Project Community Council

RESOLUTION BOOK NO. 41 - PAGE 392

E. ORDINANCE NO. 4821 - ORDINANCE ENACTING A THROUGH TRUCK PROHIBITION ALONG SIX STREETS WITHIN THE CITY LIMITS OF ASHEVILLE

Action Requested: Adoption of an ordinance enacting a through truck prohibition along six streets within the city limits of Asheville

Background:

- The City of Asheville Code of Ordinances Section 19-60 regulates trucks traveling along designated residential streets.
- City staff received requests from the public to consider through truck prohibitions on these streets and the proposed revisions are based on traffic-engineering investigations.
- Large trucks should not use residential streets as “shortcuts” to avoid traffic on higher classified streets and can have difficulty making necessary maneuvers on residential streets.
- There are no destinations along these streets for large trucks.
- A truck prohibition will be established on the following streets:
 - Davenport Place, from Davenport Road to Vermont Court
 - Davenport Road, from Vermont Avenue to Davenport Place
 - Enka Orchard Street, from NC 112 (Sand Hill Road) to Enka Pine Street
 - Keith Drive, from Bingham Road to a point 800 feet northeast of Bingham Road
 - Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road
 - Vermont Court, from Davenport Place to Vermont Avenue

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Prohibits through trucks from using residential streets.
- Keeps through trucks on high classified roadways like state routes.
- Eliminates delay to the traveling public.
- Reduces potential of trucks entering areas where navigation attempts result in property damage.
- Enhances the ability to update commercial truck traffic routes (GPS.gov) to avoid residential communities.

- City staff has been able to respond favorably to public requests.

Con(s):

- None

Fiscal Impact:

- The cost of installing and maintaining truck prohibition signs is included in the operating budget.

Motion:

- Motion to approve an ordinance enacting a through truck prohibition along Davenport Place, from Davenport Road to Vermont Court, Davenport Road, from Vermont Avenue to Davenport Place, Enka Orchard Street, NC 112 (Sand Hill Road) to Enka Pine Street, Keith Drive, Bingham Road to a point 800 feet northeast of Bingham Rd, Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road, and Vermont Court, from Davenport Place to Vermont Avenue.

ORDINANCE BOOK NO. 33 - PAGE 121

F. RESOLUTION NO. 20-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE TWO GILLIG 30-FOOT DIESEL ELECTRIC HYBRID BUSES

Action Requested: Adoption of a resolution authorizing the City Manager to purchase two new Gillig 30-foot diesel electric hybrid buses for the Asheville Rides Transit System totaling \$1,441,526 using the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 that the City of Asheville is part of.

Background:

- In 2018, the City received \$5.7 million in Federal grant funds from the French Broad River Metropolitan Planning Organization for the purpose of purchasing new transit buses.
- The City match for the grant funds is \$1.4 million, which provides a total budget of \$7.1 million for bus purchases.
- The City has already purchased nine buses using these grant funds.
- Two buses were delivered during December, 2019 and the other seven buses will arrive during Spring 2021.
- The subject action would enable the City to purchase two more buses using the Rocky Mount, North Carolina consortium contract (CRM 76164).
- These two buses are expected to be received within 12-18 months of purchase date.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- This action will enable staff to purchase additional buses needed to meet the schedule for timely replacement of buses in the fleet that have met their useful service life, as well as accommodate future system expansion consistent with the Transit Master Plan.

- This action ensures compliance with the Federal Transit Administration and the City of Asheville's procurement policy.

Con(s): None

Fiscal Impact:

- The purchases will be made using a portion of the \$5.7 million in grant funds awarded by the French Broad River Metropolitan Planning Organization in 2018.
- The City will provide the required 20% matching funds of approximately \$288,305.
- The grant and the City match are already budgeted in the approved Capital Improvement Program (CIP) and the City's match is included in the cash flow for the CIP/debt model. The funding including the City's match (\$288,205) is already budgeted.

Motion:

- Motion to adopt a resolution authorizing the City Manager to purchase two new Gillig 30-foot diesel electric hybrid buses for the Asheville Rides Transit System totaling \$1,441,526 using the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 that the City of Asheville is part of.

RESOLUTION BOOK NO. 41 - PAGE 393

G. RESOLUTION NO. 20-138 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON SEPTEMBER 22, 2020, TO CLOSE A PORTION OF AN UNOPENED RIGHT-OF-WAY KNOWN AS GAYLE STREET

Action Requested: Adoption of a resolution to set a public hearing for September 22, 2020, to permanently close a portion of unopened right-of-way known as Gayle Street.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- James Sandusky Paris and Carson Kinlaw Delinger have petitioned for this closure. They are owners of the property listed as 99999 Morse Drive (Pin # 9627-22-9286).
- The unopened portion of right-of-way extends into the subject property.
- Upon closure, the unopened right of way will become part of the above property.
- The plan is for the property to be subdivided.
- The closure aides in meeting required setbacks.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A Well-planned and Livable Community

Committee(s):

- Multimodal Transportation Committee - June 24, 2020 - Recommended closing the right-of-way by unanimous vote

Pro(s):

- The closure would allow for more efficient use of the existing adjacent property.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- None noted.

Fiscal Impact:

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

Motion:

- Motion to adopt resolution of intent to set a public hearing on September 22, 2020, to close a portion of unopened right-of-way known as Gayle St.

RESOLUTION BOOK NO. 41 - PAGE 394

H. RESOLUTION NO. 20-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WEAVERCOOKE CONSTRUCTION FOR THE DESIGN-BUILD CITY HALL ELEVATOR MODERNIZATION PROJECT

Action Requested: Adopt a resolution authorizing the City Manager to enter into a Design-Build contract with WeaverCooke Construction in the amount of \$ 129,532.20 for pre-construction services for the Asheville City Hall Elevator Modernization Project; and further authorizing the City Manager to execute construction and associated cost amendments up to a total of \$ 2,304,831 to complete the construction of this project.

Background:

- The Modernization of the 92 year old Historic City Hall Elevators has been identified as a priority project for a number of years and is now critical to the users of City Hall.
 - Elevator 1 has been out of order for over three years due to lack of replacement parts. Elevators 2 and 3 are currently being repaired with parts from Elevator 1.
 - Updating the equipment will reduce the operational expense related to the maintenance of this old equipment and allow for service with fewer interruptions.
- Historic qualities will be preserved in the execution of the improvements.
- Per City Council Resolution No. 17-09, City Hall is noted as a Landmark historic structure, with specific references to the elevators.
- The Historic Resource Commission will review the improvements for a Certificate of Appropriateness as a Major Work project.
- The Design-Build delivery method was approved by the City Manager in January 2020 per the requirements of NC G.S. 143-128.1A and City Council Resolution No. 16-45.
- Six responsive submittals were received through a Request for Qualifications (RFQ) and ranked in June 2020 for pre-construction services and project construction:

<u>Contractor</u>	<u>Architect</u>
◦ Brantley Construction, Weaverville, NC	Watson, Tate, Savory Architects, Columbia, SC
◦ GRC, Kingsport, TN	CRW, Kingsport, TN
◦ Hickory Construction, Hickory, NC	Novus Architects, Asheville, NC
◦ H & M Constructors, Asheville, NC	Clark-Nexsen Architects, Asheville, NC
◦ Vannoy Construction, Asheville, NC	Keith Hargrove Architect, Asheville, NC
◦ WeaverCooke Const., Asheville, NC	MHA Works, Asheville, NC

- WeaverCooke Construction with MHA Works Architecture Design-Build Team was selected as best qualified. WeaverCooke has provided pre-construction fees and a preliminary construction cost estimate to modernize all three elevators.

They have also provided creative ideas to save money and prioritize historic preservation which will be incorporated into the final project price.

- The project construction is expected to begin in January 2021 and is anticipated to take 12 months to complete.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The Design-Build delivery method allows the City to accept bids from subcontractors other than the lowest bid. This will enable the City to increase participation by selecting MWBE subcontractors as long as the project stays within the allotted budget.
- WeaverCooke prioritizes Minority and Women Owned Business Enterprise (MWBE) participation with their plan noted below:
 - Award Design to MHAworks Architecture, 63% Minority as a company.
 - Solicit Bids from MBE/WBE/DBE Subcontractors/Suppliers from Every Trade Division from their trade list of roughly 500 Subcontractors in NC/SC.
(except for elevator contractors: not available) during the bid process.
 - Confident they can award painting, cleaning, and drywall to an MBE/WBE with budget considerations from the City of Asheville.
 - Subscribed to the City of Asheville Business Inclusion Newsletter
 - Meet monthly if the City of Asheville Inclusion Office were to have local Contractor Meetings to discuss involvement and inclusion on all City Projects.
 - Open to involvement in community outreach and training for small businesses/minority businesses interested in commercial/residential construction as part of this project Contractor MBE/WBE/DBE list of roughly 500 Subcontractors in NC/SC.

Council Goal(s):

- A Clean and Healthy Environment & a Financially Resilient City

Committee(s):

- None

Pro(s):

- Establishes a single point of accountability for design and construction.
- Scope of work includes the containment and removal of hazardous materials discovered in the existing building conditions. Coordinated construction phasing will be required to manage hazardous materials removal, containment and elevator operations throughout the project.
- Design-Build delivery will improve the schedule and coordination outcomes over traditional design-bid-build delivery.
- Design-Build delivery will provide a better coordinated "Beneficial use," defining that a building is capable of being used as it is intended but may have a variety of minor defects.
- Design-Build delivery allows for negotiation in the design and bidding as the project progresses to adhere to the available budget, and increases the City's ability to utilize minority and women owned businesses.

Con(s):

- Actual construction cost is unknown at the time of entering into the Pre-Construction contract.
- The Owner does not receive the benefit of checks and balances that exist when contracting with a separate designer and contractor.

Fiscal Impact:

- Funding for this contract and any cost amendments up to a total of \$2,304,831 is already included in the adopted Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a Design-Build contract with WeaverCooke Construction in the amount of \$ 129,532.20 for pre-construction services, for the Asheville City Hall Elevator Modernization Project; and further authorizing the City Manager to execute construction and associated cost amendments up to a total of \$ 2,304,831 in order to complete the construction of this project.

RESOLUTION BOOK NO. 41 - PAGE 396

I. RESOLUTION NO. 20-140 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARTHOLOMEW CONSTRUCTION FOR THE FULTON STREET BOND SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Bartholomew Construction of Hendersonville North Carolina in the amount of \$435,723.18 for the construction of the Fulton Street sidewalk project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$43,900 (10%).

Background:

- The City of Asheville passed a General Obligation Bond in 2016 and within this Bond, money was budgeted to construct new sidewalks.
- Fulton Street was identified as one of the sidewalks for construction as part of the bond referendum.
- The design, engineering, and public engagement continued through the Fall of 2019.
- Bids for construction were advertised on May 29, 2020 with the original bid opening scheduled for June 19th. Due to addressing contractors questions an addendum was issued and the bid deadline was extended an additional ten days.
- There were six bids received on June 30th. The contractor names and bid amounts are listed below:
 - Appalachian Paving (Asheville, NC) \$624,325
 - Bartholomew Construction (Hendersonville, NC) \$593,751.18
 - Graham county land company (Robbinsville,NC) \$864,750
 - Moore and Son construction (Hendersonville, NC) \$810,000
 - Patton Construction (Asheville,NC) \$741,145
 - Thomas Construction (Johnson city, TN) \$1,060,250
- Bartholomew Construction of Hendersonville North Carolina was the lowest responsive, responsible bidder; however the low bid exceeded the budget for the project so the City entered into negotiations with the lowest responsible bidder on July 6, 2020.
- Those negotiations resulted in a revised total contract price of \$435,723.18.
- The construction will start by the middle of September. The contractor has 120 days to perform the work. The work is scheduled to be complete by the middle of January 2021.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Three percent of the

total dollar amount of this contract will be performed through a certified MWBE. Hemphill Concrete from Pisgah Forest, NC is the certified MWBE subcontractors on this project.

Council Goal(s):

- Transportation and accessibility,
- A well planned and livable community.

Committee(s):

- None.

Pro(s):

- Project works towards fulfillment of the General Obligation Bond.
- Will fill in sections of missing sidewalk that add to pedestrian safety.
- Project scope remains the same even though bid price was lowered to complete the project.

Con(s):

- Possible reduced levels of service for automobiles during the day while being constructed.
- Staff time will be used to administer the project until its completion.

Fiscal Impact:

- Funding for the Fulton Streets Improvements project is included in the General Obligation Bond Program.

Motion:

- Move to adopt a resolution authorizing the City Manager to enter into a contract with Bartholomew Construction of Hendersonville North Carolina in the amount of \$435,723.18 for the construction of the Fulton Street sidewalk project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$43,900 (10%).

RESOLUTION BOOK NO. 41 - PAGE 397

J. RESOLUTION NO. 20-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A SEWER EASEMENT TO HAWTHORNE AT HAYWOOD APARTMENTS, LLC

Action Requested: Adoption of a resolution authorizing the City Manager to grant a sewer easement to Hawthorne at Haywood Apartments, LLC

Background:

- The City was approached by a local developer who is building a new phase of the Hawthorne at Haywood Apartments and needs a connection to the nearest Metropolitan Sewerage District (MSD) sewer line.
- The closest opportunity for sewer connection is a line on Eastview Circle.
- The N.C. Dept. of Transportation does not allow sewer within the roadway of Eastview Circle and no remaining right of way outside of pavement is accessible for the sewer installation.
- The only feasible connection left is across city property (9618-90-5267) at the intersection of Old Haywood and Eastview Circle.
- The Real Estate Division consulted other City departments to determine whether it would be in the City's best interest to allow this easement on City property.

- The Asheville Fire Department uses the property as a fire station and Asheville Police Department has a traffic division at this location.
- Representatives of both departments indicated that they had no objections to this sewer extension.
- The Streets Department was also consulted and they have no objection.
- City Council initially authorized this transaction on 5/26/2020, however original estimates of the easement were too low and had to be revised after a survey was done in the field. The original request of 2,000 square feet has now been increased to a total area of +/- 2736 square feet. The width of 20 feet is mandated by MSD regulation specifying minimum width.
- Fair Market Value has been determined to be \$6,594 and the developer has agreed to pay this amount.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Project will bring much needed rental units to the Asheville area.
- City is receiving compensation for the easement.

Con(s):

- There will be temporary disruption on City property during construction.

Fiscal Impact:

- City is receiving unbudgeted revenue for the easement in the amount of \$6,594

Motion:

- Motion to approve the resolution authorizing the City Manager to grant a sewer easement to Hawthorne at Haywood Apartments, LLC

RESOLUTION BOOK NO. 41 - PAGE 398

- K. RESOLUTION NO. 20-142 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A GRANT AGREEMENT WITH THE ASHEVILLE-BUNCOMBE COMMUNITY LAND TRUST FOR \$1 MILLION IN AFFORDABLE HOUSING BOND DOLLARS TO BE USED FOR CAPITAL COSTS AND \$100,000 IN HOUSING TRUST FUND DONATION FUNDS TO BE USED FOR STAFFING AND OPERATIONS COSTS**

RESOLUTION NO. 20-143 - RESOLUTION AMENDING RESOLUTION NO. 17-198 TO CHANGE THE UNIT GOAL FOR THE COMMUNITY LAND TRUST

Action Requested: Authorize the City Manager to enter into a Grant Agreement with the Asheville Buncombe Community Land Trust (ABCLT) for \$1M in Affordable Housing Bond dollars to be used for capital costs and \$100,000 in Housing Trust Fund (HTF) donations revenue to be used for operational costs; and an amendment to Resolution No. 17-198, correcting the unit goal for the Land Trust.

Background:

ASHEVILLE BUNCOMBE COMMUNITY LAND TRUST

- The mission of the ABCLT is to provide permanently affordable homeownership opportunities for low income individuals and families in Asheville and Buncombe County with a vision to create a thriving community where all are welcome.
- A community land trust creates permanently affordable housing by reducing the affordability gap by acquiring the land that remains “in trust” for the benefit of the community.
- The homebuyer purchases the home outright and leases the land from the community land trust through a ground lease.
- The homebuyer agrees to a resale formula that outlines the sale price of the CLT home and shared equity based on the increased value of the home at the time of sale.
- City Council has maintained a goal for several years to assist in the establishment of a CLT.

Council Goal(s):

- A Diverse Community
- Thriving Local Economy
- A Financially Resilient City

Committee(s):

- None

Pro(s):

- A Grant Agreement between the City of Asheville and the ABCLT will assist in the production and preservation of affordable housing, as well as spending the Affordable Housing Bond dollars in a timely manner.
- Approval of a one time \$100,000 capital injection donated by Deerfield Retirement Center via the City of Asheville to the ABCLT assists the agency with their capacity and overall success by supporting a full-time Executive Director and the purchase and sale of affordable housing.
- A successful ABCLT has the potential to bring more homeownership opportunities to the City of Asheville in an equitable and diverse way by assisting our low and moderate income individuals and families.

Con(s):

- Precedent of assisting organizations with Administration funding to fulfill their mission in a time of a falling budget.

Fiscal Impact:

- As noted earlier in the staff report, funding for the \$1.0 million grant agreement with ABCLT will come from the General Obligation (GO) Bonds that citizens approved in November 2016.
- The one-time \$100,000 in operational support will come from a Housing Trust Fund donation made by the Deerfield Retirement Center.
- Both the GO Bond dollars and the donations have already been budgeted.

Motion:

- Approve and authorize the City Manager to enter into a Grant Agreement with the ABCLT to access \$1 million in Affordable Housing Bond dollars and \$100,000 from donations in the Housing Trust Fund; and approve an amendment to Resolution No. 17-198 changing the unit goal for the community land trust from 35 units to 8-10 units. .

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RESOLUTION NO. 20-143 - RESOLUTION BOOK NO. 41 - PAGE 401**

- L. **MOTION SETTING A PUBLIC HEARING ON SEPTEMBER 8, 2020, TO CONSIDER EXTENDING THE TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT FOR TWO MONTHS DUE TO DELAYS ASSOCIATED WITH COVID-19 PANDEMIC**

- M. **RESOLUTION NO. 20-144 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY THE PARATRANSIT SERVICES AGREEMENT WITH BUNCOMBE COUNTY AND APPROVING AN AMENDMENT TO THE AGREEMENT TO INCREASE FUNDING IN THE CURRENT CONTRACT**

Action Requested: Adoption of a resolution authorizing the City Manager to ratify the Paratransit Services Agreement with Buncombe County and to amend the agreement to increase the contract amount by \$14,002.46 for services provided in FY 2020 and to include \$1.3 million in the agreement to pay for paratransit services to be rendered in FY 2021.

Background:

- On September 24, 2013, Council approved a resolution authorizing the City Manager to contract with Buncombe County to provide paratransit services through Mountain Mobility.
- The original budget for paratransit services for FY 2020 was \$735,000. An additional contract amount of \$14,002.46 is needed to pay remaining invoices from FY 2020.
- Staff is also requesting approval of a change order to include \$1.3 million in the contract to pay for paratransit services to be rendered in FY 2021.
- Per N.C. General Statute §160A-461, inter-local agreements must be ratified by the City Council.
- This action includes ratification of the original 2013 agreement, as well as the amendment to increase funding in the service contract for the provision of paratransit services for FY 2020 and FY 2021.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Ensures sufficient funding is available to pay for services as required by contractual agreement.
- Assures the City is able to pay for services rendered for the months of April, May and June 2020, and for FY 2021.

Con(s):

- None

Fiscal Impact:

- Funding for the contracts amount is included in the adopted Transit Services Fund budget.

Motion:

- Adopt a resolution authorizing the City Manager to ratify the Paratransit Services Agreement with Buncombe County and to amend the agreement to increase the contract amount by \$14,002.46 for services provided in FY 2020 and to include \$1.3 million in the agreement to pay for paratransit services to be rendered in FY 2021.

Vice Mayor Wisler expressed her disappointment that Buncombe County discontinued its subsidy of paratransit service. In this time of budget shortfalls and the coronavirus, this is a very poor time to be pulling that funding and does not reflect well on partnership opportunities with the County.

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N. RESOLUTION NO. 20-145 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY, DIVISION OF APAC ATLANTIC, INC. FOR THE LIVINGSTON STREET (FROM DEPOT STREET WEST THROUGH TRAFFIC CIRCLE) AND RESERVOIR ROAD RESURFACING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Harrison Construction Company Division of APAC Atlantic, Inc. in the amount of \$383,900 plus a 15% contingency of \$57,585 for a total of \$441,485 for the Livingston St. (Depot Street west through traffic circle) - Reservoir Road Resurfacing contract.

Background:

- The contract provides for the resurfacing of Livingston Street starting at Depot Street west through the traffic circle and for the resurfacing of Reservoir Road.
- The project was advertised on July 15, 2020, and bids were opened on July 30, 2020.
- The following six bids were received:
 - Harrison Construction Company Division of APAC Atlantic, Inc., Asheville, NC
\$383,900.00
 - Rogers Group, Inc, Hendersonville, NC
\$409,802.50
 - Bryant's Land and Developments Services, Inc., Burnsville, NC
\$454,869.20
 - Tar Heel Paving, Inc, Hendersonville, NC
\$522,129.98
 - JLS Company, LLC, Arden, NC
\$556,684.19
 - French Broad Paving, Marshall, NC
\$576,540.00
- Construction is anticipated to start in late September 2020 and be completed by the end of November 2020.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Two minority or women-owned business enterprises submitted a bid to be the prime contractor on the project.
- The lowest responsive bidder, while not a minority or woman-owned business, will be using DBE and WBE companies to perform work that amounts to 6.6% of the total bid price.

Council Goal(s):

- This action aligns with the 2036 City Council Vision in that it will make “getting around Asheville easy” (Transportation and Accessibility) and “maintain and improve the City’s infrastructure” (Smart City).

Pro(s):

- Provides for the resurfacing to two sections of road in poor condition.

Con(s):

- Repairs will cause temporary disruption to pedestrian and vehicular traffic.

Fiscal Impact:

- Funding for this contract is coming from resurfacing funds within the Capital Improvement Program (CIP) budgets already approved for resurfacing projects.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Harrison Construction Company Division of APAC Atlantic, Inc. in the amount \$383,900 plus a 15% contingency of \$57,585, for a total of \$441,485, for the project known as Livingston St. (Depot Street west through traffic circle) - Reservoir Road Resurfacing.

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O. RESOLUTION NO. 20-146 - RESOLUTION AMENDING CITY COUNCIL’S RULES OF PROCEDURE TO UPDATE OUR LOCAL RULES TO COINCIDE WITH RECENT CHANGES IN STATE LAW ON LAND USE AND DEVELOPMENT AS WELL AS MODERNIZE AND CLARIFY OTHER PROVISIONS

Action Requested: Adopt Resolution amending the Rules of Procedure of the Asheville City Council to comply with a North Carolina Session Law 2019-111, Part I, commonly referred to as “160D” and Part II, and to incorporate several updates.

Background:

- A collaborative effort between North Carolina land use attorneys, the University of North Carolina - School of Government and North Carolina legislators resulted in Session Law 2019-111 “AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE.” adopted July 11, 2019.
- As the law’s title states, the purpose of 160D is to clarify and reorganize the land use/development related laws of the State and to consolidate these laws into one chapter in order to provide a uniform set of statutes applicable to both cities and counties.
- SL 2019-111 Part II also made some changes to other statutes that were indirectly related to land use law (i.e. 160A-75 Voting).
- The new law contains a number of legislative changes which a local government **must** take action to adopt, but it also contains permissive legislative changes which a local government **may** choose to adopt or not.
- Originally, parts of 160D became effective immediately while most of it was not to become effective until January 1, 2021, however, on **June 19, 2020, the General Assembly enacted legislation -S.L. 2020-25-making Chapter 160D and associated changes to other statutes effective immediately.**
- The law provided flexibility to local governments in the timing for adoption of amendments to conform local development regulations to the new statutes. **Local governments may enact their amendments now, but are not required to do so until July 1, 2021.**

- The proposed amendments to the Rules of Procedure contain two revisions that are required by the new law.
 - 1) Local government governing and advisory boards that vote on land use and development regulations, must adopt broadened conflict of interest standards. (G.S. 160D-109). 160D-109(a) states: “A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have **a direct, substantial, and readily identifiable financial impact on the member.** A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment **is a person with whom the member has a close familial relationship, business, or other associational relationship.**”[emphasis added] The latter part of this requirement is new, in that a conflict of interest can exist even if there is no direct financial impact, which has been the standard to this point. City Council Rule 22. VOTING, has been amended to reflect this new conflict of interest standard.
 - 2) Must permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first readings as was previously required under 160A-75 Voting. This is a welcome change and will allow for a more expedited decision-making process for planning approvals. City Council Rule 23. ADOPTION OF ORDINANCES AND RESOLUTIONS, has been amended to reflect this statutory change.

- Additional, non-statutory related amendments to the Council Rules of Procedure have also been made in order to modernize and more clearly reflect current procedures.

Council Goal(s):

- A Well-Planned & Livable Community

Pro(s):

- Proposed changes will align the city’s development standards, practices and procedures with current North Carolina state law.
- Modernizes outdated language.
- Creates objective standards for ministerial decisions.
- Clarifies practices and procedures for the development community.
- Updates written rules to coincide with current Council procedures

Con(s):

- This is a legislative mandate and while some proposed changes reduce flexibility and/or discretion it is necessary to revise these practices to be consistent with state law.

Fiscal Impact:

- None

Motion:

- Move to approve the amendments to the City Council Rules of Procedure.

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P. RESOLUTION NO. 20-147 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE JOHN R. MCADAMS COMPANY INC. FOR THE CARTER-ANN STORMWATER IMPROVEMENTS PROJECT - CONTRACT AMENDMENT 3

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with The John R. McAdams Company Inc. in the amount of \$182,970 and to enter into change orders to this contract phase, if needed, not to exceed a contingency amount of \$27,445.50 (15%) for a Phase 2 professional services budget of \$210,415.50 for the Carter-Ann Stormwater Improvements Project - Contract Amendment # 3.

Background:

- The approved Professional Services Phase 1 budget for this project was \$73,410 with a contingency of \$14,682 for a total budget of \$88,092. Amendment # 1 utilized the contingency and increased the contract amount by \$15,500 for a total contract amount of \$88,910.
- Amendment #2 Increased the time frame for the completion of Phase 1 without increasing the budget.
- This project is to replace, improve, and bring parts of the existing Stormwater system along Carter Street through Patton Avenue and down Ann Street within the City Right of Way. This project is aimed to reduce flooding, replace failing infrastructure and make the system easier to maintain. The overall construction phase of this project would last approximately 5 months.
- The RFQ for this project was advertised on February 16, 2019, with Statements of Qualifications received on February 28, 2019.
- Ten (10) consulting firms submitted Statement of Qualifications. After qualifications were reviewed, a short list was made and on April 11, 2019 city staff conducted interviews. The John R. McAdams Company Inc. was selected as the best qualified firm.
- The Contract between the City of Asheville and The John R. McAdams Company Inc. was entered into on December 26, 2019.
- Without knowing the extent of failures, capacity of the existing infrastructure, or influence on the surrounding utilities, Phase 1 was to conduct due diligence and preliminary engineering design, so that a determination could be made on how best to move forward with Phase 2 to complete the design and take the project through construction. The first phase was under the threshold for the City Manager's signature authority.
- Professional Services, including Final Design, Permitting and Construction Administration for the contract would proceed immediately after approval of the Contract Amendment.
- The phase 2 design of this project should be completed by the first part of November. The schedule for Construction Administration would be through June 2021, dependent on any issues that might arise during Permitting.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System, City of Asheville website, City of Asheville Twitter Account, and requiring engineering firms to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Past engineering firms who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement. During preparation for advertising this RFQ, the contract was shared with the Business Inclusion staff in the Community & Economic Development Department.
- Out of the ten (10) qualifications received, no consultant firm was Minority Business or Women Owned Business certified. Eight (8) of the firms submitting qualifications proposed reaching out and utilizing MWBE subcontractors for portions of the project.
- The John R. McAdams Company was chosen for the design because of their qualifications specific to the needs of this project.
- Although we conducted outreach, there was not any minority participation.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- The contract amendment will allow The John R. McAdams Company to continue with the design and construction phase of this infrastructure project.
- The Stormwater improvement project will replace failing infrastructure.
- Increase the performance and conveyance of Stormwater along this corridor.
- Make these systems easier to maintain in the future.

Con(s):

- Construction may be somewhat disruptive to nearby residences.
- Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:

- Funding for this contract is already budgeted in the Stormwater Utility Fund Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with The John R. McAdams Company, Inc. in the amount of \$182,970 and to enter into change orders to this contract phase, if needed, not to exceed a contingency amount of \$27,445.50 (15%) for a Phase 2 budget of \$210,415.50, and for a total professional services budget amount of \$299,325.50 for the Carter-Ann Stormwater Improvement Project.

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Q. RESOLUTION NO. 20-148 - RESOLUTION AUTHORIZING THE PROCUREMENT OF KEY BOX ACCESS EQUIPMENT AND SECURITY OF COMMERCIAL BUILDINGS FOR THE ASHEVILLE FIRE DEPARTMENT FROM SOLE SOURCE VENDOR KNOX COMPANY

Action Requested: Adoption of a resolution authorizing the procurement of key box access equipment and security of commercial buildings for the Asheville Fire Department from sole source vendor Knox, Company

Background:

- The City of Asheville's Code of Ordinances Chapter 6 Fire Prevention Protection Section 6.2 Amendments 506.1 reads "where required, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type, listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official."
- When called to a scene, these key boxes allow Asheville Fire Department responders to gain entry into a commercial building.
- These key boxes allow for rapid entry, avoid unsafe forced entry, and minimize property damage.
- The brand of key box used by all commercial buildings to comply with Chapter 6 of the City's ordinance is Knoxbox by Knox, Company.
- All Asheville Fire Department vehicles and apparatus have a Knoxbox key box installed inside
- Knoxbox has supplied this equipment for thirty years within the City.

- With the FY19-20 purchase of eight should there be a number after this hashtag? replacement vehicles, purchasing one Knoxbox to be installed in each of these eight vehicles pushes the total cost of the purchase above the \$5,000 threshold.
- The Asheville Fire Department believes this an appropriate catalyst for codifying a specific brand of key boxes that until now has only been a standard practice, which will allow for consistency between the City of Asheville and those doing business in non-residential structures within the City.
- The cost of eight Knoxboxes for eight replacement vehicles is \$7,751.08.

Vendor Outreach Efforts:

- Knox, Company is the only manufacturer and distributor of a Knoxbox.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Sole Source of Knox, Company Knoxboxes will ensure consistency and compatibility among fire apparatus, fire vehicles, and commercial buildings and structures across the City

Con(s):

- If sole source is not authorized, and a bid for key boxes is issued, the lowest bidder may not be Knox, Company. All owners and occupants of commercial buildings within the City would need to purchase a compatible key box.

Fiscal Impact:

- Funding for this purchase will come from a previously approved budget within the Capital Improvement Program (CIP) as part of the annual vehicle replacement program.

Motion:

- Move to adopt a resolution authorizing the procurement of Knoxbox key box access equipment and security of commercial buildings for the Asheville Fire Department from sole source vendor Knox, Company

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R. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL'S TRAVEL POLICY ADOPTED JANUARY 26, 2016

Summary: Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, "The local board shall annually provide the appointing authority's written confirmation of such approval...".

The ABC Board formally requests the City of Asheville's written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

S. RESOLUTION NO. 20-155 - RESOLUTION RELATING TO NORTH CAROLINA HOUSE BILL 1200, FORECLOSURE GRANTS/RENTAL AND UTILITY ASSISTANCE

Summary: (1) The City Council of Asheville urges legislators to restore North Carolina House Bill 1200 to its original intent of providing \$100 million for rental assistance in North Carolina and \$100 million in mortgage assistance in North Carolina and to pass this bill upon reconvening on September 2; (2) The City Council of Asheville urges Governor Cooper to reenact a statewide moratorium on eviction actions on residential rental property and a moratorium on the assessment of late fees on rental payments, as well as reporting such situations to a credit bureau or debt collection agency; (3) The City Council of Asheville urges landlords of residential property within the City currently pursuing an eviction action to voluntarily dismiss such action until the unemployment levels fall back to pre COVID-19 figures; and (4) The City Council of Asheville urges landlords of residential property within the City to not pursue an eviction action nor charge or assess any late payment fees against the tenant until the unemployment levels fall back to pre COVID-19 figures.

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Councilman Mayfield reminded the public that this Consent Agenda contains many of Council's priorities, such as lowering speed limits and truck prohibitions for public safety; contract with Green Built Alliance for clean and sustainable energy; expanding our transit fleet; and funds to Community Land Trust to advance affordable housing.

An individual asked that the September 22 agenda be light in order for the Council to focus on the budget amendment, and appreciated the temporary moratorium on hotel development.

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 Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

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

City Manager Campbell reviewed the following presentation overview on her 30/60/90 Day Plan with Council: (1) On June 9, staff presented a 30/60/90 Day Work Plan and over the past several meetings have updated Council and the community on our work; (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 justice and economic inclusion issues; and (3) The Work Plan reflects when we would **start** working on these requests.

For 30 days, (1) Resolution to remove monuments and creation of task force (a) Vance monument shrouded; Lee monument removed; and (b) Task Force orientation completed last week; and (2) Work with the community on the renaming of streets (a) Met with African American Heritage Commission and (b) Continuing Community Engagement to develop next steps

For 60 days, (1) Continue partnering with Asheville City Schools (ACS) and Buncombe County Schools to address Opportunity Gaps (a) Parks and Recreation partnering with ACS to create community learning centers or learning pods in city facilities; (b) ACS teachers will provide educational instructions; (c) Parks and Recreation will offer recreational activities; (d) Targeting black and brown students especially those in public housing communities; and (e) Operate 7 days a week 8:00am to 8:00pm; (2) Initiate conversations with the district attorney's office regarding the probation decision for Mr. Hickman (a) City Attorney's office working with DA's office and Restorative Justice process related to probation process; (3) Initiate conversations to Defund the

Police budget by 50% Defund/Divest/Invest Strategy; and (4) Initiate conversations to Defund the Police budget by 50% (a) Defund/Divest/Invest Strategy; and (b) Community Engagement.

For 90 days, (1) Provide protocol, practices and resource allocation data from the Equity and Inclusion Department on the our City Website; (2) Better understand and work through solutions for remaining demands; (3) Utilize best practices to recruit people of color; and (4) Develop Race and Gender Conscious Policy in response to the disparity study as part of City contracting and procurement (a) Draft Policy completed; Council review Sept. 8.

Public Engagement Process (1) Step 1 (complete): Get feedback on an approach from key focus groups; (2) **Step 2 (in process): Host Community Meetings; and (3) Step 3:** Report, Recommendations and Implementation.

From focus group responses, we learned (1) Use paid facilitators, not city staff; (2) Need to have authentic conversations about types of change that's really possible; figure out what's broken and commit to making changes; (3) Convene smaller groups so people have optimum opportunities for genuine input; (4) Use lots of mediums for input, questionnaires, blogs, face to face meetings, etc.; and (5) Make a special effort to hear from most impacted populations, Blacks, Indigenous, and Latinx

Regarding facilitation services (1) Issued Request for Interests; (2) Posted on August 7, 2020; (3) 6 Proposals submitted on August 14, 2020; (4) Sent to 10 local groups and only 2 responded; (5) Interdepartmental Team selected two teams; and (6) Costs for services not to exceed \$10,000.

Facilitators teams selected are (1) Shemekka Ebony Coleman, MS, Founder of Shemekka Ebony, Founder of Black Girl Magic Market, Co-Founder I am Brilliant and the CROWN Campaign, Raleigh; (2) Glenn Thomas, Project Facilitator, Amplify Community Consulting Founder and Managing Partner of Leadership Matters Group; and (3) Christine Edwards, Founder and Principal Amplify Community Consulting (Amplify Charlotte).

Regarding the public engagement process, **(1) Facilitators will hold virtual and small group in-person meetings;** (2) Facilitators will connect with small groups focusing on some of the most impacted (a) (e.g., Black, Indigenous, & People of Color, People who live in public housing, Victims of Crime, Parents, People without housing); (3) Street team will go out into the community and meet people where they are; (4) Facilitators have included opportunities to compensate and/or provide professional development for a limited number of people representing most impacted groups; and (5) City staff will provide surveys, questionnaires, blogs same questions as facilitated experience. Week of Aug. 24 - Dates for upcoming engagements finalized; Launch website page 8/27; Promote engagement dates. Week of Aug. 31 - Promote engagement dates/survey information; Virtual Community Engagement Meeting - Intro 9/4. Week of Sept. 7 - Virtual Community Engagement Meetings; In-person small group meetings - focus on most impacted groups.

Step 3 of the Public Engagement Process is Report, Recommendations and Implementation (a) Develop Preliminary Recommendations for Divesting/Investing (Sept. 3- 22); (b) Implementation of first round of Divesting/Investing Strategies (Sept. 22 and on-going); and (c) Begin next round of discussions (if necessary) Nov./Dec.

Key takeaways include (1) Our City is operating in unprecedented times and being challenged with economic, social, racial and public health issues that we have never experienced **all** at the same time; (2) People are experiencing and expressing valid feelings of sadness, anger, fear and uncertainty; (3) As evidenced by numerous requests, the community often looks to and expects local government to calm their fears, to provide resources to address their issues

and concerns; (4) We often can't respond or move as fast as most would want us to due to complexity of issues and/or available resources; and (5) Reassure the community that we hear you and commit to working with you for as long as it takes to make our City better for all people.

City Manager Campbell responded to questions raised by Councilwoman Mayfield and Councilwoman Smith.

B. UPDATE FROM CITY ATTORNEY ON ASHEVILLE POLICE DEPARTMENT PROTEST RESPONSE EVALUATIONS

City Attorney Branham said that he will provide City Council with an update from a recent meeting of the Public Safety Committee. On July 28, this Committee met, and voted on several recommendations for the consideration of the full Council, or for continued work by City Staff and the Committee regarding public safety issues.

The primary element of this is the evaluation of the Asheville Police Department (APD) protest response. Council had originally requested a dual pronged approach - An internal review of the decision making process performed by the City Attorney's Office, and a full evaluation of the response by an outside agency. Thereafter, Council made the determination it would not move forward with the external evaluation. As a result, the Public Safety Committee reviewed the alternative options and made the following recommendations:

- The first recommendation was the City Attorney's Internal Review would still be completed and presented to Council, and
- APD would now perform a full after-action review of events and officer conduct from the protests.
 - This will include a report on findings, and
 - Any appropriate discipline will flow from this, but
 - Laws on personnel privacy will limit what is shared.
- Upon these recommendations by the Committee, APD has already started their evaluation process.
- The Internal Review will also be completed shortly, and it is my intent to present this to the full Council at the Sept. 8th meeting.
- The second recommendation from the Committee involved the Release of Body Cam Footage taken during the protests to the Council.
 - This action requires direction from the full Council.
 - Taken up later
- The last three recommendations discussed by the Committee were: (1) Seeking expert advice and recommendations on best practices for crowd control tactics; (2) Establishing a means for participants of the recent demonstrations to share their accounts of police interactions; and (2) Reviewing potential policy changes such as use force allowances.
- Regarding the last item on the City's use of force and officer conduct policies, he reported that some of this effort is also already underway.
 - Recently, the Governor appointed a task force on Racial Equity in Criminal Justice, and it just released its recommendations. Two of those applied directly to Local law enforcement agencies.
 - First, the Task Force recommended that all such agencies in North Carolina enact a policy articulating a duty to intervene and report in any case where a law enforcement officer may be a witness to what they know to be an excessive use of force or other abuse of a suspect or arrestee.

- Next, the Task Force recommended that all North Carolina law enforcement agencies enact a Use of Force policy that, at a minimum, prohibits neck holds in all cases, “unless necessary to protect the life of the officer.” (Currently, our policy allows for this action when it is “reasonably believed to be necessary within the guidelines and in compliance with the law.”)
 - Now that we have received these recommendations from the Governor’s committee, the City Attorney’s office is coordinating with APD on reviewing and implementing these policy updates.
- As for the remaining items, *(Seeking expert input on future crowd control practices, and providing a means to receive the accounts of protests participants)* City staff intends to continue to work directly with the Public Safety Committee to bring these matters forward for more information at the next Public Safety meeting.

City Attorney Branham, along with City Manager Campbell, responded to various questions/comments from Council.

A. UPDATE ON CITY COUNCIL VACANCY

Mayor Manheimer said that Vijay Kapoor has resigned as a Council member and Council has to appoint the vacancy. Thirty applications have been submitted. The following individuals applied for the vacancy left by former Councilman Vijay Kapoor: Andrew R. James, Cory Bell, Corey Michael Boughton, Jonathan King, Lawrence E. Pierce, Nicholas Blaise Schulten, Patsy Kever, Robert Elijah Thomas Jr., Tracey Ann Jacobson, William E. Greene, ZaKiya Bell-Rogers, Dema Badr, Sandra Kilgore, Erin Connors, Monisha Mills, Pratik Bhakta, Sharon K. West, Myra Grant, Tim Kelley, Catherine Rosfjord, Albert Norman, Angela Hope McManhan, James Vaughn, Brain Loftus, S. Antanette Mosley, Nina Tovish, Adarrell Gadsden, Richard G. Lee III, George Sieburg and Andrew Fletcher.

Mayor Manheimer explained the process in that the City Clerk had asked for Council’s top 2 choices for interviews. After tallying the results, City Council will interview the following candidates on September 8, 2020: Robert Elijah Thomas Jr, ZaKiya Bell-Rogers, Sandra Kilgore, Pratik Bhakta, S. Antanette Mosley and Richard G. Lee III. She noted that all the interviewees received at least one Council request to be interviewed. Interviews will be held on September 8, 2020, in this remote meeting format and open to the public. Each interview will be 20 minutes. City Council will also vote at their September 8 meeting on the new member, who will be sworn in on September 22. There is no prohibition on a candidate reaching out to City Council prior to the interviews.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT 5-YEAR CONSOLIDATED ACTION PLAN

Vice-Mayor Wisler moved to continue this public hearing to amend the U.S. Dept. of Housing & Urban Development 5-Year Consolidated Action Plan until October 13, 2020. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

B.1. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AMENDING SECTION 7-2-5 DEFINITIONS, 7-11-3 (d), 7-12-2(e)2(d) AND ESTABLISHING A NEW SECTION 7-9-1 RESOURCE MANAGEMENT

OVERLAY DISTRICT, AND A NEW ARTICLE XIX TREE CANOPY PRESERVATION

PUBLIC HEARING TO AMEND THE FEES & CHARGES MANUAL FOR FISCAL YEAR 2020-21 TO ESTABLISH A FEE-IN-LIEU OF OPTION FOR TREE REMOVAL (LAND, ADMINISTRATION, INSTALLATION)

Mayor Manheimer said the three public hearings regarding the tree canopy preservation ordinance will be discussed as one, along with one public hearing. However, each of the three actions will require an individual vote.

Site Planning & Development Division Manager Chris Collins said that this is the consideration of (1) an amendment to the Unified Development Ordinance to amend Section 7-2-5 Definitions, 7-11-3(d), 7-11-3(f)2, 7-12-2(e)2(d) and establishing a new Section 7-9-1 Resource Management Overlay District, and a new Article XIX Tree Canopy Preservation; and (2) amending the Fees & Charges Manual for Fiscal Year 2020-21 to establish a fee-in-lieu of option for tree removal (land, administration, installation).

Background:

- New standards will create existing canopy-sensitive requirements for preservation and replanting of existing tree canopy when most land development activity occurs.
- These standards are designed to incentivize and promote existing canopy preservation over newly planted trees.
- In addition to centering around canopy preservation, the proposed text amendment will introduce requirements to preserve trees in commercial development and minor subdivisions where those requirements do not currently exist.
- The draft zoning standards have been reviewed by city staff from the Development Services Department, Planning & Urban Design and the City Attorney's office.
- Additionally, the draft ordinance has been presented to and/or reviewed by the Urban Forestry Commission, the Planning & Economic Development Committee, the Downtown Commission, the Development Customer Advisory Group, the Sustainability Advisory Committee and the Asheville Chamber of Commerce & Economic Development.
- City staff presented the ordinance at a public webinar hosted by Asheville Greenworks on August 19.
- The ordinance has received positive feedback from the Development Customer Advisory Group and support from the Urban Forestry Commission.
- On 7/1/2020, the Planning & Zoning Commission (PZC) recommended denial of the wording amendment while expressing concerns with the lack of concessions for affordable housing, the effect upon cost of development and possible barriers to increased density in the downtown area.
- In response to the PZC recommendation, staff has conducted an analysis of projects receiving LUIG funds for affordable housing over the last 5 years and found some to be in compliance already and all to be likely to meet the requirements via planting or preserving trees.
- All housing developments in the City, including affordable housing developments, are likely to benefit greatly from enhanced and increased tree canopy. The inclusion of affordable housing developments in the application of the ordinance accordingly addresses important environmental justice and equity concerns.
- The Resource Management Districts referenced by this ordinance are proposed as an overlay district as a separate item on this agenda.

Comprehensive Plan Consistency: This proposal best aligns with the *Living Asheville Comprehensive Plan* themes of ‘A Livable Built Environment’ and ‘Harmony with the Natural Environment’ plan sections that include the following goals:

- Make Streets More Walkable, Comfortable and Connected;
- A Healthy and Expanding Urban Tree Canopy;
- Protect Land and Water Assets; and
- Encourage Naturalized Stormwater Management Techniques, Goal 25, Outcome 2: Minimize growth of impervious surfaces citywide.

In addition, this proposal is consistent with and supports the *Planning for Climate Resilience* (Appendix D of the Comprehensive Plan) as a means to reduce vulnerability and risk due to climate change.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment

Committee(s):

- On October 22, 2019 and January 14, 2020, the Development Customer Advisory Group (DCAG) reviewed the proposal.
- On 02/17/2020, the Urban Forestry Commission reviewed the proposal and unanimously recommended support.
- On February 10, 2020 the Planning & Economic Development Committee reviewed the proposal.
- On February 19, 2020 the Sustainability Advisory Committee reviewed the proposal.
- On July 1, 2020 the Planning & Zoning Commission voted to recommend denial of the proposal by a 6-1 vote.

Pro(s):

- Proposed changes will change the focus of the City’s tree save provisions to a canopy area based requirement and more directly equate to canopy preservation and provision on privately owned property.
- Multiple options for compliance are built into the ordinance, making the application for a variance a very unlikely option.
- Creates tree preservation and provision requirements for development types that currently have none.
- Allows for a fee-in-lieu payment option when development sites and projects cannot physically comply with planting and preservation requirements which allows for an equitable distribution of tree canopy through administration of the program.
- Will affect an overall reduction in the rate of loss of tree canopy in the City of Asheville.
- Creates a predictable and easy-to-follow process for land development applicants which generally correlates to success in implementation.

Con(s):

- Does not outright disallow the removal of existing trees from sites.
- May increase the financial cost of development on some sites.

Fiscal Impact:

- The ordinance establishes a fee-in-lieu of option, whose specifics are outlined below. These funds would be required to be spent for tree canopy only within a similar district and therefore would not have an overall fiscal impact on the City’s operations or budget.

	<u>Current Fee</u>	<u>Proposed New Fee</u>
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Downtown	\$0.00	\$31.44
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Urban	\$0.00	\$5.42
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Suburban	\$0.00	\$4.54
Tree Removal	\$0.00	\$100.00

- Existing staff will administer the ordinance and no additional Full Time Equivalents are requested at this time.

General highlights are as follows: (1) Allows trees preserved for other UDO requirements to be used; (2) Replaces ground area based Tree Save requirements; (3) Requires permits for future removal of trees in the Tree Canopy Preservation Areas; (4) Allows for multiple methods of calculating existing canopy; (5) Incentivizes preservation over replanting with measurement flexibility and lower total canopy requirements; and (6) Multiple methods of compliance are available. Associated tree changes also include (1) Street Trees: Introducing requirement for developer to maintain for a period of two (2) years after Certificate of Occupancy; and (2) Speculative Grading: Introducing changes to disallow mass grading (including tree removal) on sites without an approved development plan.

The payment in fee component has three components: (1) Average Per Square Foot Land Cost within Resource Management District; (2) Average Cost of Tree Installation Per Square Foot of Tree Canopy; and (3) Administrative Fee to Cover Cost of Administration of Fee-in-Lieu Program.

The key takeaways include (1) Creates a new predictable and flexible requirement to preserve, install or pay a fee-in-lieu of tree canopy for many development types; (2) Provides heavy incentives to preserving valuable existing tree canopy over planting new canopy or paying a fee; and (3) Applies requirements for shade and canopy to all developments within the City outside of one and two family residential units.

Staff recommends approval of the proposed zoning text amendment to establish new standards for Tree Canopy Preservation in Articles II and VII and with the new Article XIX because this is consistent with the *Living Asheville* comprehensive plan in that it directly furthers several goals of the plan while promoting specific Council goals as well.

B.2. PUBLIC HEARING TO CONSIDER ALLOWING THE INITIAL ZONING TO APPLY THE NEW RESOURCE MANAGEMENT OVERLAY DISTRICT TO ALL PROPERTIES LOCATED WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS

Site Planning & Development Division Manager Chris Collins said that this is the consideration of an ordinance to allow the initial zoning to apply the new Resource Management Overlay District to all properties located within the City of Asheville corporate limits. This public hearing was advertised on August 14 and 21, 2020.

Project Location and Contacts:

- This applies to all properties located within the City of Asheville corporate limits.
- This is a city initiated zoning action led by the Development Services Department with support from the Urban Forestry Commission.

Summary of Petition:

- The application of the Resource Management Overlay District is necessary to support and effectuate the proposed Tree Canopy Preservation development ordinance.
- Session Law 1985-556 titled “AN ACT AS TO THE CITIES OF ASHEVILLE AND RALEIGH CONCERNING TREE REGULATION AND TO ALLOW THEM TO EXERCISE EMINENT DOMAIN POWERS FOR OPEN SPACE” authorizes the City of Asheville to, “Preserve, protect and enhance” trees and other plantings in “resource management zoning districts”. This zoning petition is intended to establish a new resource management zoning district as an overlay zoning district.

Comprehensive Plan Consistency:

- This proposal is consistent with the *Living Asheville Comprehensive Plan* aligning with key goals in the *Harmony with the Natural Environment* plan section including “Implement Green Infrastructure and Enhance the Urban Tree Canopy” (p. 208), “Mitigate Flooding and Erosion” (p. 216) and “Protect Land and Water Assets” (p. 218). In addition, this proposal supports the *Planning for Climate Resilience* (Appendix D) as a means to reduce vulnerability and risk due to climate change.

Compatibility Analysis:

- The purpose of the Resource Management Overlay District is to create the regulatory structure to broadly apply a new tree protection standard to all properties in the city that will support efforts to enhance the natural environment and improve climate resilience. As this will apply to all properties, compatibility is ensured.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment

Committee(s):

- On July 1, 2020, the Planning & Zoning Commission voted to recommend denial of the proposal due to concerns regarding the associated wording amendment (also denied) and the extent of the authority granted by Session Law 1985-556 which placed stricter requirements on developers.

Pro(s):

- Will be applied broadly across all properties in the city, ensuring consistency and compatibility.
- Supports efforts towards tree canopy preservation and related goals.
- Helps to mitigate vulnerability and risk related to climate change.
- Authority is provided by state law.
- Provides a zoning/regulatory framework for future environmental mitigation.

Con(s):

- Adds a zoning layer and level of review to new development.
- Could increase the cost of development in some instances.

Fiscal Impact:

- There is no direct fiscal impact.

Vice-Mayor Wisler and Councilwoman Mayfield thanked all the staff outreach and work on this ordinance.

Councilwoman Mayfield noted that the Urban Forestry Commission has reached out to the Housing Authority for their housing developments.

Mayor Manheimer opened the public hearing at 6:35 p.m.

Three individuals spoke in support of the tree canopy preservation ordinance.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing on an amendment to the Unified Development Ordinance to amend Section 7-2-5 Definitions, 7-11-3(d), 7-11-3(f)2, 7-12-2(e)2(d) and establishing a new Section 7-9-1 Resource Management Overlay District, and a new Article XIX Tree Canopy Preservation will be accepted for an additional 24 hours. Therefore, Councilman Young moved to recess this item until September 8, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing to amend the Fees & Charges Manual for Fiscal Year 2020-21 to establish a fee-in-lieu of option for tree removal (land, administration, installation) will be accepted for an additional 24 hours. Therefore, Councilwoman Mayfield moved to recess this item until September 8, 2020, at which time this public hearing will be voted. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing on the ordinance to allow the initial zoning to apply the new Resource Management Overlay District to all properties located within the City of Asheville corporate limits will be accepted for an additional 24 hours. Therefore, Councilwoman Mayfield moved to recess this item until September 8, 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.

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

Vice-Mayor Wisler moved to continue this public hearing to amend the Unified Development Ordinance to update open space requirements until October 27, 2020. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Sandy Aldridge, Kristen Goldsmith and John Bausone. It was the

recommendation of the Chair of the Multimodal Transportation Commission, recommendation of the Boards & Commissions Committee, and consensus of Council to re-advertise for the vacancies.

Regarding the WNC Air Quality Agency Board, Mr. Garry Whisnant applied for the vacancy. It was the consensus of the Boards & Commissions Committee and City Council that the seat be re-advertised.

RESOLUTION NO. 20-149 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

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

The term of DeWayne Barton expired on July 1, 2020.

The following individuals applied for the vacancy: Aaron D. Griffin Sr., Robert Elijah Thomas Jr., and Thomas Ryan.

The Boards & Commissions Committee recommended reappointing DeWayne Barton.

Vice-Mayor Wisler moved to reappoint DeWayne Barton as a member of the African American Heritage Commission to serve an additional three-year term, term to expire July 1, 2023, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 423

RESOLUTION NO. 20-150 - RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Greater Asheville Regional Airport Authority.

Ms. Stephanie Brown has resigned, thus leaving an unexpired term until June 30, 2020.

The following individuals applied for the vacancy: Tom Hunter and Susan Russo Klein.

House Bill 1154 was passed by the N.C. General Assembly to stagger the terms of some members of the Airport Board. This legislation affects the term of the City Council appointment of the vacancy by Ms. Brown. This legislation changes the term of this new Board member to a three-year term beginning on July 1, 2020, and then upon expiration of this term, the next term will be for a term of four years. The reason for this legislation is to help stagger the terms so that there are no more than 2 members rolling off the Airport Board on any given year.

At the recommendation of the Airport Authority's CEO, the Boards & Commissions Committee recommended appointing Susan Russo Klein.

Vice-Mayor Wisler moved to appoint Susan Russo Klein as a member of the Greater Asheville Regional Airport Authority to serve the unexpired term of Ms. Brown, term to expire June 30, 2020, and then a full three-term, term to expire June 30, 2023, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 424

**RESOLUTION NO. 20-151 - RESOLUTION APPOINTING MEMBERS TO THE
AUDIT COMMITTEE**

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

The terms of Scott Farkas (CPA seat) and W. Scott Powell expired on May 1, 2020.

No one applied for the vacancies.

Boards & Commissions Committee recommended reappointing Scott Farkas (CPA seat) and W. Scott Powell.

Vice-Mayor Wisler moved to reappoint Scott Farkas (CPA seat) and W. Scott Powell as members of the Audit Committee, to each serve a three-year term respectively, terms to expire May 1, 2023, or until their successors are appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 425

**RESOLUTION NO. 20-152 - RESOLUTION APPOINTING A MEMBER TO THE BOARD
OF ADJUSTMENT**

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

Mr. Daniel Summerlin (Regular member) passed away, thus leaving an unexpired term until January 21, 2023.

The following current Alternates applied for the vacancy: Suzanne Godsey, Carter Webb, Rob Carroll and John Michael Kledis.

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

The Boards & Commissions Committee recommended appointing Carter Webb to the Regular seat filling Mr. Summerlin's unexpired term; and appointing David Angelus to the Alternate seat vacated by Mr. Webb - term to expire January 21, 2021.

Vice-Mayor Wisler moved to appoint (1) Carter Webb as a Regular member of the Board of Adjustment to serve the unexpired term of Mr. Summerlin, term to expire January 21, 2023, or until his successor has been appointed; and (2) appoint David Angelus as an Alternate member of the Board of Adjustment to serve the unexpired Alternate term of Mr. Webb, term to expire January 21, 2021 and then a full three-year term, term to expire January 21, 2023, or until his successor has been appointed.. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 426

**RESOLUTION NO. 20-153 - RESOLUTION APPOINTING MEMBERS TO THE
ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

Mr. Craig Cline and Mr. Gordon McKinney have resigned, thus leaving two unexpired terms until July 1, 2022. In addition, the terms of Emily Spreng and Will Hornaday expired on July 1, 2020.

The following individuals applied for the vacancy: Lucy A. Kruesel, J. Wagner and Amanda Vollrath.

It was the recommendation of the Boards & Commissions Committee to reappoint Emily Spreng and Will Hornaday, and re-advertise for candidates with a stronger historical background.

Vice-Mayor Wisler moved to (1) reappoint Emily Spring and Will Hornaday as members of the Asheville-Buncombe Historic Resources Commission to each serve a three-year term respectively, terms to expire July 1, 2023, or until their successors have been appointed; and (2) re-advertise for the two additional vacant seats. This motion was seconded by Councilman Hayes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 427

RESOLUTION NO. 20-154 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

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

Nieva Arana and Bettie Council have resigned as members of the Human Relations Commission, thus leaving two unexpired terms until June 1, 2021. In addition, Pearl DeBellott has resigned as a member of the Human Relations Commission, whose term expired June 1, 2020. The terms of Mychal Bacoate, Patrick Conant, Ivan Melchor, Tiffany De'Bellott, Davidson Jones and Chris Winebrenner expire on June 1, 2020.

The following individuals applied for the vacancy: Susy Chandler, Melissa Ray, Sam Franklin, Bernie Lee Miller, Veronica Colt, ZaKiya Bell-Rogers, Alexandra DiSclarfani, Britni Worley and Raynetta Waters.

On January 14, 2020, the Boards & Commissions Committee, at the request of the Human Relations Commission, requested these vacancies remain open until June, 2020.

It was the recommendation of the Boards & Commissions Committee to reappoint Ivan Melchor, Tiffany De'Bellott, Davidson Jones and Chris Winebrenner; and to appoint ZaKiya Bell-Rogers and Raynetta Waters. In addition, it was the consensus of the Committee to re-advertise for the three additional vacant seats.

Vice-Mayor Wisler moved to (1) appoint Ranetta Waters as a member of the Human Relations Commission to serve the unexpired term of Ms. Arana, term to expire June 1, 2021, or until her successor has been appointed; (2) appoint ZaKiya Bell-Rogers as a member of the Human Relations Commission to serve the unexpired term of Ms. Council, term to expire June 1, 2021, or until her successor has been appointed; (3) reappoint Ivan Melchor, Tiffany De'Bellott, Davidson Jones and Chris Winebrenner to each serve an additional two-year term respectively, terms to expire June 1, 2022, or until their successors have been appointed; and (4) re-advertise

for the three additional vacant seats. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 428

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, five individuals spoke to Council, including, but not limited to the following comments: the state of policing in Asheville; defunding the Asheville Police Department; intentionally limiting public comment; removal of Police Chief David Zack; need for a participatory budget; invest 50% of Asheville Police Department budget in long-term safety strategies; immediate hiring freeze within the Asheville Police Department; concern with modern and progressive crowd control techniques; support leaving existing tree canopy and if replaced, replace with native species; reduction in speaking time for the budget public hearing; reduction in number of officers on the streets; technical difficulties at the July 28 budget public hearing not allowing everyone who signed up to speak; Council's rules of decorum; and on-line advanced speaker process.

Closed Session

At 7:04 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 statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e), and N.C. Gen. Stat. § 160A-168; and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a judicial action. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

At 7:50 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:50 p.m.

CITY CLERK

MAYOR