

Tuesday – April 27, 2021 - 2:30 p.m.

## Budget Worksession

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.

City Manager Campbell said this presentation will consist of (1) budget process review; (2) current year financial status update; (3) next year General Fund base budget status; (4) priorities and additional investments; and (5) revenue neutral property tax rate discussion.

Key takeaways include (1) making budget and service delivery changes based on internal work, community input and Council priorities; (2) limited funding available to make new investments in Council priorities; and (3) budget adoption is a step in an ongoing process.

Budget Manager Taylor Floyd explained the Fiscal Year 2021-22 budget process review. He explained the internal budget development (1) process drivers (a) two crises (pandemic and social unrest); and (b) expected limited new revenue; (2) challenges identified (a) too few resources spread over services; (b) differences in access to information and organization lead to inconsistent service delivery; and (c) inclusive community input is difficult to obtain; and (3) response strategies (a) refocus engagement to neighborhood level; and (b) develop clear data-informed framework for decision making. Community engagement updates (1) process drivers (a) continued conversation from reimagining public safety work in 2020; and (b) online survey and 6 virtual sessions; (2) challenges identified (a) connecting City budget to individuals; (b) access to City staff and services; and (c) support for neighborhoods; and (3) response strategies (a) strategies identified through internal budget work; and (b) funding for small-scale neighborhood investment. And, City Council strategies & priorities (1) process drivers - development of City Council priorities from Vision 2036 through priority strategies identified in 2019 to four priorities from April City Council retreat; (2) priorities identified (a) reparations; (b) reimagining public safety; (c) compensation; and (d) utilization of ARPA funding; and (3) response strategies - utilize internal and community strategies to guide future investments in priorities.

Finance Director Tony McDowell then provided Council with the financial update of the current year status since early March. In response to the economic turndown, the City balanced this current budget by (1) avoided layoffs, furloughs, or service reductions; (2) appropriated fund balance; (3) no raises for employees; (4) implemented hiring review and held positions vacant; (5) kept operating budgets flat; and (6) no new services or expansions. He explained that positive signs on revenues and expenses continue. He explained the current year General Fund summary, noting (1) revenue trending better than expected; (2) budget strategies utilized to balance the current year helped in the short term; and (3) unassigned Fund Balance will slightly exceed policy target. He then provided Council with an update on the enterprise funds.

Finance Director McDowell provided Council with the Fiscal Year (FY) 2022 General Fund base budget. He reviewed next year's strategies with challenges identified (1) too few resources spread over services; (2) access to City staff and services; and (3) inclusive engagement and neighborhood support. He reiterated Council priorities of (1) reparations; (2) reimagining public safety; (3) compensation; and (4) utilization of ARPA funding. Response

strategies include (1) refocus engagement to neighborhood level; and (2) develop clear data-informed framework for decision making.

He then outlined the baseline General Fund revenue for a total growth of \$5.6 Million (+4.2%). He then outlined expense drivers if personnel examples - totalling \$2.7 Million; and operations examples - totalling \$1.3 Million. The General Fund budget for the following items held flat with FY 21 budget amounts (1) Other Post-Employment Benefits (OPEB); (2) capital and debt; (3) employee health; (4) workers compensation; and (5) liability (risk).

Budget Manager Floyd then reviewed the FY 22 priorities and additional investments. He outlined the 13 Council priority strategies. Using a chart, he showed the transit investments from FY 2016 to FY 2021. Sustainability investments include (1) developing a climate justice screening tool; (2) exploring pathways to hire more BIPOC members to help with education and outreach; (3) utilizing existing funding and partnerships to support low and moderate income solar installations; (4) partnering with Asheville-Buncombe Food Policy Council and Bountiful Cities to create templates for food emergency preparations; and (5) partnering with Planning & Fire Department to help inform, create and support Resiliency Hubs. Additional investments for Transit Master Plan implementation is \$1.0 Million; and small-scale neighborhood grants of \$50,000. For reparations, additional investments include \$200-300 for a planning and community engagement process. Regarding employee compensation, additional investments include (1) moving employees to new minimums - \$4.5 Million; and (2) compression adjustments for employees at or above new pay grade minimums - for a total of \$7.8 Million. Regarding reimagining public safety, ongoing investments include (1) reallocated funding to neighborhood support (CAPE), Data & Performance, and homelessness outreach; and (2) reallocated service delivery for noise ordinance enforcement and animal services (DSD), parking wardens (Parks & Rec). Additional investments for reimagining public safety include (1) 911 service consolidation - \$1.0 Million; (2) staffing to support noise ordinance enforcement & animal services (DSD) - \$100,000; (3) crisis response team for mental health and substance abuse - to be determined; and (4) houselessness response team - to be determined.

Budget Manager Floyd said that regarding prioritizing use of ARPA funding (1) intersection of existing priorities and authorized use of funds; (2) move faster to utilize funding where prior work and plans already exist; and (3) engage those that were most impacted by pandemic to determine how funding can best help them recover and provide future resilience. He then reviewed the Government Finance Officers Association's guidance on ARPA funds, along with the National League of Cities guidance on ARPA funds. Asheville's guidance principles will be to align with priorities, use an equity lens, focus on measurable impact, leverage partnerships, invest in resilience, and consider the long term.

Budget Manager Floyd said prioritized uses for the ARPA funds include (1) financial stability (revenue loss) - \$5.0-6.0 Million; (2) staff support to manage funding (3 positions over 3 years) - \$600,000; (3) non-congregate sheltering - \$1.2 Million; and (4) low barrier shelter - \$5.0 Million. External requests that are potentially eligible include Homeward Bound (\$2.0 Million) and Helpmate (\$2.0 Million). ARPA qualified uses are (1) respond to the COVID-19 emergency and address its economic effects, including aid to households, small businesses, nonprofits, and industries such as tourism and hospitality; (2) provide premium pay to essential employees or grants to their employers; (3) provide government services affected by a revenue reduction resulting from COVID-19; and (4) make investments in water, sewer and broadband infrastructure.

Finance Director McDowell explained the revenue neutral property tax rate. The tax rate that would produce the same levy as the current tax rate on the new valuation is 38.30-cents. He explained that each penny above revenue neutral generates \$1.9 Million in additional property tax revenue. He then explained the impact of an additional penny on property owners. Finance

McDowell responded to questions from Council throughout his presentation on the property tax rate.

Using a chart, he showed new investments, but without additional revenue, it will be difficult to do the new investments.

There was discussion regarding revenue neutral property tax rate.

City Manager Campbell, along with Finance Director McDowell and Budget Manager Floyd responded to various questions/comments from Council, some being, but are not limited to: is there any increase in the current year frozen salaries; will there be any funds over the 15% Fund Balance and if so, what is that number; request to provide a history on the sanitation fee increases; do the sanitation fees cover sanitation and recycling; can staff provide more detail on the \$5 Million for the low barrier shelters; what is the disconnect between making racial equity as part of the ARPA plan and our prioritized uses; what is the percentage of minorities that are houseless; regarding transit, what are the benefits of the turnkey model; what is the \$1 Million for transit master plan implementation; regarding reimagining public safety, we need to be clear on what that the ongoing investments will look like, not just reallocation; concern that we will get input from the public but it will be too late for inclusion in our budget; are there other funds for transit expansion; discussion regarding the Black Mountain transit route; request for staff to identify what one-time expenses are for the new investments; the City should not feel they can't raise property taxes because the County is considering raising their property taxes; need for more partnerships, not less bus service; thoughts on employee compensation so we don't get back into the same position in a few years; request to have staff send to Council the presentation given to the Finance & HR Committee in February of 2020 regarding a program to offset rising property taxes to income qualified homeowners; and maybe use the land use incentive grant type program regarding property tax rebates to landlords who continue to rent the units at affordable rates.

At 4:20 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – April 27, 2021 - 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:**

#### **II. CONSENT AGENDA:**

At the request of Councilwoman Roney, Consent Agenda Items "D.1" and "D.2" were removed from the Consent Agenda for discussion and/or individual votes.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 13, 2021**
  
- B. ORDINANCE NO. 4368 - ORDINANCE AMENDING CHAPTER 2, ARTICLE 3 OF THE CODE OF ORDINANCES TO UPDATE THE ROLES AND RESPONSIBILITIES OF THE DOWNTOWN COMMISSION AND THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION RELATED TO DESIGN REVIEW**

**Action Requested:** Adoption of an amendment to Chapter 2, Article 3 of the City's Code of Ordinances updating the roles and responsibilities of the Downtown Commission and Asheville Area Riverfront Redevelopment Commission related to design review.

**Background:**

- The Asheville City Council adopted Ordinance No. 4855 on February 23, 2021 which amended Chapter 7 (the Unified Development Ordinance "UDO") to expand design review to include hotels and established a new Design Review Committee to perform design review for all projects located within a design review area (Hotel Overlay, Downtown and Riverfront areas).
- Prior to Ordinance No. 4855, design review had been performed by designated subcommittees of both the Asheville Downtown Commission and the Asheville Area Riverfront Redevelopment Commission with a final vote performed by the applicable full Commission.
- Chapter 2, Article 3 of the City of Asheville Code of Ordinances should be updated to reflect that design review is no longer a responsibility of these respective commissions.

**Council Goal(s):**

- A Well Planned and Livable Community

**Committee(s) and Commission(s):**

- None

**Pro(s):**

- Makes Chapter 2 of the City's Code of Ordinances consistent with Chapter 7

**Con(s):**

- None

**Motion:**

- Motion to approve the proposed amendments to Chapter 2, Article 3 of the City's Code of Ordinances related to the roles and responsibilities of the Downtown and Asheville Area Riverfront Redevelopment commissions related to design review.

**ORDINANCE BOOK NO. 33 - PAGE 270**

- C. RESOLUTION NO. 21-77- RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH CIGNA HEALTH AND LIFE INSURANCE COMPANY AND EXPRESS SCRIPTS INC. FOR PROVISION OF EMPLOYEE HEALTH INSURANCE COVERAGE**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into contracts with Cigna Health and Life Insurance Company (Cigna) and Express Scripts, Inc. (ESI) for provision of employee health insurance coverage.

**Background:**

- Blue Cross Blue Shield of North Carolina is the current health insurance provider for employees of the City of Asheville.
- Analysis conducted by Willis Towers Watson, the City's benefits consultant, revealed the City's current plans are below market norms.
- The City issued an RFP to solicit proposals to provide health insurance coverage for City of Asheville employees and their dependents on December 14, 2020.
- The City received four responses to the RFP for employee health insurance coverage.
- The Evaluation Committee consisting of Peggy Rowe, Special Assistant to the City Manager; Larisa Lowman, Compensation and Benefits Manager; Shannon Barrett, HR Director; Tony McDowell, Finance Director; and Taylor Floyd, Budget Manager; reviewed all RFP responses and narrowed the field to three firms.
- The final three firms were evaluated by the Evaluation Committee and Cigna Health and Life Insurance Company and Express Scripts, Inc. were selected to provide employee medical and pharmacy insurance coverage.

**Vendor Outreach Efforts:**

- Request for proposal was issued December 14, 2020, with a response deadline of January 11, 2021.
- Under the City's Business Inclusion Policy, contracts for banking or insurance services are excluded from the scope and application of the policy.
- Outreach efforts were performed by posting the RFP on the State's Interactive Purchasing System.

**Council Goal(s):**

- A Financially Resilient City

**Pro(s):**

- Entering into contracts with Cigna and ESI will provide employees access to medical plans that meet market norms.
- Cigna will provide increased care management for plan participants.
- The proposed contracts will provide access to more robust medical coverage, dependable pharmacy coverage, wellness initiatives and resources, with a goal to improve participant health, resulting in cost containment.
- Cigna and ESI will guarantee the administrative fees for four years with no increases.
- The proposed fees match the current fee structure with BlueCross Blue Shield so there is no increase in administrative costs.

**Con(s):**

- Failure to enter into the contract will leave the City of Asheville employees and their dependents without health insurance coverage for the 2022 fiscal year.

**Fiscal Impact:**

- No increase to the current budgeted amount for employee health insurance coverage with a potential for cost savings.

**Motion:**

- Adopt resolution authorizing the City Manager to enter into contracts with Cigna Health and Life Insurance Company (Cigna) and Express Scripts, Inc. (ESI) for provision of employee health insurance coverage.

Jessica West encouraged City Council to delay action on this item in order to give employees an opportunity to see how many employees will be impacted due to providers not being in the Cigna system.

In response to Councilwoman Wisler, Human Resources Director Shannon Barrett explained that Human Resources has been collecting feedback from employees about their experience with Blue Cross Blue Shield for the last several years. The level of customer service has declined steadily. Employees have expressed their concerns regarding coverage and claims processing issues. The City's Benefits Consultant, Willis Towers Watson, conducted a thorough audit of our plans and concluded that they are below market norms. The last time a Request For Proposal (RFP) was issued for health insurance coverage was 2012, almost ten years ago. It is common practice to go to market on a regular basis to ensure we are receiving good rates and have access to the best plan designs. We recognized that any change in health insurance coverage will result in disruption for some members in the current plans. This factor was built into the RFP process and was heavily weighted in the selection process. In addition to minimizing the disruption of providers, the RFP also emphasized a need for robust plan design with a focus on care management and wellness. The goal of the RFP was to identify the strongest plan provider with the least possible disruption. Cost containment was also a consideration but was not the driving factor. The selection committee selected Cigna based on these factors. At the time of the RFP, there was an anticipated disruption rate of about four percent with Cigna's network. It is very common to experience disruption when converting health insurance coverage. Cigna has a process in place to add new providers at any time so there is the potential for disruption to be reduced below the anticipated four percent. While a formal survey was not conducted, HR did gather anecdotal feedback from employees as well as from our own Employee Health Services providers. The feedback has been positive about the move to Cigna.

In response to Councilwoman Roney about the impact of a delay in order to have an official survey of employees, Ms. Barrett said that they are on a tight timeline with the Fiscal Year of July 1. The challenge we would face is that employees would be without coverage.

**RESOLUTION BOOK NO. 42 - PAGE 181**

- D. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT**

**BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND FOR THE 2021 HIDTA GRANT**

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

- E. RESOLUTION NO. 21-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PATTON CONSTRUCTION GROUP FOR THE OVERLOOK ROAD SIDEWALK PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Patton Construction Group of Asheville North Carolina in the amount of \$265,320 for the construction of the Overlook Road Sidewalk Project and further authorizing the City Manager to

execute any change orders that may arise during the project up to the contingency amount of \$26,532 (10%).

**Background:**

- The City of Asheville passed a General Obligation Bond in 2016.
- Within this Bond, money was budgeted to construct new sidewalks and Overlook Road was identified as one of these sidewalks.
- The limits of this project are from Briarcliff Dr. to Pinchot Dr.
- This project has gone through an extensive public engagement process and review process by the North Carolina Department of Transportation.
- Bids for construction were advertised on March 10, 2021.
- Bids were opened as originally scheduled on March 31, 2021.
- There were four bids received on March 10, 2021.
- The contractor names and bid amounts are listed below:
  - Appalachian Paving (Asheville, NC) \$300,562.50
  - Bartholomew Construction (Hendersonville, NC) \$367,133.94
  - Patton Construction (Asheville,NC) \$265,320
  - Whaley Construction (Kodak, TN) \$393,021
- Patton Construction of Asheville, North Carolina was the lowest responsive, responsible bidder and the bid was within the budget established for this project.
- The construction will start in early June.
- The contractor has 120 calendar days to perform the work.
- The work is scheduled to be complete by the end of September.

**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.
- An annual aspirational goal of 4.6% was set for the prime contractors focusing outreach to MBE with a documented disparity in the construction field.
- These contractors specifically include Black, Native, and Asian American contractors.
- Two percent of the total dollar amount of this contract will be performed through a certified MWBE. EZ Striping is a HUB certified Black-owned business out of Forest City, NC.
- They are subcontracted to provide striping on this project.

**Council Goal(s):**

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

**Committee(s):**

- None.

**Pro(s):**

- Project works towards fulfillment of the General Obligation Bond.
- Will fill in sections of missing sidewalk that add to pedestrian safety.

**Con(s):**

- Possible reduced levels of service for automobiles during the day while being constructed.

**Fiscal Impact:**

- Funding for the Overlook Road Sidewalks project is included in the General Obligation Bond Program.
- The contract amount is \$265,320 for the construction of the Overlook Road Sidewalk Project plus a contingency amount of \$26,532.

**Motion:**

- Move to adopt a resolution authorizing the City Manager to enter into a contract with Patton Construction Group of Asheville North Carolina in the amount of \$265,320 for the construction of the Overlook Road Sidewalk Project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$26,532 (10%).

**RESOLUTION BOOK NO. 42 - PAGE 182**

**F. RESOLUTION NO. 21-79 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SOLE SOURCE PROCUREMENT OF ACCUBRINE SYSTEM MAINTENANCE, REPAIR, PARTS AND UPGRADES UNTIL THE END OF LIFE OF THE CARGILL ACCUBRINE SYSTEM OF SALT BRINE EQUIPMENT**

**Action Requested:** Adoption of a resolution supporting the sole source procurement of AccuBrine system maintenance, repair, parts, and upgrades, and that such items be exempt from competitive bidding per the sole source statute based on standardization, until the end of life of the Cargill AccuBrine system.

**Background:**

- In May 2020, the Streets Division of the Public Works Department was contacted by its representative from Cargill Salt - Road Safety, the manufacturer of AccuBrine (the system used to produce brine for anti-icing in the winter).
- The Cargill representative stated that the software and electric controls for the current system are no longer manufactured or supported, making Asheville's current system obsolete.
- The existing proprietary AccuBrine system thus requires upgrades that must use Cargill parts and all upgrade designs.
- According to NCGS §143-29, Procedure for letting of public contracts, one of the exceptions to the bidding requirement is standardization: "Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration" (NCGS § 143-129 (e)(6)).
- Any maintenance, repair, parts, and upgrades to the AccuBrine system must be consistent in parts and design with the current Cargill brining system, thus meeting the standardization exception.

**Council Goal(s):**

- Transportation & Accessibility

**Pro(s):**

- Upgrades the current AccuBrine system, and allows for future procurement of maintenance, repair, parts, and upgrades to keep the entire brining system standardized with Cargill AccuBrine equipment.

**Con(s):**

- None



**Fiscal Impact:**

- Funding for this purchase (\$88,460) has been previously approved and is available for expenditure in the Streets Division of the Public Works Department budget for Fiscal Year 2020-21.

**Motion:**

- Motion to adopt a resolution supporting the sole source procurement of AccuBrine system maintenance, repair, parts, and upgrades, and that such items be exempt from competitive bidding per the sole source statute based on standardization, until the end of life of the Cargill AccuBrine system.

**RESOLUTION BOOK NO. 42 - PAGE 183**

**G. RESOLUTION NO. 21-80 - RESOLUTION SUPPORTING THE SOLE SOURCE PROCUREMENT TO PURCHASE SAFETY PROTECTIVE BARRIERS FROM PROTERRA AFTERMARKET PARTS FOR INSTALLATION IN FIVE EXISTING PROTERRA ELECTRIC BUSES IN ASHEVILLE RIDES TRANSIT FLEET**

**Action Requested:** Adoption of a resolution supporting the sole source procurement to purchase safety protection barriers from Proterra Aftermarket Parts for installation in five (5) existing Proterra electric buses in the Asheville Rides Transit (ART) fleet.

**Background:**

- On May 12, 2020, the City Council adopted a resolution authorizing the City Manager to execute a purchase order of approximately \$140,000 for work for Proterra to engineer, design, retrofit, and install safety protection barriers from AROW Global Corporation, the manufacturer of the safety protection barriers, in five (5) existing 35-foot electric buses.
- A sole source procurement through Proterra Aftermarket Parts is necessary to ensure that the safety barriers are designed and installed correctly to fit the inside configuration of the existing Proterra electric buses that the City of Asheville owns.
- AROW Global Corporation is Proterra's approved provider of the safety protection barriers.
- CARES Act funds will be used to purchase and install safety protection barriers in the buses.
- The use of sole-source procurement is permitted in this instance pursuant to N.C.G.S. 143-129(e)(g)(iii) as equipment compatibility is an overriding concern.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- None

**Pro(s):**

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

**Con(s):**

- None

**Fiscal Impact:**

- The CARES Act provides 100% of the funding with no local match required.

- The budget for this purchase was adopted at City Council's May 12, 2020, meeting.

**Motion:**

- Motion to adopt a resolution supporting the sole source procurement to purchase safety protection barriers from Proterra Aftermarket Parts for installation in five (5) existing Proterra electric buses in the Asheville Rides Transit (ART) fleet.

**RESOLUTION BOOK NO. 42 - PAGE 184**

**H. RESOLUTION NO. 21-81 - RESOLUTION AUTHORIZING A SOLE SOURCE JUSTIFICATION PURCHASE OF REPLACEMENT LED STREET LIGHT FIXTURES FROM LEOTEK ELECTRONICS, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE APPROPRIATE PURCHASE ORDERS**

**Action Requested:** Adoption of a resolution authorizing a sole source justification for the purchase of replacement LED street light fixtures from Leotek Electronics, and authorizing the Purchasing Manager to issue appropriate purchase orders.

**Background:**

- The City and Duke Energy Progress, Inc. entered into an addendum to the existing service agreement between the two parties in June 2011 for the installation of customer-owned LED lighting fixtures and automatic photo controls on company poles.
- Automatic photo controls cut the LED lighting fixtures on at dusk and off at dawn.
- The City is required to purchase company-approved LED lighting fixtures from company-approved vendors.
- LED technology has advanced tremendously over the last several years and as a result, only one company-approved vendor, Leotek Electronics, can supply the LED lighting fixtures that the City must purchase.
- The sole source justification should be in effect until June 30, 2022.

**Council Goal(s):**

- A Clean and Healthy Environment
- Transportation & Accessibility

**Committee(s):**

- None

**Pro(s):**

- Enables the City to continue purchasing customer-owned LED lighting fixtures per the agreement.
- Enables Duke Energy to replace customer-owned LED lighting fixtures per the agreement.

**Con(s):**

- None

**Fiscal Impact:**

- The anticipated total cost of the subject purchases throughout the stated lifetime is \$100,000.
- Funding is included in the Transportation Department's annual operating budget each year for needed replacements.

**Motion:**

- Motion to adopt a resolution authorizing a sole source justification for the purchase of replacement LED street light fixtures from Leotek Electronics and authorizing the Purchasing Manager to issue the appropriate purchase orders.

**RESOLUTION BOOK NO. 42 - PAGE 185**

**I. RESOLUTION NO. 21-82 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO HARPER CORPORATION'S CURRENT MILLS RIVER WATER TREATMENT PLANT MISCELLANEOUS PHASE 1 IMPROVEMENTS PROJECT**

**Action Requested:** Adoption of a resolution for a Change Order to Harper Corporation's current Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements contract, in the amount of \$1,475,624.78 with a 10% contingency of \$147,562.48, for a total of \$1,632,187.26 for this change order. Total project bid cost is \$3,392,624.78; with contingency the total budget impact is \$3,836,737.26.

**Background:**

- Ozone is an important disinfectant process in the treatment of drinking water at the Mills River Water Treatment Plant (WTP).
- The basement of the ozone building at the Mills River WTP flooded due to several situations arising at the same time.
- A manway to an empty ozone contactor chamber (basin) was left open due to needed repairs; heavy rains over a short time period caused high water levels in the sludge lagoons; and at the same time, staff needed to drain one of the sedimentation basins.
- Water was unable to drain to the lagoons and backed up into the contactor and thus the basement of the ozone building.
- Staff is now aware of this potential flooding situation.
- Safeguards have been put in place.
- Staff has improved signage and training to ensure the issue does not happen again.
- The damage was significant and requires replacement of all associated equipment.
- It also requires replacement of assets involved with the current Miscellaneous Phase 1 Ozone Rehabilitation project at the facility.
- The flooding damaged existing equipment as well as newly installed equipment.
- Harper Corporation holds the current open contract for the Phase 1 project.
- Harper Corporation will continue with the current project and the replacement of equipment damaged by the flooding.
- All necessary rehabilitation steps will be covered under this Change Order.

**Vendor Outreach Efforts:**

- Harper Corporation is currently under contract.
- As this is a work change directive, no further outreach was performed.

**Council Goal(s):**

- Clean & Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- Ensures the Mills River WTP will be able to use all aspects of the original design (Ozone) to treat the source water of the Mills River.
- Ensures the Mills River WTP will continue to appropriately produce drinking water for the public.

- Ensures the operational staff safety by the replacement of all affected equipment.

**Con(s):**

- Without the use of ozone, the City could be out of compliance with the EPA Disinfection By-Products rule.
- Ozone helps to reduce the total organic carbon that is the precursor to Disinfection By-Products (Total Trihalomethanes and Haloacetic acids - HAA 5).
- Increased costs to produce high quality potable water due to loss of ozone treatment, resulting in other treatment processes having shorter life cycles.

**Fiscal Impact:**

- \$1,475,624.78 with 10% contingency for a total of \$1,623,187.26, to be funded within the existing Water Treatment Improvements Capital Improvement Program (CIP) budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a Change Order to Harper Corporation’s current Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements contract, in the amount of \$1,475,624.78 with a 10% contingency of \$147,562.48, for a total of \$1,623,187.26.

**RESOLUTION BOOK NO. 42 - PAGE 186**

**J. RESOLUTION NO. 21-83 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING FOR THE CAROLINA LANE - LANGREN ALLEY ASPHALT RESURFACING PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a contract with French Broad Paving in the amount of \$183,857.50 plus a 15% contingency of \$27,578.62 (\$211,436.12 total) for the Carolina Lane-Langren Alley Resurfacing contract.

**Background:**

- Both of these streets (Carolina Lane and Langren Alley) have had numerous utility projects over the years and the pavement is in very poor condition. Both streets are located in the Central Business District. The project encompasses the entirety of Carolina Lane (Woodfin Street to E. Walnut Street) and Langren Alley (E. Walnut Street to N. Market Street).
- Resurfacing will also improve stormwater flow, especially on Langren Alley.
- The combined pavement length is .18 miles.
- The project was advertised on March 9, 2021, and bids were opened on March 31, 2021.
- The following bids were received:
 

French Broad Paving of Marshall, NC	\$183,857.50
JLS Company of Hendersonville, NC	\$269,961.44
Harrison Construction Company Asheville, NC	\$360,365.00
Bryant Land and Development Industries, Inc. of Burnsville, NC	\$535,041.70
- The contractor has been given the option of when to commence work on the project during the paving season from June 1 to December 15, 2021.
- Once work commences, the contractor will have 60 days to complete all work.

**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.

- Staff also checked the NC Historically Underutilized Business and NCDOT MWBE databases for potential contractors.
- Only one company from an identified disparity group was found in the ten-county area and staff directly contacted that company.
- The company did not bid as a prime contractor, but is listed as a subcontractor with several of the prime bidders.
- One MWBE submitted a bid with French Broad Paving.
- The MWBE, New Dimensions of Fletcher, NC, will install the pavement markings for the project.
- This subcontractor is a woman-owned business.
- The rest of the work will be performed by the prime contractor.
- The established goal for this project was for 4.6% of the total funds to be expended with MWBE companies. However, the contract only expends 1.9% with MWBE companies.

**Council Goal(s):**

- Transportation and Accessibility

**Committee(s):**

- None

**Pro(s):**

- Provides for repair of two streets that are in very poor condition.
- These streets also serve as popular pedestrian corridors in the Central Business District.

**Con(s):**

- Construction will disrupt access on both streets.
- Efforts will be made to minimize disruptions.
- The contractor will work on one end of the street at a time to ensure that access remains open.

**Fiscal Impact:**

- Funding for this project is coming from the 2016 General Obligation (GO) Bond Transportation budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with French Broad Paving in the amount of \$183,857.50 plus a 15% contingency of \$27,578.62 for a total of (\$211,436.12 total) for the project known as Carolina Lane – Langren Alley Asphalt Resurfacing.

**RESOLUTION BOOK NO. 42 - PAGE 187**

**K. RESOLUTION NO. 21-84 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE DEPT. OF VETERANS AFFAIRS TO PROVIDE TEMPORARY SPACE FOR ASHEVILLE FIRE DEPARTMENT'S STATION 8**

**Action Requested:** Adopt a resolution authorizing the City Manager to sign an agreement with the Department of Veterans Affairs to provide space for Fire Station 8 while renovations to the station occur.

**Background:**

- Fire Station 8 will be having its bay floors repaired and resurfaced in May 2021.
- The repair requires displacement of the crew and fire apparatus during the work.
- The Department of Veterans Affairs has agreed to provide temporary space to the City of Asheville and the Asheville Fire Department during the duration of the repairs at no cost.
- The Asheville Fire Department will occupy the space for a duration of two weeks; and the agreement will be valid for 90 days following the execution of the Memorandum of Understanding.

**Vendor Outreach Efforts:**

- Agreement is with Department of Veterans Affairs

**Council Goal(s):**

- Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- The agreement promotes community partnerships and engagement.
- The space is being provided at no cost to the City.
- The Asheville Fire Department continues its long history of working with other government agencies to deliver public safety services.

**Con(s):**

- None Identified

**Fiscal Impact:**

- None

**Motion:**

- Motion for a resolution authorizing the City Manager to enter into an agreement with the Federal Department of Veterans Affairs to provide temporary space for the Asheville Fire Department during repair of Fire Station 8's bay floors.

**RESOLUTION BOOK NO. 42 - PAGE 188**

- L. RESOLUTION NO. 21-85 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY A CONTRACT WITH RAMADA INN (D/B/A FIVE P MOUNTAIN LLC) FOR EMERGENCY NON-CONGREGATE HOMELESS SHELTER AND OPERATIONS FOR 42 ROOMS AT THE RAMADA INN**

**ORDINANCE NO. 4369 - BUDGET AMENDMENT FROM AMERICAN RESCUE PLAN FUNDING TO FUND THE CONTRACT WITH THE RAMADA INN AND THE CONTRACT WITH SUNRISE COMMUNITY FOR RECOVERY & WELLNESS**

**Action(s) Requested:** Authorize the ratification of a contract to support an emergency non-congregate homeless shelter at the Ramada Inn; and a budget amendment in the Special Revenue Fund in the amount of \$468,407 from American Rescue Plan (ARPA) funding to fund the contract with the Ramada Inn and the contract with Sunrise Community for Recovery & Wellness.

**Background:**

- On Monday, April 19, 2021, the City executed an emergency contract for a non-congregate shelter at the Ramada Inn at 148 River Ford Parkway.
- Tuesday, April 20, 2021, was the end of the seven-day notice to individuals camped at City-owned property at Riverbend Park.
- Approximately 35 individuals were transported and provided shelter at the Ramada Inn.
- The Ramada Inn (dba Five P Mountain, LLC) agreed to provide 42 rooms for this purpose with a total cost not to exceed \$381,000.
- The term of the agreement with Ramada is for a period of up to 90 days.
- Additionally, Sunrise Community for Recovery & Wellness, a local non-profit peer support organization, agreed to offer onsite supportive services to the individuals relocated to this shelter at a total cost of \$87,407.
- This amount is within the City Manager's authority to approve and therefore does not require a Council resolution.
- These contracts enabled the City to provide a low-barrier shelter option for people experiencing homelessness that have been given notice to remove encampments on City property.
- The resolution will ratify the emergency contract for the Ramada Inn and allocate funds for this purpose.

**Council Goal(s):**

- A Well-Planned and Livable Community
- A Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- Addresses public health and safety
- Provides a low barrier shelter option to address the needs of the homeless

**Con(s):**

- None

**Fiscal Impact:**

- Allocate funds from the American Rescue Plan in the Special Revenue Fund in the amount of \$468,407 for a contract with Ramada Inn (dba Five P Mountain, LLC) for the operation of a low barrier shelter for people experiencing homelessness, and for a contract with Sunrise Community for Recovery & Wellness for onsite supportive services.

**Motion(s):**

- Motion to adopt a resolution ratifying a contract to support an emergency non-congregate shelter for people experiencing homelessness at the Ramada Inn; and a budget amendment in the amount of \$468,407 from American Rescue Plan (ARPA) funding to fund the contract with the Ramada Inn and the contract with Sunrise Community for Recovery & Wellness.

Melanie Noyes felt that low barrier shelters are a good start, but we need City sanctioned campsites with sanitation services.

**RESOLUTION BOOK NO. 42 - PAGE 189  
ORDINANCE BOOK NO. 33 - PAGE 272**

**M. MOTION TO REVISE THE FISCAL YEAR 2021-22 BUDGET CALENDAR TO INCLUDE A BUDGET WORKSESSION ON MAY 11, 2021, AT 2:30 P.M.**

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

Councilwoman Wisler moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Items "D.1" and "D.2". This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

**ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES**

**D. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT**

**BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND FOR THE 2021 HIDTA GRANT**

**Action Requested:** Adoption of a resolution to apply for and accept the 2021 High Intensity Drug Trafficking Areas (HIDTA) Grant on behalf of the Asheville HIDTA branch; and adopt a budget amendment in the City's Special Revenue Fund in the amount of \$275,416.

**Background:**

- The Asheville Police Department acts only as the fiduciary for the grant.
- When expenses are incurred, the fiduciary settles the claims using appropriated City of Asheville funds and then requests a 100% reimbursement from the federal government.
- The Asheville HIDTA is the direct beneficiary of the grant funds and not the Asheville Police Department.
- The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration, one officer from the Asheville Police Department, and various individuals from the Sheriff Offices of several Western North Carolina Counties.
- A United States Drug Enforcement Administration supervisor, who is the Asheville HIDTA manager, determines how grant funds will be expended.
- All members of the Asheville HIDTA receive reimbursement when they incur qualified expenses conducting Asheville HIDTA business.
- The Office of National Drug Control Policy has preliminarily determined that the City of Asheville is eligible to manage this grant totaling \$275,416.
- The purpose of the HIDTA program is to reduce drug trafficking and production in the United States, specifically in areas where drug-related activities are having a significant harmful impact.
- Grant funds are used for overtime, travel, services and supplies.
- All expenses are tracked and audited by local and federal authorities.

**Council Goal(s):**

- A Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**



- Fosters partnerships with federal and local law enforcement agencies.

**Con(s):**

- None

**Fiscal Impact:**

- There is no local match required.

**Motion:**

- Motion to adopt a resolution approving the application and acceptance of the grant; and a budget amendment to appropriate the funding.

Rachel Bliss felt the City will be perpetuating the war on drugs, and that the City needs to look elsewhere for grant dollars to build communities..

Due to lack of a motion to adopt the resolution or budget amendment, no action was taken on these items.

Councilwoman Wisler asked if this item comes back to City Council she would like to have information on the role of the Asheville Police Department and how reimagining public safety plays in this program.

At the suggestion of Vice-Mayor Smith, it was the consensus of Council to have this item reviewed by the Public Safety Committee.

**III. PRESENTATIONS & REPORTS:**

**A. GREATER ASHEVILLE REGIONAL AIRPORT ANNUAL REPORT**

Executive Director of the Greater Asheville Regional Airport Authority Lew Bleiweis provided Council with a highlight of their accomplishments and activities each year. They began 2020 on the heels of the biggest year in the history of the airport - they served 1.6 million passengers, which was an astounding 43% increase over the previous year. Much of their year was focused on a response to the pandemic, keeping the airport operating in the safest and health-focused way possible. He explained how the pandemic affected the airport and how their employees found creative ways to serve others and bring some "normalcy" to the airport. A focus on infrastructure enhancements was important and he outlined some of the enhancements, i.e., utility upgrade, ground transportation lot upgrade, south apron expansion project, new parking areas, runway 17-35 commissioned, and purchase of Broadmoor Golf Links. The growth at the airport during the past six years revealed the tangible need for a larger and modernized airport terminal. Highlights include public input, operational goals identified, key partners, and new air traffic control tower. He said that in 2020 with travel nearly ceasing in the month of April, followed by a slow partial recovery through the year, Asheville was one of the more fortunate airports in the country. Airlines maintained most routes (at lower frequencies), and even added or announced new routes during the year. New routes included American, Allegiant, and a year-end route map. Regarding finances, at June 30, 2020, the Authority's assets exceeded liabilities by \$169,081,647. That is an increase of more than \$14.2 million from 2019 and an increase of \$30.6 from 2018.

**IV. PUBLIC HEARINGS:**

**A. PUBLIC HEARING FOR SUBMISSION OF THE CITY'S ANNUAL ACTION PLAN FOR 2021-22 TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT**

Community Development Program Director Paul D'Angelo said that this is a public hearing for submission of the City's Annual Action Plan for 2021-22 to the U.S. Dept. of Housing & Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the 2021-22 Annual Action Plan. This public hearing was advertised on April 16 and 23, 2021.

Mayor Manheimer opened the public hearing at 5:37 p.m.

**Background:**

- The City has received the 21/22 HUD allocation notice and will have approximately \$1,137,995 in CDBG funds and \$1,370,760 in HOME funds available for the fiscal year that will begin July 1, 2021.
- Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, have made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the city limits of Asheville.
- Below are the proposed use of funds:

**CDBG PROGRAM**

<b>2021-2022 PROGRAM</b>	<b>Funding Recommendations</b>
Asheville-Buncombe Community Land Trust -Permanently Affordable Housing Services	\$39,184
Asheville Area Habitat for Humanity - Affordable Home Repairs for Low Income	\$128,000
Caring for Children, Inc. - Trinity Place Runaway and Homeless Youth Shelter	\$15,000
Carolina Small Business Development - Western Women's Business Center (WWBC)	\$100,000
Eagle Market Streets Development - EMSDC Incubate to Innovate	\$25,000
Eliada Homes, Inc. - Eliada Homeless Services	\$22,272
Getting Back to the Basics- Project Lighten Up After School Virtual Learning	\$10,000
Haywood Street Congregation (HSC) -Haywood Street Respite (HSR)	\$15,000
Helpmate, Inc. - Emergency Shelter for Domestic Violence Survivors	\$17,500
Helpmate, Inc. - Housing Case Management for Domestic Violence	\$49,241
Homeward Bound of WNC - AHOPE Coordinated Entry	\$33,199
Homeward Bound of WNC - Acquisition - Permanent Supportive Housing	\$100,000
Homeward Bound of WNC - Housing Services - Permanent Supportive Housing	\$81,000
Mountain BizWorks - Opportunity Asheville: Expanding Access to Small Business	\$100,000
Mountain Housing Opportunities, Inc. - Emergency Home Repair	\$95,000
OnTrack Financial Education & Counseling - Housing & Financial Capabilities Program	\$15,000
Partners Unlimited, Inc. - Academic Enhancement Program	\$10,000
Pisgah Legal Services - Homeless Prevention Project	\$20,000
SPARC Foundation, Inc. - Changing Together Program	\$20,000
YWCA of Asheville and WNC - Empowerment Child Care Program	\$15,000
City of Asheville- CDBG Planning and Administration	\$227,559

<b>RECOMMENDED FUNDING</b>	<b>\$1,137,955</b>
----------------------------	--------------------

**HOME INVESTMENT PARTNERSHIP PROGRAM**

**Proposed Use of Funds:**

<b>2021-2022 PROGRAM</b>	<b>Funding Recommendations</b>
Commonwealth Development - Fairhaven Summit	\$100,000
Community Housing Coalition of Madison Co. - Rural Replacement Housing	\$165,000
Eliada Homes, Inc. - Eliada Homeless Services	\$20,208
Helpmate, Inc. - Rental Assistance for Domestic Violence	\$50,000
Homeward Bound of WNC, - HOME Asheville - Tenant Based Rental Assistance	\$80,000
Homeward Bound of WNC, - HOME Buncombe - Tenant Based Rental Assistance	\$100,000
Housing Authority of the City of Asheville, - Tenant Based Rental Assistance Mobility	\$75,000
SCG Development Partners, LLC. - Ovata at Ascension	\$100,000
WDT Development ,LLC. - White Pines Villas	\$100,000
Workforce Homestead, Inc. - Falling Waters	\$402,862
City of Asheville - HOME Planning and Administration	\$137,076
CHDO Reservation - CHDO Contingency	\$40,614
<b>RECOMMENDED FUNDING</b>	<b>\$1,370,760</b>

- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).
- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan, FY20/21-24/25.

**Council Goal(s):**

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

**Committee(s):**

- Asheville Regional Housing Consortium Board - March 25, 2021 - Approval
- Housing & Community Development Committee - March 26, 2021 - Approval

**Pro(s):**

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

**Con(s):**

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

**Fiscal Impact:**

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The FY 2021-22 budgets for both the CDBG & HOME programs will be included in the annual budget ordinance that City Council will adopt in the coming months.

Mayor Manheimer announced that there were no advanced live call-ins for this item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Turner moved to recess this item until May 11, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

**V. UNFINISHED BUSINESS:**

**A. RESOLUTION NO. 21-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ASHEVILLE-BUNCOMBE UNITED FOR YOUTH NETWORK**

Laura Elliott, Senior Director of Community Schools and Network Development of the United Way of Asheville and Buncombe County, explained that United for Youth Network is a multigenerational, cross-sector, cradle to career partnership built on the foundational principle that equity and educational excellence are inseparable. It’s vision is that all children and youth learn, grow and thrive in a vibrant, healthy and connected community. It’s mission is to actively identify and remove barriers to opportunity and co-create solutions that support student success

The community goals is by 2035, all Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams.

The Network’s theory of action & change is (1) By committing to working more boldly as individual organizations and by aligning and leveraging community resources as a network, we will improve systems for equitable student learning and educational excellence; and (2) By committing to a results-based accountability framework, we will support one another and hold one another accountable through continuous learning and course corrections along our path towards our shared vision, mission and bold community goal.

Why now? While overall high school graduation rates have risen over the years, disparities are worsening. Not all students are prepared with the skills and experience for postsecondary education and/or living wage jobs (college, career, community ready). COVID-19 pandemic has exposed long-standing inequities in education. There is strong momentum and a clear call for cross-sector collective impact approaches.

The Network partners include: A-B Tech, Asheville City Schools, ACS Foundation, Buncombe County, Buncombe County Schools, Buncombe Partnership for Children, Big Brothers Big Sisters, Chamber of Commerce, Children First/Communities in Schools, My Daddy Taught Me That / My Sistah Taught Me That, Racial Justice Coalition, UNC Asheville, YMCA of WNC, YWCA of Asheville, and United Way ABC.

Special Assistant to the City Manager Peggy Rowe said that the City of Asheville's commitment, the City agrees to continue to provide community learning centers or Positive Opportunities to Develop Success (PODS) at our recreation centers. The City will continue and potentially expand Asheville Parks & Recreation programs in a safe environment for everyone in our community to include: Summer Youth Programs, Teen Summer Camp Program, Summer Camp at Malvern Hills, Therapeutic Recreation Summer Camp and o WNC Nature Center Wild Weeks Camp. The City Will continue to reimagine the role of Resource Officers to include support of United for Youth Partnership; evaluate affordable housing needs to align with the United for Youth Program; continue to grow the City of Asheville Youth Leadership Academy, also known as CAYLA as well as other opportunities for workforce development; continue to enhance and expand affordable housing; continue to improve and expand transit access to those who rely on it most; and fully participate in data sharing and mutual accountability with partners.

"City Staff Report:

**Background:**

- Addressing the opportunity gap specifically for black and brown children is a priority for the City of Asheville.
- Addressing the "*whole child*" as a community and specifically as a City, is crucial to improving the education system which ultimately improves the quality of life for everyone in a community.
- Addressing the whole child includes but it is not limited to, providing workforce development, affordable housing, better access to transportation, afterschool programs and support to families.
- Asheville-Buncombe United for Youth Network is a multigenerational, cross-sector, cradle to career partnership built on the foundational principle that "Equity and Educational Excellence are Inseparable."
- Coordinated by United Way of Asheville and Buncombe County, this collaboration is working toward the following:
  - **Vision:** ALL children and youth learn, grow and thrive in a vibrant, healthy and connected community.
  - **Mission:** To actively identify and remove barriers to opportunity and co-create solutions that support student success. Bold Community Goal: By 2035, ALL Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams.
  - By committing to a results-based accountability framework, partners will support one another and hold one another accountable through continuous learning and course corrections along our path towards our shared vision, mission and bold community goal.
  - By joining the partnership, including the shared vision, mission and bold community goal, The City of Asheville commits to act in good faith to uphold the agreements described in the partnership agreement.
- The City will continue to prioritize and support the effort to address the achievement gap for black and brown children.
- The City agrees to continue to provide community learning centers or Positive

Opportunities to Develop Success (PODS) at our recreation centers.

- The City will continue and potentially expand Asheville Parks & Recreation programs in a safe environment for everyone in our community to include: Summer Youth Programs; Teen Summer Camp Program; Summer Camp at Malvern Hills; Therapeutic Recreation Summer Camp; and WNC Nature Center Wild Weeks Camp.
- The City will continue to prioritize utilization of funding through the Strategic Partnership Fund to address the opportunity gap.
- The City will continue to (1) Reimagine role of Resource Officers to include support of United for Youth Partnership; (2) Evaluate affordable housing needs to align with the United for Youth Program; (3) Continue to grow the City of Asheville Youth Leadership Academy, also known as CAYLA as well as other opportunities for workforce development; (4) Continue to improve and expand transit access to those who rely on it most; and (5) Fully participate in data sharing and mutual accountability.

**Council Goal(s):**

- An Equitable and Diverse Community

**Pro(s):**

- Partnership will help ALL children and youth learn, grow and thrive in a vibrant, healthy and connected community.
- Partnership will actively identify and remove barriers to opportunity and co-create solutions that support student success.
- Partnership will help ALL Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams.

**Con(s):**

- None

**Fiscal Impact:**

- None at this time.”

Ms. Elliott responded to Councilwoman Roney’s inquiry about the early warning and response system, which is a shared system based on confidentiality, practices, laws and agreements between our schools, youth service organizations and parents so that schools and community partners can see when a student is starting to fall off-track, have time to problem solve and put supports and interventions in place and track those interventions. All of the Asheville City Schools have this system in place; however, each school is in a different stage of implementation.

Councilwoman Roney pointed out the long list of community partners who have not officially signed on yet to the agreement and was concerned about the capacity of data entry for some of the smaller or grassroots organizations. Ms. Elliott responded that they have hired a data and evaluation specialist and one of her responsibilities is specifically to support smaller grassroots organizations and nonprofits with that data tracking collection and hearing the needs that are specific to them.

Councilwoman Wisler said that we have prioritized our strategic partners and we have prioritized tackling the achievement gap; so, she asked that the Housing & Community Development Committee look at all of our strategic partners that receive City funds and who are addressing the achievement gap to have them commit to be a part of this network.

In response to Vice-Mayor Smith, Ms. Elliott said that this partnership agreement is designed so that each organization can craft their own unique value path. There is a lot of responsibility on the larger organizations reaching out and being supportive of smaller organizations.

Councilwoman Kilgore supported this program and felt it is a beginning of what we need to bring together a great program for our youth.

Mayor Manheimer thanked Ms. Elliott for this hard work and appreciated United Way taking on the task of being the convenor.

Councilwoman Roney said that as she has been having conversations in the community about what this could mean. One concern is about partner capacity and barriers. The second concern is the focus on data collection and what happens if a parent, guardian or student doesn't opt in because of existing trust issues. She wondered how that will impact our outcome data. Her third concern is about our role as a partner. Hearing that we are just going to do what we do and more of it will not give us different outcomes. She is looking for not just not a transactional data relationship but a transformational relationship that will result in the positive outcomes that our students really need.

Mayor Manheimer announced that there were no advanced live call-ins for this item.

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

Councilwoman Kilgore moved to authorize the City Manager to enter into a partnership agreement with The Asheville Buncombe United for Youth Network which includes Lead Organization, The United Way, Buncombe County as well as other community partners which will form the Asheville Buncombe United for Youth partnership agreement. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

## **RESOLUTION BOOK NO. 42 – PAGE 190**

### **VI. NEW BUSINESS:**

#### **A. ORDINANCE NO. 4370- ORDINANCE PROHIBITING DISCRIMINATORY PRACTICES IN PRIVATE EMPLOYMENT AND PUBLIC ACCOMMODATIONS**

City Attorney Branham said that this is consideration of adoption of an ordinance prohibiting discriminatory practices in private employment and public accommodations.

#### **Background:**

- Presently, the State of North Carolina does not prohibit businesses from discriminating against employees or customers on the basis of certain personal characteristics, like sexual orientation and gender identity.
- From March 30, 2017, through December 1, 2020, the State of North Carolina expressly prohibited local governments from regulating private employment practices and/or public accommodations.
- Because it appears unlikely that the State will adopt laws prohibiting discriminatory practices in private employment and public accommodations, it is necessary for local governments to adopt non-discrimination ordinances in order to prevent such expressions of bigotry and inequity.

- City staff has worked closely with Buncombe County staff to develop substantially similar non-discrimination ordinances, to be adopted by each government, in order to ensure that discriminatory practices in employment and public accommodations will be consistently prohibited throughout the Asheville metropolitan area.
- The ordinance proposed would prohibit discrimination in employment or in public accommodations based upon any of the following: race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability.

**Council Goal(s):**

- An Equitable and Diverse Community
- A Thriving Local Economy

**Committee(s):** Governance

**Pro(s):** Prohibits discriminatory practices in private employment or public accommodations.

**Con(s):**

- May result in counteraction by the State Legislature.
- This occurred previously with the bill commonly known as HB2 which temporarily prohibited cities from passing such ordinances.

**Fiscal Impact:**

- It is expected that the enforcement of the proposed Non-Discrimination Ordinance will be able to be fulfilled by the City's Office of Equity and Inclusion, without an increase in that department's budget.

He said that the purpose of this ordinance is (1) To prevent discrimination within the City of Asheville in private employment and public accommodations; (2) To provide assistance for anyone experiencing discriminatory housing practices; (3) To align City regulations with that of Buncombe County; and (4) To advance the City's goal of fostering equity and inclusion throughout the community.

It's background is (1) In 2017, NC General Assembly adopted HB 142 (Session law 2017-4); (2) This repealed the former law commonly referred to as "HB 2."; (3) This new law prohibited local governments from enacting ordinances regulating private employment practices and public accommodations; (4) This prohibition ended December 1st, 2020; and (5) Multiple NC cities and counties have adopted new anti-discrimination ordinances. (Chapel Hill, Carrboro, Hillsborough, Durham, Greensboro, Orange, and now Buncombe County)

He explained the proposed City ordinance (1) Prohibits discrimination based upon a person's race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability; (2) Provides a Process for enforcement through education and conciliation; and (3) Includes options for civil penalties and other legal remedies when voluntary resolutions cannot be reached.

Ordinance elements (1) Prohibits discrimination in Private Employment; (2) Applies to any employer of one or more person (a) Includes hiring, tenure, conditions of employment, etc.; (3) Prohibits discrimination in Public Accommodations (a) Any place, facility, store, or other establishment which supplies accommodations, goods, or services to the public; and (4) Exemptions (a) Among others, religious educational institutions or corporations.



Process and Penalties (1) Complaints of discrimination filed with City Office of Equity and Inclusion; (2) Persons or entities receiving complaints may provide a written answer; (3) The Office of Equity and Inclusion will commence an investigation; and (4) Some "Discovery" is authorized; (5) Investigations will use a "Reasonable Cause" standard of review; (6) Complaints will be addressed through education, mediation, and conciliation; and (7) If these efforts are unsuccessful, additional penalties may be utilized (a) \$100 civil penalties and potential injunctive relief; and (b) No criminal penalties.

Due Process (1) Following investigation, the Office of Equity and Inclusion will issue a final report to the parties; (2) Appeals from these decisions can be made to a panel consisting of the City Manager, the City Human Relations Director, and the City Attorney; (3) Appeals must be filed in writing to the City Clerk within 10 days of the final decision; and (4) Further appeals can also be made to the State Superior Court.

Timing (1) In coordination with Buncombe County, the City's ordinance would take effect on July 1, 2021; (2) This will allow local businesses and government agencies to prepare for implementation of the new rules; and (3) Provide a period for education and training.

When Councilwoman Roney asked if we would look at the fines in the future because now the fines are less than some traffic violations, City Attorney Branham responded that Council can review in the future if higher levels of civil penalties would be appropriate. He hoped that we can deal with this issue through an educational process and not punitively fine individuals.

Councilwoman Mosley said that her father, the Rev. Dr. Charles Mosley, in addition to being a pastor, he was also a civil rights activist. Prior to his recent passing she had the opportunity to speak with him regarding this issue. He counseled her that civil rights should always be expanded and never sought to be reduced. It was his opinion that this ordinance was worth moving forward with. So, when she casts her vote in favor of this ordinance, she will do so with him in mind and out of a desire to make him proud.

From advanced live call-ins, 9 individuals spoke in support of the ordinance prohibiting discriminatory practices in private employment and public accommodations.

One advanced live call-in asked City Council to vote against the ordinance prohibiting discriminatory practices in private employment and public accommodations.

Councilwoman Roney thanked those who called in and shared their stories, those who voiced the fines were not enough, those who called for support needed in the Office of Equity & Inclusion to have the capacity to enforce the ordinance, those who remind us that our religious freedoms are protected by the First Amendment, but the protection against discrimination in employment and in public accommodations is not, and her students. This is a starting point and we have far to go. With the passage in Virginia of their House Bill 6 it was news to her to learn about source of income as needing protecting against discrimination to safeguard the use of housing vouchers.

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

Councilwoman Roney moved to adopt an ordinance prohibiting discriminatory practices in private employment and public accommodations. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

**ORDINANCE BOOK NO. 33 – PAGE 273**

**C. RESOLUTION APPOINTING MEMBERS TO THE DESIGN REVIEW COMMITTEE**

Mayor Manheimer said that these appointments will be moved to the May 11, 2021, meeting.

**VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:**

From advanced live call-ins, 4 individuals spoke to Council for several reasons, some being, but are not limited to: why an administrative investigation is now taking place of the individual who gave the command to destroy the medical tent back in June of 2020; and the need for City sanctioned tent sites and sanitation services.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 7:00 p.m.

---

CITY CLERK

---

MAYOR