

Tuesday – December 8, 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 Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. ANNOUNCEMENT OF NEW COUNCILWOMAN SANDRA KILGORE

Mayor Manheimer announced that Buncombe County Senior Resident Superior Court Judge Alan Z. Thornburg administered the oath to Sandra Kilgore on December 1, 2021.

Councilwoman Kilgore thanked her supporters and was looking forward to working with this all-woman Council to address a lot of the issues in the community that are important and that will bring us together.

On behalf of City Council, Mayor Manheimer welcomed Councilwoman Kilgore to the Asheville City Council.

B. ANNOUNCEMENT OF NEW COUNCILWOMAN KIM RONEY

Mayor Manheimer announced that Buncombe County Senior Resident Superior Court Judge Alan Z. Thornburg administered the oath to Kim Roney on December 1, 2021.

Councilwoman Roney thanked her students, friends, and neighbors, and was looking forward to sharing ideas and turning difficult conversations into meaningful actions.

On behalf of City Council, Mayor Manheimer welcomed Councilwoman Roney to the Asheville City Council.

C. ANNOUNCEMENT OF NEW COUNCILWOMAN SAGE TURNER

Mayor Manheimer announced that Buncombe County Senior Resident Superior Court Judge Alan Z. Thornburg administered the oath to Sage Turner on December 1, 2021.

Councilwoman Turner said that it was an honor to sit along so many incredible women and she is ready to do the work.

On behalf of City Council, Mayor Manheimer welcomed Councilwoman Turner to the Asheville City Council.

D. ELECTION OF VICE-MAYOR

Mayor Manheimer opened the floor up for nominations. Vice-Mayor Wisler nominated Councilwoman Smith as Vice-Mayor of the City of Asheville. After no more nominations, Mayor Manheimer closed the floor for nominations. By unanimous roll call vote, Councilwoman Smith was elected as Vice-Mayor

Mayor Manheimer thanked Councilwoman Wisler for her work as Vice Mayor for 2 terms, noting that she also did a lot of work behind the scenes.

II. CONSENT AGENDA:

At the request of Councilwoman Roney, Consent Agenda Items "L.1 and L.2" were removed from the Consent Agenda for discussion and/or a separate vote.

Councilwoman Turner moved to adopt the Consent Agenda, with the deletion of items "L.1 and L.2". This motion was seconded by Councilwoman Mosley.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 10, 2020**
- B. RESOLUTION NO. 20-212 - RESOLUTION ADOPTING THE 2021 CITY COUNCIL MEETING SCHEDULE**

Summary: City Council formal meetings are the 2nd and 4th Tuesdays of each month. The following meetings are cancelled: July 13, 2021; August 10, 2021; November 23, 2021; and December 28, 2021.

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- C. RESOLUTION NO. 20-213 - RESOLUTION ADOPTING AN UPDATE TO THE CITY'S PROCUREMENT, SURPLUS, PURCHASING & CONTRACTING POLICY**

Action Requested: Amendment and adoption of the Procurement, Surplus, Purchasing & Contracting Policy

Background:

- On October 27, 2020, City Council adopted the Asheville Business Inclusion (ABI) Policy. The ABI Policy replaced and expanded the previous Minority Business Plan.
- The adoption of the ABI Policy necessitated updates and revisions to the Procurement, Surplus, Purchasing & Contracting Policy.
- These changes included guidance to staff to follow the ABI policy regarding Minority and Women-Owned Business Enterprise (MWBE) outreach in their procurement efforts.
- The Procurement Policy had not been substantially updated since 2012.
- This policy will become effective on January 1, 2021, in order to coincide with the effective date of the ABI policy.
- This policy governs how all procurements for purchases and contracts are handled, as well as the disposal of surplus City personal property.
- Amendments and updates to the "Purchasing and Contracting Policy" are as follows:
 - The title was updated to "Procurement, Surplus, Purchasing, & Contracting Policy" in order to encompass all areas governed by the policy;

- References to the ABI policy were included, specifically in regards MWBE outreach, which is required per the ABI policy;
- General update to ensure policy is up to date with the North Carolina General Statutes;
- Procedures were removed from the policy and will be placed in separate document;
- Addition of a conflicts of interest section for staff who participate in city procurement and contracting; and
- A general reorganization of the policy for readability.

Council Goal(s):

- An Equitable and Diverse Community
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Provides necessary updates and revision to a policy that was adopted in 2012
- Ensures the City of Asheville is consistent with State, Federal, and other City policies
- Promotes competitive procurement
- Supports implementation of the Asheville Business Inclusion Policy

Con(s):

- None.

Fiscal Impact:

- None.

Motion:

- Motion to approve a resolution to amend and adopt the City of Asheville Procurement, Surplus, Purchasing & Contracting Policy.

Councilwoman Roney understood that this update is meant to provide guidance for outreach to MWBE outreach for equitable outcomes. We need to be held accountable to the fullness of our capacity to ensure that policies like this one make equitable outcomes possible. So, when we see an opportunity to address equity in our contracting, then we have to ensure that our policies get us there. She will look forward to reviewing the data.

In response to Vice-Mayor Smith, Financial & Strategic Services Manager Frank McGowan said that the disposal of personal property that the City owns is governed by state statute. The statutes are very specific on how the personal property is disposed of which is through a bid process open to the public if it has value. The City cannot donate personal property.

Vice-Mayor Smith questioned the possibility of loaning equipment.

Assistant City Attorney Aarin Miles and Minority Business Program Manager Rosanna Mulcahy responded to Vice-Mayor Smith when she asked if there is any way we can break down the work ahead of time and perhaps contract it ourselves so we can actually promote our aspirational goals around participation.

D. RESOLUTION NO. 20-214 - RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN A SIDEWALK EASEMENT OVER REAL PROPERTY LOCATED AT 117 ONTEORA BOULEVARD

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn a sidewalk easement over real property located at 117 Onteora Boulevard.

Background:

- The City's Capital Projects Department has a sidewalk installation project planned along Onteora Boulevard.
- The City has obtained all required easements needed to complete this sidewalk project except for one along the edge of real property located at 117 Onteora Boulevard.
- The property at 117 Onteora Boulevard was owned by Margetta Deese who passed away in 2016.
- The City has made repeated attempts to identify Ms. Deese's potential heirs or personal representatives regarding the needed easement, but has received no response.
- The easement needed at 117 Onteora Boulevard is immediately adjacent to the City's right of way and is entirely within an unbuildable setback.
- As such, the City's condemnation of the needed easement will only minimally impact the subject property's value.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of a needed sidewalk construction project and safeguard the project schedule.

Con(s):

- Will result in the commencement of an eminent domain action against the owner.

Fiscal Impact:

- The expected value of the needed easement is less than \$3,000 which is included in the project budget for the subject construction project.

Motion:

- Motion to adopt a resolution authorizing the City Attorney's Office to condemn a sidewalk easement over real property located at 117 Onteora Boulevard.

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E. RESOLUTION NO. 20-215 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH T-MOBILE SOUTH LLC AT 300 MERRIMON AVENUE

Action Requested: Adoption of a resolution authorizing the City Manager to sign a license agreement with T-Mobile South LLC at 300 Merrimon Avenue with a term of five years with one five-year renewal.

Background:

- In 2001, the Asheville City Council approved Triton PCS Wireless to install a concealed telecommunications tower and a concrete equipment shelter at 300 Merrimon.
- T-Mobile South LLC currently occupies the tower that is located atop a six story brick stairwell adjacent to the historic fire house at 300 Merrimon Avenue.
- T-Mobile's existing agreement with the City is set to expire and they have requested a renewal of 5 years with an additional 5 year renewal.
- T-Mobile lease rate is currently \$30,000 with an escalation of 3%.
- T-Mobile has agreed to a new base rate of \$35,000 with the 3% escalation applied at the end of every lease year.
- Staff is currently reviewing options for sale or reuse of the historic firehouse and tower at 300 Merrimon.
- Preserving the historical character of the property is central in this consideration.
- Staff intends to present recommendations to City Council regarding the overall sale or use of the property in 2021.
- If Council were to consider a future sale of this property, the lease would be transferable to a new owner.
- During this time, staff recommends maximizing the value of the telecom tower by extending the license agreement that is currently active with T-Mobile for equipment on the telecom tower.

Council Goal(s):

- Financially Resilient City

Committee(s):

- None

Pro(s):

- The presence of T-Mobile on the tower increases the value of this asset and provides revenue to the City.

Con(s):

- None.

Fiscal Impact:

- The City's General Fund will receive approximately \$2,920 per month or \$35,000 per year in revenue during the first year of the new lease.

Motion:

- Motion to approve the resolution authorizing the City Manager to sign a license agreement with T-Mobile South LLC with a term of five years with one five-year renewal.

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F. MOTION APPROVING THE 2021-22 BOARDS & COMMISSIONS MEETING SCHEDULE, INCLUDING CITY COUNCIL LIAISONS AND MEMBER APPOINTMENTS

RESOLUTION NO. 20-216 - RESOLUTION APPOINTING COUNCILWOMAN SAGE TURNER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

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RESOLUTION NO. 20-217 - RESOLUTION APPOINTING COUNCILWOMAN SANDRA KILGORE TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

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RESOLUTION NO. 20-218 - RESOLUTION APPOINTING COUNCILWOMAN KIM RONEY TO THE CITIZENS-POLICE ADVISORY COMMITTEE

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RESOLUTION NO. 20-219 - RESOLUTION APPOINTING COUNCILWOMAN SAGE TURNER TO THE DOWNTOWN COMMISSION

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G. RESOLUTION NO. 20-220 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT RENEWAL WITH AXON FOR THE BODY WORN CAMERA/TASER PROGRAM

Action Requested: Adoption of the 2021 renewal of our Body Worn Camera/Taser agreement with Axon.

Background:

- The Asheville Police Department (APD) is nearing the end of our initial 5 year agreement with Axon for our Body Worn Camera/Taser program.
- Axon has offered us reduced pricing to renew if we can finalize the agreement by 12/31/2020.
- Axon has structured their quote in such a way that year one costs will remain the same as our prior agreement as they understand we have not budgeted for any increase for FY21.
- Our current contract isn't expiring until July 2021 (FY22) so we would have budgeted the increase for next fiscal year. However, since Axon prices change every new calendar year in January, they've offered us to renew early (with credits for current contract paid but unused service time) to secure the current pricing structure.
- The additional amount we would have paid in year one has been subsequently spread out over the remaining four years of the agreement.
- The total cost of continuing our agreement for another 5 years is \$1,862,664.90.

Vendor Outreach Efforts:

- Axon is our current vendor for the body camera/taser program and utilizes pricing per the OMNIA Cooperative Contract.
- Due to pricing from a cooperative contract, no outreach to minority and women owned business was conducted.

Council Goal(s):

- Smart City, Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Increase safety by continuing to provide equipment beneficial to officers and the public
- Strengthen agency accountability and transparency to the public
- Reduce complaints and resolve officer involved incidents
- Identify and correct potential internal agency problems
- Benefit public safety by accurately documenting officer interactions and evidence collection
- Used in policy compliance checks such as consent search interactions and documentation
- Compliance with National best practices of using a BWC platform to document officer interactions

Con(s):

- Increase in cost, as expected, from our original 5 year agreement

Fiscal Impact:

- No impact in the current fiscal year as Axon has calculated the year one payment amount to be \$214,008.90, which is already included in the adopted Police Department budget.
- Years two through five will see an increase from \$221,244 per year to \$412,164 per year.
- If we had not frozen year one pricing, this five year agreement would have been \$372,532.98 per year.
- The total obligation in either scenario is \$1,862,664.90 over the 5 years of the agreement.

Motion:

- Motion to approve the resolution authorizing the Asheville Police Department to renew our 5 year agreement with Axon for our Body Worn Camera/Taser program.

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H. RESOLUTION NO. 20-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER WITH SCHNABEL ENGINEERING SOUTH FOR THE AUXILIARY SPILLWAY DAM AND IMPROVEMENTS PROJECT (NORTH FORK DAM SPILLWAY UPGRADE PHASE II)

Action Requested: Adopt a resolution authorizing the City Manager to execute a change order to the contract with Schnabel Engineering South for work associated with the Auxiliary Spillway and Dam Improvement project (North Fork Dam Spillway Upgrade Phase II).

Background:

- The original North Fork Dam and Spillway did not meet current regulations to ensure the integrity of the dam during a probable maximum precipitation event (greatest amount of precipitation for a given duration of time).
- In 2006, Water Resources implemented the Flood Operations Plan in an effort to meet these requirements.
- In addition, Water Resources took further action to meet N.C. Dam Safety requirements.
- In 2015, Schnabel Engineering was selected through a qualification-based selection process for the final design, bidding, and construction oversight for the North Fork Auxiliary Spillway and Dam Improvements project.
- Construction began in November 2017 for the 26 month contract.
- Requesting a change order for \$197,398 will bring the engineering costs for this project to a total of \$4,547,568.

- Several factors have impacted the project including extending construction oversight and administrative activities, increasing public communication efforts, and additional design services. More specifically:
 - Heavy and frequent precipitation events in 2018, late 2019, and 2020 impacted activities associated with the critical path (schedule).
 - Additional design work associated with providing temporary raw water pumping into the treatment process.
 - Loss of electricity to the temporary pumping system created additional design work. It became necessary to develop two back-up plans to ensure power.
 - Administrative work to cover additional Request for Information (RFI) and Submittals, Construction Oversight, and progress meetings.
 - Development and implementation of the end of project communication plan.

Vendor Outreach Efforts:

- Not applicable, change to an existing contract

Council Goal(s):

- A Financially Resilient City; A Clean and Healthy Environment

Committee(s):

- None.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

Con(s):

- Although unavoidable, the cost of the project Increased.

Fiscal Impact:

- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund in the North Fork WTP Dam/Tunnel Repairs Project.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a change order to the contract with Schnabel Engineering South for work associated with the Auxiliary Spillway and Dam Improvement project (North Fork Dam Spillway Upgrade Phase II).

RESOLUTION BOOK NO. 42 - PAGE 36

I. RESOLUTION NO. 20-222 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE YEAR CONTRACT EXTENSION WITH DAIKIN APPLIED AMERICAS INC. FOR HARRAH'S CHEROKEE CENTER ASHEVILLE FACILITY RENOVATION & HVAC MODERNIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the contract with Daikin Applied Americas, Inc. to increase the contract amount by \$26,772, for a revised total maximum price amount of \$101,862.00 and to extend the contract for an additional year in order to complete the Harrah's Cherokee Center Asheville (HCCA) Facility Renovation & HVAC Modernization Project.

Background:

- This contract has been in place since August 11, 2017, for the service & maintenance of the Chiller unit at the Harrah's Cherokee Center.
- The contract is a service contract.
- Daikin Applied Americas, Inc. performs preventative maintenance for the chiller.
- The contract includes 40 hours of repair if something brakes.
- The City is responsible for parts.
- This one year extension is the final extension opportunity for the current contract.
- This contract previously did not require City Council authorization as the contract amount totaled \$75,090.
- The final year extension increased the total contract amount above the \$90,000 threshold requiring Council approval.

Vendor Outreach Efforts:

- When initially contracted, staff performed an informal bidding process which included outreach to Minority & Women-Owned Business Enterprise (MWBE) service providers for services. No MWBE service providers responded.

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Improves the venue's ability to host a wider range of events.
- Reduced energy consumption with well maintained equipment with intelligent controls.

Con(s):

- None.

Fiscal Impact:

- Funds are budgeted within the Harrah's Cherokee Center's contracted services account (\$26,772).

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the contract with Daikin Applied Americas, Inc. to increase the contract amount by \$26,772, for a revised total maximum price amount of \$101,862.00 and extend the contract for an additional year.

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- J. RESOLUTION NO. 20-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT ANNUAL RECURRING APPLICATIONS TO THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION (FBMPO) FOR THE FISCAL YEAR 2020 SECTION 5310 AND JARC (SECTION 5307) FUNDS, AND IF SUCCESSFUL, TO ACCEPT THE GRANT FUNDS AND SIGN ALL THE APPROPRIATE AGREEMENTS WITH THE FBMPO, FEDERAL AND STATE AGENCIES**

Action Requested: Adoption of a resolution authorizing the City Manager to submit applications to the French Broad River Metropolitan Planning Organization (FBRMPO) for the Fiscal Year (FY) 2020 Section 5310 and Job Access Reverse Commute (JARC) (Section 5307) Funds, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal and State agencies, and to include the revenue and the City match in the FY 21-22 Budget.

Background:

- On November 20, 2020, FBRMPO issued a call for projects for the Federal Transit Administration annual recurring Section 5310 and JARC (Section 5307) grant funds.
- The deadline to submit both grants is December 31, 2020.
- Section 5310 funding is used for improving mobility for seniors and individuals with disabilities.
- The City uses Section 5310 funds to pay for a portion of the City's existing paratransit service.
- The City is going to apply for \$166,832 in Federal funds.
- The match for these funds is 20%, or \$41,708, for a total project cost of \$208,540.
- JARC (Section 5307) funds are used to fund a portion of the operating costs of Route 170, which operates fixed-route service from downtown Asheville to the Town of Black Mountain.
- The City is going to apply for \$231,558 in Federal funds, which is 50% of the total cost to operate Route 170.
- The match for JARC funds is 50%, so the City's contribution to the total cost is also \$231,558.
- The City is the designated recipient for the region and oversees and administers the grants after they are awarded to subrecipients by the FBRMPO.
- The City receives a 10% administrative fee for this effort.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- The funds help offset the annual operating cost of paratransit and Route 170 fixed-route services.
- The City receives 10% in administrative fees to oversee both programs.

Con(s):

- The City is responsible for the local matches.
- If funds are not awarded, it will significantly impact funding for transit operations and affect the quality of services provided.

Fiscal Impact:

- The local match will be included in the proposed FY 21-22 operating budget.

Motion:

- Motion to approve a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for:
 - FY 2020 Section 5310 funds in the amount of \$166,832, and if successful, to accept the grant funds and sign all the appropriate agreements with the

FBRMPO, Federal, and/or State agencies, and to include the revenue and the City match in the FY21-22 Proposed Budget.

- FY 2020 JARC (Section 5307) funds in the amount of \$231,558, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue and the City match in the FY21-22 Proposed Budget.

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K. BUDGET AMENDMENT TO ACCEPT A PRIVATE DONATION FOR THE ASHEVILLE POLICE DEPARTMENT FOR TACTICAL DE-ESCALATION TRAINING

This item was removed from the Consent Agenda for discussion and/or an individual vote.

L. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAMS OF THE U.S. DEPT. OF JUSTICE FOR THE 2020 EDWARD BYRNE JUSTICE OF ASSISTANCE GRANT

BUDGET AMENDMENT FOR THE EDWARD BYRNE 2020 JUSTICE OF ASSISTANCE GRANT

These items were removed from the Consent Agenda for discussion and/or an individual vote.

M. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT, GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST PARTNERSHIP GRANT

BUDGET AMENDMENT FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST PARTNERSHIP GRANT

These items were removed from the Consent Agenda for discussion and/or an individual vote.

N. RESOLUTION NO. 20-226 - RESOLUTION SETTING A PUBLIC HEARING ON JANUARY 12, 2021, TO CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET

Action Requested: Adoption of a resolution to set a public hearing for January 12, 2021 to permanently close a portion of right-of-way known as Velvet Street.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Fifty-Five South Market, LLC has petitioned for this closure. They are the owners of the property known as 55 S. Market St., PIN# 9648-59-0637.
- The right-of-way is a former City of Asheville street.
- This closure will not impede any future use of this right-of-way.

- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. This area will be used as the means of egress from the building to the public sidewalk as required by fire code.
- This closure allows for the life safety stairs to the public way to remain as constructed.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 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 January 12, 2021, to close a portion of right-of-way known as Velvet Street.

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O. RESOLUTION NO. 20-227 - RESOLUTION SETTING A PUBLIC HEARING ON JANUARY 12, 2021, TO CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON STREET

Action Requested: Adoption of a resolution to set a public hearing for January 12, 2021, for the closure of a portion of right-of-way at the intersection of Courtland Avenue and Houston Street.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Youngblood and Sarah Haske have petitioned to close this right-of-way.
- They are the owners of 137 Houston Street, PIN #s 9639-90-3085 and 9639-90-3979.
- The Haskes have agreed to grant the City of Asheville an 11.5-foot easement from the new right-of-way line into the property.
- This easement will be for future sidewalk, water, and stormwater projects.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. Current plan is to recombine the two properties. Future use would be to add an auxiliary dwelling unit; however, no plans prepared at this time.
- This closure will allow for the recombination of parcels while removing the excess unused portion of right of way from the parcels.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: unanimously supported the closure of the right-of-way with the condition of an 11.5' easement remaining for future City of Asheville use.

Pro(s):

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

Con(s):

- None noted.

Fiscal Impact:

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

Motion:

- Motion to adopt resolution of intent to set a public hearing on January 12, 2021, to permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street.

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P. RESOLUTION NO. 20-228 - RESOLUTION SETTING A PUBLIC HEARING ON JANUARY 12, 2021, TO CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Action Requested: Adoption of a resolution to set a public hearing for January 12, 2021, for the closure of an unopened right-of-way known as Trade Street.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Meinch Construction, Inc. has petitioned to close this right-of-way. They are the owners of 99999 Trade St, PIN # 9638-98-2756. Joining this petition are Butler and Celeste Wiltse. They are the owners of 28 Trade St., PIN # 9638-98-3860.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.
- This closure allows for the development of 99999 Trade St by providing more room for construction by adjusting the property lines.
- The right-of-way is needed to provide the required screening in the back of the property for 4 residential units that will front on Roberts Street.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: Supported closing the right-of-way by unanimous vote.

Pro(s):

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

Con(s):

- None noted.

Fiscal Impact:

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

Motion:

- Motion to adopt resolution of intent to set a public hearing on January 12, 2021, to close an unopened right-of-way known as Trade Street.

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Q. RESOLUTION NO. 20-229 - RESOLUTION DIRECTING THE CITY MANAGER AND CHIEF FINANCIAL OFFICER TO PURSUE A RATE MODIFICATION ON THE EXISTING 2020 GENERAL OBLIGATION BOND DRAW PROGRAM

Action Requested: Approval of a resolution directing the City Manager and Chief Financial Officer to pursue a rate modification on the existing 2020 General Obligation (GO) Bond Draw Program for a savings of at least sixty thousand dollars (\$60,000).

Background - Draw Program:

- The City uses draw programs to minimize the cost of debt.
- The programs allow the City to draw down funds as they are needed during the construction of projects (24-59 months).
- This short-term debt is then “refunded,” or refinanced with longer-term, fixed rate debt (20-30 years).
- This approach minimizes the interest the City pays on debt during construction and ensures that the City’s debt capacity is used most efficiently.

Background - Draw Program Rate Modification:

- In June 2020, the City entered into a GO Bond Draw Program with Bank of America.
- The draw program matures in June, 2022.
- The first drawdown on the loan was \$5.1 million against a not-to-exceed total amount of \$25 million.
- The variable rate on the GO Bond Draw Program stands at 80% of LIBOR (London Inter-Bank Offered Rate*) + 138 basis points.
- In addition, there is an annualized fee of 40 basis points on the unused portion of the debt.
- Short-term interest rates in June, 2020 were somewhat unstable due to COVID-19, and since the time of close, interest rates have stabilized and moved favorably lower.
- As a result, the City has pursued a rate modification on the debt.
- Additionally, banks are moving away from using LIBOR to other indexes such as SIFMA (Securities Industry and Financial Markets Association rate*) because LIBOR will no longer be used as of the end of 2021.
- The proposed variable rate modification from Bank of America for the existing GO Bond Draw Program is SIFMA + 58 basis points and an unused fee of 30 basis points.

*LIBOR and SIFMA are benchmark interest rates at which banks lend to one another for short-term debt.

Council Goal:

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Lower interest and unused fee expense.

Con(s):

- None

Fiscal Impact:

- At current rates and debt balances, the annual cost savings from the rate modification is roughly sixty thousand dollars (\$60,000).
- As the City continues to draw down on the Bond, the interest savings from the modification will increase.
- Following City Council approval, the rate modification will go into effect in early January, 2021.

Motion:

- Motion to approve the proposed GO Bond Draw Program - Rate Modification Resolution.

RESOLUTION BOOK NO. 42 - PAGE 45

R. RESOLUTION NO. 20-230 - RESOLUTION RATIFYING THE SERVICES RENDERED TO THE CITY BY PASSPORT LABS INC. AT THE EXPIRATION OF THE INITIAL CONTRACT TERM TO PRESENT, AND AUTHORIZING THE CITY MANAGER TO EXTEND THE PARKING CITATION MANAGEMENT CONTRACT WITH PASSPORT LABS INC. UNTIL FEBRUARY 28, 2021

Action Requested: Adoption of a resolution ratifying the services rendered to the City by Passport Labs, Inc. at the expiration of the initial contract term (September 30, 2020) to present, and authorizing the City Manager to extend the parking citation management contract (# 91800137) with Passport Labs, Inc. until February 28, 2021.

Background:

- In addition to the parking citation management contract, Passport Labs currently serves the City of Asheville by providing an app that allows parkers to pay for parking on their mobile device through a separate contract.
- These are two separate contracts with Passport.
- The City of Asheville entered into a contract with Passport Labs, Inc. on October 1, 2017 for parking citation management services.
- The original contract expired on September 30, 2020, and did not include any provisions for renewals.
- Passport Labs, Inc. has continued to provide the City services upon the expiration of the initial contract term until present.
- The requested contract extension through February 28, 2021, allows City staff additional time to complete negotiations with the vendor for a new service agreement.
- The new service agreement will utilize a cooperative purchasing agreement, and is expected to result in a reduction in the cost of services given an identical scope of work to the current contract.

- The services provided by Passport Labs, Inc. are integral to Parking Services Division operations.

Vendor Outreach Efforts:

- N/A - This is a current contract.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Enables the City to continue using an existing agreement which allows for the efficient management of City-operated parking spaces.

Con(s):

- None

Fiscal Impact:

- The requested contract extension does not increase the current amount of the contract.

Motion:

- Motion to adopt a resolution ratifying the services rendered to the City by Passport Labs, Inc. at the expiration of the initial contract term (September 30, 2020) to present and authorizing the City Manager to extend the parking citation management contract (# 91800137) with Passport Labs, Inc., until February 28, 2021.

RESOLUTION BOOK NO. 42 - PAGE 65

S. RESOLUTION NO. 20-231 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO AN INTERLOCAL AGREEMENT WITH ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE (A-B TECH) AND BUNCOMBE COUNTY TO EXPAND THE JURISDICTION OF THE A-B TECH'S POLICE DEPARTMENT

Action Requested: Approval of a resolution granting authority to amend inter-local agreement with AB-Tech and Buncombe County concerning jurisdiction of the AB-Tech Police Department.

Background:

- North Carolina law allows any community college in North Carolina that has a law enforcement agency to enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction.
- AB-Tech has requested that the City and Buncombe County amend its current agreement to allow the AB-Tech police to exercise jurisdiction on the property of the Allied Health Building and the Smith-McDowell House, which are both on or immediately adjacent to AB-Tech's campus.

Pro(s):

- Will provide a law enforcement partner with authority necessary to effectively carry out its duties.

Con(s):

- None

Fiscal Impact:

- None.

Motion:

- Motion to adopt a resolution authorizing the mayor to sign an amendment to the 2014 Joint Agreement between AB-Tech and Buncombe County extending the AB-Tech police department's jurisdiction.

RESOLUTION BOOK NO. 42 - PAGE 66

T. ORDINANCE NO. 4787 - BUDGET AMENDMENT TO INCREASE THE FISCAL YEAR 2018 SECTION 5310 GRANT FUNDS FOR PASS-THROUGH TRANSIT PROGRAMS AND TO RATIFY APPLICABLE AGREEMENTS

Action Requested: Adopt a budget amendment in the Transit Services Operating and Multi-Year Funds to increase the Fiscal Year (FY) 2018 Section 5310 grant funds previously awarded by \$520 for pass-through transit programs and to ratify applicable agreements.

Background:

- In March 2019, the City and other regional transit providers applied for a total of \$332,174 in FY 2018 Section 5310 Federal Transit grant funds from the French Broad River Metropolitan Planning Organization (FBRMPO).
- These funds are recurring annual funds and are used by the City and subrecipients for paratransit and other transit services for seniors and people with disabilities.
- In January 2020, the requested funds were awarded and budgeted by City Council.
- Recently, the Federal Transit Administration Region IV Office notified the City that an additional \$520 in FY 2018 Section 5310 funds was available and should be added to the grant award and that the FBRMPO should determine how to distribute the extra funds although it is a very small amount.
- In September 2020, the FBRMPO determined that the \$520 should be divided equally among the City, Buncombe County, and Henderson County.
- The budget amendment will provide expenditure authorization for the remaining amount of \$520, for a total of \$332,694 and will ratify the original resolution approving the funds.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Uses all available Section 5310 Federal Transit funds allocated in FY 2018.
- The funds help seniors and people with disabilities.

Con(s):

- None

Fiscal Impact:

- \$520 will be added to the Transit Operating and Multi-Year Funds. No additional City match is required.

Motion:

- Motion to adopt a budget amendment in the Transit Services Operating and Multi-Year Funds to increase the FY 2018 Section 5310 grant funds previously awarded by \$520 for pass-through transit programs and ratify applicable agreements.

ORDINANCE BOOK NO. 33 - PAGE 197

U. RESOLUTION NO. 20-232 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH RESPONDER SUPPORT SERVICES TO EXPAND SUPPORT FOR BEHAVIORAL HEALTH SERVICES PROVIDED TO FIRE AND POLICE EMPLOYEES

Action Requested: Adoption of contract amendment for Responder Support Services, LLC to increase funding for behavioral health support to Fire and Police.

Background:

- Responder Support Services currently provides embedded behavioral health support to Fire and Police Departments two (2) days per week for each department.
- The need by Fire and Police for behavioral health support has steadily increased in the last several months.
- Fire Chief and Police Chief have requested embedded support four (4) days per week for each department.
- Increased behavioral health support to Public Safety employees is critical to maintain the health and wellbeing of these employees in order to provide service to the community.

Vendor Outreach Efforts:

- Current vendor for embedded behavioral health support is Responder Support Services, LLC. This vendor provides specialized support for Fire and Police employees.
- Staff was unable to identify other local vendors that provide dedicated service to Fire and Police Departments.

Council Goal(s):

- A thriving local economy

Pro(s):

- Support for public safety employees dealing with trauma on a daily basis
- Known provider who specializes in supporting public safety employees

Con(s):

- None

Fiscal Impact:

- The cost for the contract will be \$176,000 per year.
- Funding will come from the existing budget in the City's Health Insurance Fund.

Motion:

- Motion to approve contract amendment to support increased behavioral health support for City of Asheville Fire and Police Departments

RESOLUTION BOOK NO. 42 - PAGE 67

V. RESOLUTION NO. 20-233 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WNC LANDSCAPING, LLC FOR THE FISCAL YEAR 2021 DOWNTOWN CLEANING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with WNC Landscaping, LLC in the amount of \$230,994 plus a 15% contingency of \$34,649.10, for a total of \$265,643.10 for the Fiscal Year (FY) 2021 Downtown Cleaning contract.

Background:

- This contract includes provisions for:
 - pressure washing of City-owned sidewalks in the Central Business District (CBD);
 - weed control on City-owned sidewalks and curb lines;
 - general cleanup services to remove loose litter and debris from City-owned sidewalks; and
 - cleaning of City-owned garbage and recycle cans.
- The CBD is divided into two zones - Zone A and Zone B.
- Specifically, Zone A will be pressure washed six times in one year; and Zone B will be pressure washed two times.
- The contractor will provide weed control on an as-needed basis and patrol daily for loose litter and debris.
- Garbage and recycling cans will be cleaned four times per year.
- The Request for Proposals (RFP) was advertised on October 10, 2020, and bids were opened on November 5, 2020.
- The following five bids were received:

WNC Landscaping, LLC of Cedar Mountain, NC	\$132,503
TruBlue Services, LLC of Easley, SC	\$137,593
MsLean of Arden, NC	\$146,996
PD Rivers of Hemingway, SC	\$158,035
B.H. Graning Landscapes, Inc of Sylva, NC	\$185,808

- The lowest, responsive bid was determined by the base bid.
- The contract also requested prices for extra services to be provided by the lowest responsive bidder if the prices fit into the City's budget.
- These services include two additional washing cycles of Zone A, daily loose debris pickup, and garbage can cleaning.
- This accounts for the difference in the base bid price and the contract amount.
- This contract will commence at the completion of the current contract.
- The contract is for one year, but does provide for two 1-year extensions if the contractor and City agree.
- The contract will start on January 8, 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.
- One minority-owned business enterprise submitted a bid to be the prime contractor on the project. This bidder was the 3rd lowest bidder and will not be awarded the contract.

Council Goal(s):

- Well-Planned and Livable Community; Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Will increase the cleaning frequency of the most heavily used areas of the CBD.
- Will provide for the cleaning of City-owned garbage and recycling cans which are a source of complaint.

Con(s):

- Pressure washing can cause short disruptions for pedestrian traffic.

Fiscal Impact:

- Funding for this contract is allocated in the FY 2020-21 Public Works Department Budget.

Motion:

- Motion to adopt resolution awarding the contract to WNC Landscaping, LLC and authorizing the City Manager to execute a contract in the amount of \$230,994 plus a contingency of \$34,649.10 (15%), for a total of \$265,643.10 for the FY21 Downtown Cleaning contract.

RESOLUTION BOOK NO. 42 - PAGE 68

W. RESOLUTION NO. 20-234 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH RRI WEST MANAGEMENT, LLC. TO SUSTAIN OPERATIONS OF A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

Action(s) Requested: Authorization for City Manager's execution of an agreement with RRI West Management, LLC (Red Roof Inn) to extend provision of 60 rooms for the emergency homeless COVID-19 shelter through February 8, 2021.

Background:

- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- On October 27, 2020, Council authorized the City Manager to execute extensions of the existing agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for a 90-day period through February 8, 2021.
- Corporate restructuring at Red Roof Inn has placed the Asheville Red Roof Inn property under the direction of a different management division operating under a different company within their organization, RRI West Management, LLC.
- Therefore, an agreement with the new corporate entity is now required.
- RRI West Management, LLC has agreed to honor all the terms and conditions in the original agreement made with Red Roof Inn, Inc. executed in May 2020.

Council Goal(s):

- A Diverse Community
- A Well-Planned and Livable Community

- Fiscally Resilient City

Committee(s):

- None

Pro(s):

- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Allows for additional time to effect housing placement for shelter occupants.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.

Con(s):

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

Fiscal Impact:

- The additional \$274,536 in funding requested for an additional 90-day period through February 8, 2021 was previously approved by Council via Budget Ordinance Amendment # 4833 on October 27, 2020.
- No additional funding is being requested.
- Staff anticipates full FEMA reimbursement for these expenses.

Motion(s):

- Motion to adopt a resolution to authorize the City Manager's execution of a Memorandum of Understanding with RRI West Management, LLC to provide 60 rooms from November 9, 2020, through February 8, 2021 at the Red Roof Inn Asheville at a cost not to exceed \$274,536.

RESOLUTION BOOK NO. 42 - PAGE 69

X. RESOLUTION NO. 20-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY INTERESTS ON BEHALF OF THE CITY UP TO THE AMOUNT OF \$90,000

Action Requested: Adoption of a resolution delegating authority to the City Manager to acquire interests in real property on behalf of the City up to the amount of \$90,000.

Background:

- To improve efficiency, it is recommended that the City Council consider delegating authority to the City Manager to acquire interests in real property on behalf of the City up to the amount of \$90,000 under certain circumstances.
- This delegation would be consistent with the City's contracting process, where the City Manager has already received a delegation of authority to execute contracts for goods and services on behalf of the City up to \$90,000.
- If approved, the Manager would be authorized to acquire interests in real property when the following additional two conditions are met:
 - The City's Chief Financial Officer confirms that sufficient funds are available to pay for the cost of the real property interest, and
 - The City Attorney's Office has reviewed and approved the form of the documents by which the real property interest is acquired.
- Due to the \$90,000 cap, this authority will most commonly be used to acquire easements or segments of right-of-way in conjunction with City projects.

- For purposes of clarity, the proposed Resolution will further ratify all previous easement acquisitions.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Will allow the City to more quickly and efficiently obtain easements or other minor property interests when necessary to complete City projects, including capital projects.

Con(s):

- None

Fiscal Impact:

- No direct impact.

Motion:

- Motion to adopt a resolution that authorizes the City Manager to acquire real property interests on behalf of the City up to the amount of \$90,000.

RESOLUTION BOOK NO. 42 - PAGE 70

Y. ORDINANCE NO. 4848 - ORDINANCE AMENDING THE CITY'S FIRE PREVENTION ORDINANCE TO INCLUDE THE IMPOSITION OF CIVIL PENALTIES FOR VIOLATIONS

Action Requested: Adopt an ordinance amending the enforcement procedures for violations of the building occupancy limitations imposed by the North Carolina Fire Prevention Code.

Background:

- At the beginning of the COVID-19 pandemic, State and Local emergency declarations required that certain non-essential businesses close in order to curb the spread of the disease.
- As businesses have been allowed to re-open, State and Local emergency declarations have required that some operate at reduced capacities, typically expressed as a certain percentage of their maximum occupancy under the North Carolina Fire Prevention Code.
- In the course of preparing to enforce occupancy limitations set forth in State and Local emergency declarations, City staff has identified a need to amend the penalties it imposes for violations of the occupancy limits under the North Carolina Fire Prevention Code.
- As revised, a first violation of the occupancy limits of the North Carolina Fire Prevention Code would be punishable by a warning and/or a \$50 fine, a second by a \$100 fine, and third or subsequent violations punishable by a \$500 fine and/or by the Fire Marshal ordering the evacuation of a building, premise, or portion thereof to abate the overcrowded condition.

Council Goal(s):

- A clean and healthy environment.

Committee(s):

- None

Pro(s):

- Allows for escalating penalties based on repeated violations of the North Carolina Fire Prevention Code.

Con(s):

- None noted.

Fiscal Impact:

- None; any fines imposed would be paid to the school system pursuant to Article IX Section 7 of the North Carolina Constitution.

Motion:

- Motion to adopt an ordinance amending the enforcement procedures for violations of the building occupancy limitations imposed by the North Carolina Fire Prevention Code.

ORDINANCE BOOK NO. 33 - PAGE 198

From advanced live call-ins, 14 individuals spoke regarding items on the Consent Agenda, some being, but are not limited to: applying for grant funds for the Asheville Police Department (APD) to purchase of rifles and bulletproof vests should not happen as we need to have a conversation about how our police force is equipped; these grant funds will increase in APD budget and the community has asked to defund the Police by 50%; what is the City doing to aid the Office of Business Inclusion in their outreach processes for soliciting bids; over \$2 Million is being allocated to APD with the majority going for firearms, tasers, bulletproof vests and body cams and less than 10% is going into things like de-escalation training and mental health services for our officers; encourage grants to be pursued for the Office of Business Inclusion; need to hold Council accountable for equitable outcoming in the purchasing and contracting policy; and we should not be replacing old rifles with new ones.

After public comment, Councilwoman Roney asked for a friendly amendment to the motion to adopt the Consent Agenda to not only remove Consent Agenda Items "L.1 and L.2" but to also remove from the Consent Agenda Items "K" and "M.1 and M.2" for discussion and/or and individual vote. Councilwoman Turner and Councilwoman Mosley accepted the friendly amendment.

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.

The amended motion made by Councilwoman Turner and seconded by Councilwoman Mosley carried unanimously by roll call vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

K. ORDINANCE NO. 4844 - BUDGET AMENDMENT TO ACCEPT A PRIVATE DONATION FOR THE ASHEVILLE POLICE DEPARTMENT FOR TACTICAL DE-ESCALATION TRAINING

Action Requested: Approval of a budget amendment in the Special Revenue Fund in the amount of \$20,000 for a private donation to help fund additional non-budgeted tactical de-escalation training for the Asheville Police Department (APD).

Background:

- On September 25, 2020, I spoke with a gentleman who wished to make a private donation from a trust set up in his sister's name (Trina Mullen Fund for Pritchard Park of The Community Foundation of Western North Carolina) to help improve officer morale.
- We discussed several possible uses for this money by the Police Department.
- He decided he would like the money to go toward tactical/de-escalation training for the officers, a desire voiced by personnel who attended the listening sessions with local community consultants and staff.
- A donation was recorded on November 2nd in the amount of \$20,000. Included with the check was a letter specifying that any portion of the funds not used for the purpose for which it has been approved must be returned to the foundation.
- APD is requesting the ability to use the aforementioned donations to help fund the cost of additional non-budgeted training for our officers.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- n/a

Pro(s):

- Police officers should demonstrate the highest levels of professionalism, patience, and tolerance, in the execution of their duties.
- To ensure this is done consistently, law enforcement officers need training programs that provide verbal and physical tools to achieve these goals, while simultaneously reducing risk to the officers and those they serve.

Con(s):

- None

Fiscal Impact:

- There is no impact to APD's budget, nor a matching requirement for the donation.

In response to Vice-Mayor Smith's question about under what circumstances can the City accept donations, City Manager Campbell cited some examples, but said that she will provide more information in a memorandum to Council.

Councilwoman Roney appreciated the spirit of neighbors partnering with the City.

Councilwoman Wisler moved to adopt a budget amendment in the Special Revenue Fund in the amount of \$20,000 for private donations to help provide additional, non-budgeted tactical de-escalation training for the Asheville Police Department. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no."

ORDINANCE BOOK NO. 33 - PAGE 194

- L. RESOLUTION NO. 20-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAMS OF THE U.S. DEPT. OF JUSTICE FOR THE 2020 EDWARD BYRNE JUSTICE OF ASSISTANCE GRANT**

ORDINANCE NO. 4845 - BUDGET AMENDMENT FOR THE EDWARD BYRNE 2020 JUSTICE OF ASSISTANCE GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2020 JAG and adopt a budget amendment in the City's Special Revenue Fund in the amount of \$62,044.

Background:

- The City of Asheville receives an annual opportunity to apply for a Department of Justice (DOJ), Edward Byrne Justice Assistance Grant.
- The DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a 2020 award of \$62,044.00 which is allocated to the APD and the Buncombe County Sheriff's Office in the amounts of \$48,926.00 and \$13,118.00 respectively.
- The APD will use the funds to pay for new Windham rifles as part of a trade-in program of older models.
- The Buncombe County Sheriff's Office will use the funds to purchase Forensic and CNT equipment and supplies.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- N/A

Pro(s):

- Ensures the ability to better protect the safety of the residents of Asheville and Buncombe County.

Con(s):

- None

Fiscal Impact:

- There is no local match required.

Police Chief David Zack said that we will not be adding new rifles to the current weapon count, but replacing weapons that malfunction or become unserviceable. That equipment is standard in just about every police agency. We have had 44 people shot, 600 call ins for gun discharges and 11 murders. We must have the tools that we need to protect the public and for the officers to protect themselves, which includes bulletproof vests. The vest does not last a lifetime and must be replaced, and new officers must be provided a vest.

In response to Vice-Mayor Smith, City Manager Campbell said this did not go through the City Council Public Safety Committee because of the scheduling time of that Committee.

Councilwoman Wisler confirmed that we are not increasing the APD budget. She explained that when we put the budget together, it was assumed that we would get these grants because they are recurring grants. If we do get the grant, it must be approved by City Council. Assistant Finance & Budget Director Tony McDowell agreed with Councilwoman Wisler and said that there are other grant opportunities that come up through the year and each time staff must come back to Council to get approval.

Councilwoman Roney recalled in 2017 when three siblings were approached by police officers with assault rifles. She felt this funding authorization doesn't get us to our stated goals, sets a violent example for our youth when our community is mourning gun violence, and doesn't fund community healing. Assault rifles aren't safe and don't de-escalate interactions. She could not support weaponry that miliarizes our staff when we need investment in long-term safety strategy.

Councilwoman Wisler moved to adopt a resolution approving the application and acceptance of the grant and a budget ordinance amendment in the City's Special Revenue Fund in the amount of \$62,044. This motion was seconded by Councilwoman Kilgore and carried on a 5-2 roll call vote, with Councilwoman Roney and Councilwoman Turner voting "no."

**RESOLUTION BOOK NO. 42 - PAGE 39
ORDINANCE BOOK 33 - PAGE 195**

**M. RESOLUTION NO. 20-225 - RESOLUTION AUTHORIZING THE CITY
MANAGER TO APPLY FOR, AND ACCEPT, GRANT FUNDS FROM THE U.S.
DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST
PARTNERSHIP GRANT**

**ORDINANCE NO. 4846 - BUDGET AMENDMENT FROM THE U.S.
DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST
PARTNERSHIP GRANT**

Action Requested: Adoption of a resolution to apply for and accept the 2020 BVP Grant from the U.S. Dept. of Justice; and adopt a budget amendment in the City's Special Revenue Fund in the amount of \$70,560.

Background:

- The City of Asheville receives an annual opportunity to apply for a U.S. Department of Justice (DOJ), Bulletproof Vest Partnership (BVP) Grant.
- The DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a 2020 award of \$35,280 which requires a dollar for dollar match by the City.
- The funding will allow the purchase of 96 bulletproof vests over the 2 year life of the grant.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Increases officer safety by providing crucial safety equipment.

Con(s):

- None

Fiscal Impact:

- The City of Asheville's match is \$35,280 and is already included in the Adopted APD Fiscal Year 2020-21 budget.

Vice-Mayor Smith moved to adopt a resolution approving the application and acceptance of the grant from the U.S. Dept. of Justice; and a budget ordinance amendment in the City's Special Revenue Fund in the amount of \$70,560. This motion was seconded by Councilwoman Turner and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no."

**RESOLUTION BOOK NO. 42 - PAGE 40
ORDINANCE BOOK NO. 33 - PAGE 196**

III. PRESENTATIONS & REPORTS:

A. MANAGER’S REPORT

City Manager Campbell provided Council with a brief Manager’s Report. Her presentation overview will consist of: (1) On June 9, staff presented a 30/60/90 Day Work Plan and over the past several months 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; (3) The Work Plan reflects when we would start working on these requests; (4) Tonight’s update will focus on a number of initiatives that have taken place since the budget was adopted on September 22, 2020; (5) Police Chief David Zack will update on Asheville Police Department activity; and (6) Fire Chief Scott Burnette will update on COVID-19 State and Local Orders.

She said the 30/60/90 work plan has been renamed to Advancing Racial Equity in Asheville, with (1) the intentional focus on service delivery and investments that Advance Racial Equity in Asheville; and (2) providing more information about City efforts to pursue social, economic and environmental justice through City investments, service delivery, programs and partnerships in addition to the Black Asheville Demands list of efforts. The Project Page is on the City Website: <https://www.ashevollenc.gov/department/communication-public-engagement/projects-and-initiatives/30-60-90-day-work-plan/>

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

Regarding the public engagement process: (1) Step 1 (complete): Get feedback on an approach from key focus groups; (2) Step 2 (complete): Host Community Meetings; and (3) Step 3: (in process): Report, Recommendations and Implementation.

Regarding re-imagining public safety, Phase I:

4 Animal Control positions (reassigned to DSD)	\$220,000
1 Assistant to the Chief position (funding reassigned to CAPE; individual moving into another position)	\$110,000
2 Park Warden positions (1 position reassigned to Parks and Recreation and 1 vacant position to a partner agency)	\$90,000
6 Telecommunicator positions (all currently vacant; funding being reassigned to ITS and DSD)	\$300,000
Salary savings from sworn police officer positions (resignations between July and September - one-time payment to partner organization(s))	\$50,000
Total	\$770,000

The updates on recommended positions include: (1) Communication and Public Engagement Department (a) *Neighborhood Services Specialist* (i) Posted 11/23 and will close 12/14; and (ii) The position will: (a) Build capacity for neighborhood leadership and community organizing (b) Build and strengthen relationships while serving as a community and neighborhood information broker, providing a portal to City services and programs; and (c) Coordinate work with other City departments, community agencies, and community stakeholders to help address neighborhood concerns; (2) Development Services Department (DSD) (a) *Animal Control Positions* - (i) All Animal Services employees, vehicles and budget have been moved from APD to Development Services Department; (ii) Animal Services Supervisor report directly to the DSD Director; and (iii) Other nuisance related enforcement i.e. Noise Ordinance is now under this department; (3) IT Services Department (a) *Performance Analyst within the IT Services Department* - The position will: (a) Support the use of data to assess and identify community trends and problems; and (b) Utilize data to proactively address and solve problems and support cross departmental and community initiatives; (4) *Data Communication Specialist within the IT Services Department* - The position will: (a) Work with staff and community to make data understandable, including stories and context behind the numbers; and (b) Support staff in presenting program performance and progress on community goals and implementation of community projects; (5) Parks and Recreation Department - *Park Warden Position* - (a) Moved from APD to Parks and Recreation Department; and (b) Provide routine, security work involved in safeguarding customers and vehicles at City parks, pools and related facilities; and (6) Partnership with Homeward Bound - *Homelessness Outreach* - In process of entering into a contract with Homeward Bound.

Regarding internet access for Asheville Housing Authority residents, the City of Asheville, Asheville City Schools, Asheville City Schools Foundation, the Asheville Housing Authority, and Buncombe County have partnered to address the issue of a lack of high speed wireless access for Housing residents, particularly school age children. Through funding by all the partners a project is moving forward to provide all residents with high speed wireless broadband access. An interlocal agreement has been approved by City Council and the first phase of installation has begun. The Asheville City Council has approved \$50,000 towards this installation effort.

Re-imaging public safety Phase 2 includes (1) Bringing back Re-imagining Consultants for the next round of engagement: (a) Will review what was heard in Round 1; (b) Will inform what is being done now in response to input from Round 1; and (c) Will seek community feedback on proposed services, programs and partnerships to be included in the 2021-22 Budget that pursue social, economic and environmental justice.

Regarding Positive Opportunities Develop Success (PODS) - There are 13 Sites, 26 PODS, and 260 Students. In this unique opportunity, Asheville City Schools (ACS) staff and community members are pushing into communities of color to work with students in a pod setting. Individuals are pushing into these pods to support and facilitate student engagement and enrichment. We also recognize that some of our students have barriers that may hinder their academic growth; therefore, ACS staff acts as a liaison between the PODS and the students' teachers to maximize student success.

Regarding the Equity Director recruitment, the City is finalizing the scope of work and contract with a search firm to begin the recruitment process. She anticipates late February as the hire date.

Other initiatives being pursued include (1) Consolidating 911 emergency call center to more efficiently respond and deploy resources for emergency response calls; (2) Creating with community partners a collaborative rapid response team model to respond to mental health, drugs and alcohol, homeless, domestic violence and similar types of calls with goal of having Police no longer being the first or only responder; (3) Developing new model(s) for School

Resource Officers to further support student mentoring and other identified needs in schools; (4) Developing with tenants and Housing Authority staff new model(s) to enhance safety in Housing Authority communities; and (5) Identify other training or police reform initiatives to be investigated or implemented.

Police Chief David Zack then spoke about the Asheville Police 30/6090 Progress. This was originally presented to City Council on June 9, 2020. All elements, except one in progress, are complete, and the APD continues to build upon this plan to better serve Asheville.

In 30 days, (1) Expand current definition of what constitutes use of force. Increase indicators into early intervention systems to identify/address issues before they become a problem - Completed (policy updated 10/26/2020); (2) Revise promotional process to reflect merit based and equity - Completed; (3) Abolish Drug Suppression Unit (DSU). Placed greater focus on violent and property crime, less focus on low level drug crimes - Completed; and (4) Partner with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to assist with reducing gun violence in particular - Completed.

In 60 days, (1) Complete promotional processes to support a department wide restructuring - Completed (promotional effective 9/26; restructuring 10/10); (2) Create a department liaison with the District Attorney's Office to identify cases that could not meet prosecution standards as they apply to interrogation, search and seizure, warrant application, and evidence collection and storage - Completed - Integrity Unit established 10/10; and (3) Implementation of TIP411 to provide community ability to anonymously report crime and officer misconduct - Completed - public rollout on 11/30.

Beyond 90 Days, (1) Creation of Community Engagement Division - Completed - created on 10/10/20; and (2) Implementation of gun violence reduction strategy - in progress.

Highlights for the Community Engagement Division (1) Created on October 10; (2) Goal: quickly and efficiently respond to neighborhood quality of life issues; and (3) Comprised of three units: (a) community unit; (b) public housing unit; and (c) school resource officers. November accomplishments include: (1) Addressed 23 neighborhood/community issues (drug dealing, weapons violations, noise complaints, crosswalk issues); and (2) Responded to 34 calls/complaints regarding homeless camps - partnered with Homeward Bound to offer resources to individuals in encampments; and (3) Attended 27 community meetings (reaching approximately 263 residents)

Highlights of the TIP2APD (1) Last week APD rolled out an anonymous crime reporting tool, TIP2APD; (2) Within one week (as of 12/7/2020) (a) app has been downloaded 453 times; (b) 31 individuals have submitted tips; (c) One tip assisted APD in arrest of possession/intent to sell methamphetamine; and (d) Receiving tips related to location of suspect in Gay Street homicide; and (3) More information on the app and text-a-tip located at <https://www.ashevilenc.gov/service/report-crime-using-tip2apd/>

Highlights of the Elimination of Drug Suppression Unit include (1) Eliminated Drug Suppression Unit (DSU) to lessen focus on lower level drug crimes and increase focus on violent crime; (2) Creation of IMPACT team - current focus on gun violence; and (3) From October 1 - November 30: (a) 25 arrests of known violent, repeat offenders - Total of 102 charges; and (b) Seized 18 firearms (126 total in calendar year 2020).

Chief Fire Scott Burnette provided the COVID-19 Update: (1) Vigilance remains extremely important. The effects of the Thanksgiving holiday are expected to continue to increase infections; (2) Buncombe County Public Health is the local lead for vaccination planning and will be following state guidance; and (3) State and Local Orders.

Governor's Updated Executive Order (1) Requires face coverings to be worn: (a) *Indoors* anytime a person is in the presence of others not in their household (regardless of distance); (b) *Outdoors* where it is not possible to maintain proper social distancing; and (c) In restaurants, at tables unless actively eating or drinking; (2) Retail business locations(15,000 sq. ft.+) must have a worker at each entrance to enforce face coverings and occupancy requirements; and (3) On public transportation, Customers may be denied entry if they refuse to wear a face covering.

Modified Stay-At-Home Order (1) Update to the Stay-at-Home Order (a) Residents will be required to stay at home from 10 p.m. to 5 a.m except for essential travel; (b) Businesses, including restaurants/bars etc. required to close to the public by 10 p.m; (c) Exceptions for food, fuel and pharmacy; and (d) All onsite alcohol consumption sales must end by 9 p.m.; and (2) Goes into effect at 5:00 p.m. Friday, December 11.

Regarding our local order (1) Businesses found to be over the occupancy limitation may be fined and be subject to temporary closures; (2) Multi-agency task-force to enforce orders; and (3) Asheville's Transit System will require riders to wear a face covering on buses and in buildings (Masks available if needed).

City Manager Campbell said the key takeaways are (1) Progress being made on efforts included in the 30/60/90 day plan, now Advancing Racial Equity in Asheville; (2) Reimagining Public Safety efforts will continue in early January and will be combined with the upcoming Budget process; (3) APD continues to build and strengthen relationships with people and community partners to better serve Asheville; and (4) Wear, Wait, Wash.

City Manager Campbell, along with Police Chief Zack and Fire Chief Burnette responded to various questions from Council, some being, but are not limited to: is the City still under a hiring freeze, and if so, what is the process for hiring vital employees; request for additional information on what other cities are doing to reduce gun violence; what happens to the homeless once they are paired up with Homeward Bound; and status of City employees with COVID-19.

IV. PUBLIC HEARINGS:

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

Councilwoman Wisler moved to continue the public hearing on the Unified Development Ordinance to update open space requirements until May 25, 2021. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 20-236 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE 5 YEAR CONSOLIDATED ACTION PLAN FOR FISCAL YEARS 20/21 - 24/25 WHICH INCLUDES THE 20/21 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIP PROGRAM PROGRAMS TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Mayor Manheimer said that this public hearing was held on November 10, 2020, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

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

Councilwoman Turner moved to adopt the resolution authorizing submission of the City's 5 Year Consolidated Plan, which includes the Annual Action Plan for CDBG and the HOME programs, to HUD and to sign all documents necessary to implement the plan. This motion was seconded by Councilwoman Kilgore and carried on roll call vote of 6-1 vote, with Councilwoman Mosley voting "no."

RESOLUTION BOOK NO. 42 – PAGE 71

VI. NEW BUSINESS:

A. RESOLUTION NO. 20-237 - RESOLUTION TO APPROVE A HOUSING TRUST FUND LOAN OF \$1.2 MILLION TO THE BRYSON GROUP TO CONSTRUCT 12 FOR SALE CONDOMINIUMS IN WEST ASHEVILLE

Mr. Paul D'Angelo, Community Development Program Manager said that this is the consideration of a request by Bryson Investment Group LLC to utilize a Housing Trust Fund Loan of \$1.2M to construct 12 affordable single family condominiums on property located at Arline Henry Way in West Asheville.

Background:

- The Bryson Investment Group LLC, consisting of Kyle Henry and Tyler San Souci, Local Developers, has proposed the development of 12 single family condominiums available to be sold to individuals and families at or below 80% of the Area Median Income (AMI) on a 0.5 acre parcel to be constructed on Arline Henry Way (PIN #9638-52-5112) in the City of Asheville.
- All 12 homes are intended to be at one and two bedrooms - six - one Bedrooms at 803 sq. ft. and six - two bedrooms at 979 sq. ft.
- In 2017, this lot was purchased by Ground Floor Properties, consisting of Kyle Henry, Tyler San Souci & Aaron Palmer, to be developed in partnership with the Bryson Investment Group LLC.
- Plans were submitted to the City of Asheville to develop 12 condominiums on this site the end of September 2020.
- Due to the size of this development, it does not require zoning approval by City Council.
- Water and sewer is available on the property.

Proposal:

- The developer seeks a loan of \$1,200,000 from the City's Housing Trust Fund (HTF).
- Bryson needs this funding, \$100,000 per home, to construct the homes for a total of 12 single family condominiums.
- The construction will be a modular build with a partnership with Cardinal Homes out of Virginia.
- Bryson / Ground Floor Properties is committing the property, estimated at \$450,000, as collateral.
- Bryson proposes to borrow \$1.2M over a period not to exceed 18 months at 1% annual interest rate, with no payments due until the sale of each home or 24 months, whichever comes first.
- Units will be made available to qualified affordable individuals and families with a sale price of approximately \$199,000 for the 1 bedrooms and \$239,000 for the 2 bedrooms, a sales figure that falls within the pricing for individuals and families at an annual 80% AMI.

- The developer, with staff assistance, will attempt to find buyers below 80% AMI that can qualify for these 12 homes with the help of local or national Down Payment Assistance Programs.
- The homes will come with a deed restriction of affordability for 10 years, meaning if the home is sold within that time period, the owner will sell it to another income qualified family at or below 80% AMI.
- Please note - if approved, this project will be subject to the City's underwriting process and further due diligence.
- Additional documents will be required and verified prior to loan closing.
- No loans will be disbursed until all requirements are met.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- HCD - November 17, 2020 - 2-1 approval to move to City Council with Councilwoman Young voting no/not recommending to move to Council.

Pro(s):

- The project produces 12 homes for individuals and families at or below 80% AMI at a location ½ mile from Haywood Road in West Asheville, with good access to transit and essential services.
- The Bryson Investment Group is a local developer with over 10 years of experience building in the Asheville Market.
- Working with Bryson demonstrates the City of Asheville's commitment to working with more developers, including for-profit developers and infill developers, to be a part of the solution to affordable housing, both rental and homeownership.
- Affordable homes sold to individuals or families at or below 80% AMI at a sales price that better aligns with the incomes and wages produced in Asheville allows residents to have an opportunity to build wealth with homeownership.
- HTF loans for homeownership allow the funds to be paid back much quicker, at either the sale of the home, or a limited time period like two years.

Con(s):

- Loan amount per unit is above the Housing Trust Policy's recommendation of \$20,000 per unit.
- The affordability period is only 10 years.
- Loan amount requests a 1% interest rate, which is less than the Housing Trust Fund Policy's recommendation of 2% interest on all loans except those given special terms.

Fiscal Impact:

- Approval of this loan request will leave approximately \$600,000 remaining in the HTF for future loans.

Mr. D'Angelo explained what 80% Area Median Income is and the several categories of individuals who would qualify for this housing project.

Mr. Aaron Palmer, real estate broker and part of the development team, said that Pineview Place is an affordable housing project that will provide home ownership to the people who need it the most. The target population is to provide a home ownership opportunity to individuals and families that are at 80% of the Area Median Income. This will be modular construction, which means a quick build time with the ability to provide home ownership within 6 months of beginning construction. Kituwah Manufacturing, the modular company, is owned by

the Cherokee Nation out of Cherokee, N.C. The main focus of Kituwah Manufacturing (d/b/a Cardinal Homes) is to provide affordable housing for their tribe's elders and others in the community who need it most.

Mr. Kyle Henry, general contractor, showed a sketch of a classic Montford style home, with a new age west Asheville flair. This project is a true infill development and conforms to development services of the zoning ordinance. He then explained the floor plans.

Mr. Palmer said that the project is centrally located only ½ mile to Haywood Road, less than a mile walk to Carrier Park and less than ½ mile walk to a public bus line on Hanover Street. They have listened to the community regarding traffic; additioning additional land; the style of building design (working closely with the Development Services Department); curb appeal to have a landscaping buffer; and condo setup to include a low monthly fee that covers items such as water, sewer and maintenance of the property. He explained the build time is expected to be 4-6 months. The proposed payback at the sale of each unit will be at a predetermined amount. The 18 month loan is with a 24 month payback period at the maximum timeframe. In summary, they are targeting 80% AMI; deed restricted for up to 10 years at 80% AMI; one bedroom price is \$199,000; two bedroom price is \$239,000; down payment assistance potentially provided by the City of Asheville along with other bank and mortgage lenders; local mortgage lenders such as Prime Mortgage can help provide financing; local outreach with other local organizations such as Mountain Housing Opportunities, OnTrack and Asheville-Buncombe Community Land Trust; and commitment to working closely with Community Development Division. It is their hope to provide this type of project on other infill parcels in the City of Asheville in order to provide affordable housing to the community with the 5-50 Program, which is their goal to provide 50 similar homes over the next 5 years.

Mr. D'Angelo responded to several questions/comments from Council, some being, but are not limited to: are any of our old Housing Trust Fund loans being repaid back and are there update to the Housing Trust Fund figures at the City Council Housing & Community Development Committee meetings; distinguish the difference between when there is City-owned land for affordable housing vs. dealing with private developers; can the City's Down Payment Assistance Program help people get into these units; is the City working with the developer to partner with other organizations that have down payment assistance programs, i.e., Habitat, Mountain Housing Opportunities, Asheville-Buncombe Community Land Trust; are condo fees taken into account in the price of the units; and can we connect the City's Minority Business Program Manager with the developer.

From advanced live call-ins, 6 individuals spoke regarding this item, some comments being, but are not limited to: concern that the City is loaning money to developers who will make money off a project when we should put money towards free housing for homeless; how does the City determine who gets a Housing Trust Fund loan; is there a way to guarantee people of color are invited and helped to get into these units; assessment of equity should be included in all staff reports; equity can't be achieved until there are structures in place to address the inequities in our community; this should be reviewed by the Office of Inclusion; period of affordability should be extended more than 10 years; and no sign of reparations in the loan or the project.

Mr. D'Angelo responded to Councilwoman Kilgore when she asked if the project affordability could be in perpetuity.

In response to Councilwoman Turner if in the future we might match the interest rate with the number of years in the loan, Mr. D'Angelo said that the Housing Trust Fund policy is beginning to be updated and once complete, it will come to Council for approval.

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

Councilwoman Turner moved to approve The Bryson Investment Group LLC. request for a \$1.2M Housing Trust Fund Loan to construct 12 affordable single family condominiums at the property located at Arline Henry Way in the City of Asheville to be sold to individuals and families at or below 80% AMI. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 72

B. BOARDS & COMMISSIONS

Regarding the Alcoholic Beverage Control Board, the following individuals applied for the vacancy: Sharon West, Robin Cape, Meaghan Austin, James J. Spencer, Keaton Edwards, David Angelus and Gregory Hill. It was the consensus of the Boards & Commissions Committee and City Council to re-advertise for applications.

RESOLUTION NO. 20-238 - RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Homeless Initiative Advisory Committee (HIAC).

The terms of Charles Rosenblum, Elvia Diaz and James Hartye expired on November 1, 2020.

The following individuals applied for the vacancy: Laura Kirby, John Magee, Sara Coplai, Jason Desai and Sarah Rick.

Boards & Commissions Committee recommended reappointing Elvia Diaz (homeless or formerly homeless representative) and appointing Sara Coplai and Jason Desai.

Vice-Mayor Smith moved to (1) reappoint Elvia Diaz (homeless or formerly homeless representative) as a member of HIAC, to serve an additional three-year term, term to expire November 1, 2023; (2) appoint Sara Coplai as a member of HIAC, to serve a three-year term, term to expire November 1, 2023, or until her successor has been appointed; and (3) appoint Jason Desai as a member of HIAC, to serve a three-year term, term to expire November 1, 2023, or until his successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 73

RESOLUTION NO. 20-241 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

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

Pearl DeBellott resigned as a member of the Human Relations Commission, whose term expired on June 1, 2020. Zakiya Bell-Rogers, Nicole Townsend, Isaiah Greene and Daniele Martin have resigned as members of the Human Relations Commission, thus leaving unexpired terms until June 1, 2021. In addition, the terms of Mychal Bacoate and Patrick Conant expired on June 1, 2020.

The following individuals applied for the vacancy: Susy Chandler, Melissa Ray, Sam Franklin, Bernie Lee Miller, Veronica Colt, Alexandra DiSclarfani, Britni Worley, Ricky McGrath, Emma Nichole Worthy, Will Overfelt, Melanie Noyes, Tim Collins, Alfred D. Green, Daniel Young and Brandon Oliver.

On September 22, 2020, and October 27, 2020, at the recommendation of the Human Relations Commission, it was the consensus of City Council to allow the Commission time to interview applicants and make a recommendation.

On December 8, 2020, the Boards & Commissions Committee recommended to postpone appointments to allow the Boards & Commissions Committee further review of the applications. However, Councilwoman Roney, liaison for the Commission, put forth the names of Veronica Colt, Will Overfelt, Alfred Green and Brandon Oliver to be appointed to the Commission in order for the Commission to maintain a quorum.

Councilwoman Roney to (1) appoint Will Overfelt, Brandon Oliver and Alfred Green as members of the Human Relations Commission to each serve a two-year term respectively, terms to expire June 1, 2022, or until their successor has been appointed; and (2) appoint Veronica Colt as a member of the Human Relations Commission to serve the unexpired term of Mr. Greene, term to expire June 1, 2021, or until her successor has been appointed. This motion was seconded by Councilwoman Mosley and carried on a 6-1 vote, with Councilwoman Wisler voting "no."

RESOLUTION BOOK NO. 42 – PAGE 76

RESOLUTION NO. 20-239 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Multimodal Transportation Commission.

Kim Roney (transit representative) has resigned as a member of the Multimodal Transportation Commission, thus leaving an unexpired term until July 1, 2021. David Nutter (greenway representative) and Lisbeth Medlock (transit representative) have resigned, thus leaving two unexpired terms until July 1, 2022. In addition, the terms of Rich Lee (at-large representative), and Patricia Katz (at-large representative) expired on July 1, 2020.

The following individuals applied for the vacancy: Sandy Aldridge, Kristen Goldsmith, John Bausone, Marty Shults, Michael G. Waddle, Lydia Buehrer, Joseph Chester, Maggie Ullman and Bill Loftis.

On August 25, 2020, 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.

On September 22, 2020, at the recommendation of the Multimodal Transportation Commission, it was the consensus of City Council to readvertise and allow the Commission time to review applications and make a recommendation.

The Multimodal Transportation Commission recommended, and the Boards & Commissions Committee concurred, to reappoint Patricia Katz (at-large representative); appoint John Bausone and Michael Waddle as transit representatives; appoint Lydia Buehrer as a greenway representative; and readvertise for the at-large representative.

Vice-Mayor Smith moved to appoint (1) John Bausone (transit representative) to serve the unexpired term of Ms. Roney, term to expire July 1, 2021 or until his successor has been appointed; (2) Lydia Buehrer (greenway representative) to serve the unexpired term of Mr. Nutter, term to expire July 1, 2022, or until her successor has been appointed; (3) Michael Waddle (transit representative) to serve the unexpired term of Ms. Medlock, term to expire July 1, 2022, or until his successor has been appointed; (4) reappoint Patricia Katz (at-large representative) to serve a three-year term, term to expire July 1, 2023; and (5) re-advertise for an at-large representative. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 74

RESOLUTION NO. 20-240 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Neighborhood Advisory Committee.

The terms of Philip Lenowitz (28804 representative) and Barber Melton (28805 representative) expired on July 1, 2020.

The following individuals applied for the vacancy: Damita Jo Wilder, Bonnie Snyder Hanrick, Sharon Sumrall and Peter Abzug.

On September 22, 2020, and October 27, 2020, at the recommendation of the Neighborhood Advisory Committee, it was the consensus of City Council to readvertise for the 28804 and 28805 seats.

Because no one was eligible for the 28804 seat, the Neighborhood Advisory Committee, and the Boards & Commissions Committee recommended appointing Sharon Sumrall (28805 representative) and re-advertising for the 28804 seat.

Vice-Mayor Smith moved to (1) appoint Sharon Sumrall (28805 representative) as a member of the Neighborhood Advisory Commission to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed; and (2) re-advertise for the 28804 representative. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 75

C. VANCE MONUMENT TASK FORCE REPORT

Assistant City Manager Richard White introduced Co-Chairs of the Vance Monument Task Force Deborah Miles and Oralene Simmons. He said “Oralene Simmons, a descendent of people who were enslaved, is a native of Madison and Buncombe County. At Stephens-Lee High School she was a member of the Asheville Student Committee on Racial Equality. She is retired from the City of Asheville Parks and Recreation Department as a Cultural Arts Supervisor and is the president and founder of the Martin Luther King Association of Asheville and Buncombe County. Deborah Miles, a descendent of people who enslaved others, came from Arkansas in 1975 and is the founder of the UNC Asheville Center for Diversity Education. The Center’s work has included the Buncombe County Slave Deeds Project and research about the courageous teenagers of the Asheville Student Committee on Racial Equality.”

Using a PowerPoint, Ms. Simmons said “It is our honor to present to the Buncombe County Commissioners and Asheville City Council the recommendation of the Vance Monument Task Force. In June, following weeks of protests across our nation, an intergenerational group of citizens from Asheville brought a list of demands to our elected officials which resulted in the following objectives being given to the Task Force. We are here tonight to share a snapshot of our work and our recommendations. Beginning in August, we met every Thursday on the public platform of the City. Our momentous task was to be done in four months in the middle of a pandemic. Both Deborah and I thank the task force members who took on a heart trembling decision. We thank the staff of the County and City who supported us, prioritized our safety, and helped us in the tricky spots. Finally, we thank Cortina Caldwell who was awesome in every respect as she gave us both structure and flexibility to address a complex decision. These are all People to Match Our Mountains! It is not possible in these few minutes to share all the research that the task force or staff did. Thanks to Cortina, there is a thorough report that will be shared with Commissioner/Council members for you to read. [we are returning on January 26 and will submit the full report at that time]. We do want to emphasize the community engagement work we did. One charge was to prioritize the voices of people and communities most impacted by the monument. Fliers and social media platforms were used to reach out to a list of community organizations to seek their thoughts, ideas, and concerns for Removal, Relocating, or Repurposing the monument – which was our charge. By the beginning of November we had heard from: (a) Over 1,000 folks through emails, voices messages, and texts; (b) Some 50+ folks in the two public call in events; (c) A petition with over 9,500 signatures on change.org; and (d) Among other occasions that are listed in the more detailed report. We were especially moved by the youth and young adults we heard from as we remember Ella Baker’s charge “Young people come first. They have the courage where we fail”. I’d like to read these quotes to you: ‘I am a senior at SILSA and the leader of Keeping it R.E.A.L.....my recommendation for the Vance Monument is for its removal, and that the money for its removal should come from grants and other financial resources rather than taxpayer-funded. This is wage to the monument being built by repressive forces and should be demolished without the need from taxes from the very people it is currently offending. Thank you for donating your time to this endeavor and removing an emblem of hate’ – **Seth Bellamy**. ‘As a direct descendant of Vance...removing the monument does not erase my family’s legacy, but it does represent a small step toward repairing the harm my family legacy imposed upon this community, which I call home and I deeply love. On behalf of my family, I thank you for your work.’ – **Noel Nickle**. ‘I would like to see the Vance Monument removed. I think that it is cultural appropriation at its finest...I don't see how you would repurpose what it was originally erected for just by placing a plaque upon it or painting it some different colors. It's not going to change the nature of what it is and who it was erected for and what it [obelisk] is meant to do throughout the Egyptian belief system. I do not believe that it should be kept in the form of fashion that it is...’ – **Robert Thomas**. The Task Force then divided into three groups to look at the pros and cons of each option – Remove, Relocate, or Repurpose. We did this as if we were on a debate team and had to speak for both sides of the decision. The list of the pros and cons are in the longer report. These small group assignments were made randomly and in a couple instances landed members in a position group that they didn’t originally support. This forced them to consider different perspectives and sides of the issue. We know this is a decision that will not fit everyone’s preferences. We especially were thinking of the youth that are 20 years old today and what they will need in 2070. We made this decision in light of these epoch times to address the past and look toward the future. On November 19, by a voice vote of 11-1, the Task Force recommended the removal of the Vance Monument.”

Ms. Miles then said “This recommendation is a part of a national reckoning about racial equity that is 400 years in the making. We must match this moment. The Southern Poverty Law Center shares that, prior to 2016, there were some 1800 monuments, plaques and buildings that honored the people and events of the Confederate States of America - about half of them are statues largely in the south. Since the brutal murders at Mother Emanuel in Charleston, 124 statues have come down - 59 since the murders of George Floyd, Breonna Taylor, Ahmad

Arbery and so many others. 19 of those 59 have come down in North Carolina. We are a part of a national movement to end the myth of the Lost Cause and this movement is growing. On December 2, a task force similar to ours in Augusta, Georgia voted to recommend removal of a monument from their town square. Other monuments in the shape of an obelisk have already been removed in Birmingham, Decatur, and New Orleans. I encourage council members and listeners to google such key words as Confederate Statue removal and see where the trend is going. More cities each day are engaged in this process. If you also add the word “obelisk” to the search bar and click on “images” you will see how many Confederate monuments, in the shape of an obelisk, are placed all across the south. National organizations are calling for these removals including the NAACP, The Urban League, Black Veterans, and the National Trust for Historic Preservation. Locally, the task force received letters of support from the Preservation Society, The Arts Council, Carolina Jews for Justice, and the Jewish Community Relations Council. This movement is gaining momentum. We do not want to be home to one of the last standing monuments whose history is connected to a leader of the Confederate States of America on a space that since 1792 has promoted white supremacy. We did not make this decision lightly – and indeed task members went back and forth, some multiple times, on how to move forward. There were respectful discussions and disagreements. All of our public sessions were recorded. I urge you to listen or read the public comment sections with over 50 callers on October 22 and 29 – which are also transcribed on the public platform site. I also urge you to listen to Ms. Simmon’s own experience at the square at the November 12 deliberation – also transcribed on the public platform. The task force spent quite a bit of time looking at repurposing the monument. You will see in the pros and cons in the longer report that the concern for a simple repurposing invites a different administration to replace a plaque 10, 20, 30 years from now – and rededicate it for a third time to Vance, as was done in 2015, and the White Supremacy history the whole square represented. We made this decision imagining the years of 2070 and 2120 with the young people who, in June, brought this proposal to you in mind. We did have numerous folks share very creative ideas on how to design a repurposed obelisk. But designing was not the charge you gave us. Our charge was to choose between Remove, Relocate, or Repurpose. I remind you from the original resolution that whatever becomes of this space you indicated to the community and the task force that it would be done through the creativity of people from the African American community – not by the Task Force. The task force reached out to potential sites for the possibility of relocation and quickly realized that the national conversation about relocating involves both logistics and complex reinterpretation for a new narrative that matches the site. One central concern being that they could become pilgrimage sites for those who venerate the memory of the many aspects of the Confederacy and its current neo confederate admirers. We share the financial concerns that have been expressed. There are support organizations that are gearing up to meet this moment. The Mellon Monument Fund has committed \$250 million to meet this moment. There will be other funding sources including our local Tourism Development Authority as I believe this is a tremendous opportunity to retell our stories to tourists and enlarge the entrepreneurial base. We were also charged with beginning a list of notable African Americans and events related to our shared history and would like to return on January 26 to present that list. We state that this will not be all-inclusive rather only a beginning from which to work. We also state that the Task Force wishes that the site imbue inclusion for both the indigenous and Cherokee people who have lived here for 10,000 years as well as the larger community of souls who make up our mountain home. We recommend to you that the repurposing of Pack Square be more than the footprint of the monument and be about “Placemaking” from the plaza in front of what was once the whites only Pack Memorial Library – now Asheville Art Museum - towards the front entrance of Biltmore Building including the street that now loops back to Biltmore. I ask council members and folks who are listening to imagine the plaza with the obstruction removed and take in the view of the mountains to the west as full and open to our beautiful home in this “land of sky”. We can tell a different story at that spot that will welcome all. We recommend to you that there be an educational component to a reimagining of this public space and suggest that the artists, ethicists, scholars, and changemakers that the Mellon Foundation has organized is a good place to start on this complex reimagining at the heart

of our mountain home. We recommend to you that this historic space – where the first courthouse was erected, where people were sold into enslavement on its steps, where the white's only bathrooms and water fountain stood within many folks living memory, where we have gathered, celebrated, protested, and more be seen as a way to connect both residents and guests to our larger shared story – through entrepreneurial activities across the region. Again, we want to thank the deliberative and courageous work of the Vance Monument Task Force. On their behalf, Ms. Simmons and I thank you for entrusting us with this responsibility. We are humbled by the charge and ask your support of our final recommendations. We are ready to take your questions and comments.”

Councilwoman Mosley, former Co-Chair of the Task Force, thanked the Co-Chairs, Task Force members, facilitator and staff on this hard, laborious task. Not only did the Task Force complete their charge, but they also suggested funding ideas where the cost to remove will not rely solely on the government. She has heard from a few employers in the area about what they can do as far as reparations and some are considering donations for this outcome.

Mayor Manheimer agreed that the Task Force did a great job on this task and appreciated the context of their work.

Councilwoman Kilgore too was impressed with the Task Force's time and energy they spent on this task. However, she has some reservation about actually removing the monument. She feels this is a situation where we can bring the community together and not deepen the divide in the City. She said it may be necessary to remove the monument; however, she felt the process was rushed. As an art history major, this monument has a special meaning. She read in the newspaper of the time capsule underneath the monument and inside was the Colored Enterprise, a newspaper from 1897. She said that by allowing them to place that newspaper in the capsule, they were practicing inclusion. She felt the monument is a tremendous piece of art and it is a part of our history. She felt we should build on that history and change the complexion to make it a monument for all people.

Councilwoman Wisler also thanked the Task Force. She is supportive of removing the monument but was concerned about the cost. She also felt we need a plan on what to put on that property if the monument is removed.

Councilwoman Roney also expressed gratitude to the Task Force members. She would support removing the monument.

Councilwoman Turner as well thanked the Task Force for dedicating their time and energy to come up with their recommendation. She supported their recommendation to remove the monument; however, she too was concerned about the cost.

Councilwoman Mosley moved to accept the recommendation of the Vance Monument Task Force, and that we partner with Buncombe County, and direct the City Manager to work with the Buncombe County Manager to develop an execution plan to include ideas for funding. This motion was seconded by Vice-Mayor Smith.

From advanced live call-ins, 12 individuals spoke in support of the Task Force recommendation to remove the Vance monument; and one individual urged Council to leave the Vance monument as it is.

The motion made by Councilwoman Mosley to accept the recommendation of the Vance Monument Task Force, and that we partner with Buncombe County, and direct the City Manager to work with the Buncombe County Manager to develop an execution plan to include ideas for

funding, and seconded by Vice-Mayor Smith carried on a 6-1 roll call vote, with Councilwoman Kilgore voting “no.”

Mayor Manheimer said that this will have to come back to council in the future to review the plan information and give further direction.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

A. PUBLIC COMMENT

From advanced live call-ins, 12 individuals spoke to Council, including, but not limited to the following comments: reinstate open live public comments (without pre-registration); defund the police by 50%; disappointment in purchasing weaponry for our police officers; support for removal of Vance monument; opposed to remove Vance monument; urge adoption of resolution to block arms sales that could include parts manufactured in Buncombe County; and need for racial equity to be embedded in all Council actions.

Mayor Manheimer said that the economic development project with Pratt & Whitney Corporation is not within the City limits and the City is not involved in the incentive portion of this project.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:24 p.m.

CITY CLERK

MAYOR