

Tuesday – May 11, 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 that this worksession will provide an overview of (1) the budget process review; (2) overview of draft recommendations for proposed investments in Council priorities and property tax rate; and (3) next steps for the budget process and Rescue Plan funding.

She outlined the key takeaways from this worksession which will be (1) draft recommendations are based on internal work, community input and Council priorities, and reflect a continuation of the reimagining public safety process; (2) a property tax rate above revenue neutral is tentatively recommended to fund investments in Council priorities; and (3) some initiatives included in the Manager's Recommended Budget presented on May 25 will need to be finalized during the year.

Budget Manager Taylor Floyd provided Council with the Fiscal Year (FY) 2021-22 review. He reviewed the internal budget development process drivers, challenges identified and response strategies; the community engagement update process drivers, challenges identified and response strategies; and City Council strategies and priorities' process drivers, challenges identified and response strategies. From the community engagement sessions, there was interest in understanding how budget affects individuals and how to make an impact on budget decisions; increased access, convenience and transparency; clearer, plain language communication; being part of resource allocation and prioritization; empowered decision-making; and neighborhood level investments. From employee engagement sessions, there was interest in compensation as an important part of feeling valued; more staff resources to address both Council priorities and core service delivery; more strategically using existing resources; and more coordinated community engagement.

Budget Manager Floyd and Finance Director Tony McDowell provided highlights of draft recommendations. He reviewed draft investments in reparations; neighborhoods & housing; youth; reimagining public safety (safe communities); transportation; environment; economic development; and employees and workforce. From the new investments totaling \$9.9 Million against the available funding of \$4.3 Million, there is a gap of \$5.7 Million.

Regarding draft revenue recommendations (1) sustainable property tax rate (a) set rate at 3-cents above revenue neutral; (2) minimize impact of fee increases while maintaining services (a) water fees increase by \$6.56 bi-monthly for the typical homeowner primarily to cover capital infrastructure needs, and remain at a lower level than they were in FY 2020; and (b) no increase in solid waste or stormwater fees; (3) strategically utilizes available fund balance for one-time investments; and (4) continue planning for the investment of ARPA funding. He then explained how 3-cents above revenue neutral will generate \$5.7 Million.

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: climate emergency and the impact of racism in our entire community are two additional crises to take into account; explanation about the LUIG and fee rebates for affordable housing; discussion of whether an urban forester position is necessary at this time; what is the plan for the tree canopy already lost; discussion of tree in-lieu-of funds and what are the requirements on where those funds can be used and when they are triggered; how many non-police positions are open and is it expected that we can hire all of them on July 1; is the 1.2% LGERS increase based on assuming rates; request for information about positions that are already at market rate and what the difference would be to the \$7.9 Million; confirmation that the 2.5% raise for all City employees covers cost of living for last year and this year; request for comprehensive information showing a the property tax information for not only the City, but the County and the Asheville City School District as well as other fees included in the tax bill; request the City look at the Durham and Charlotte programs that assist people with their property taxes based on income qualifications; request for information of homes that are above the median assessed value; request for information on all open positions that we froze, the positions that we did not freeze that are vacant and if we don't fill all those vacant positions, can the tax increase be lowered; the need for more community partnerships because many neighbors, elders and students can't make ends meet now; and request for staff to send to City Council the Tax Assistance presentation that was presented to the Finance & Human Resources Committee in February 2020. For the information not readily available, staff will provide that information to Council.

At 4:03 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – May11, 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:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 27, 2021**
- B. RESOLUTION NO. 21-87 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH ASTROTURF CORPORATION FOR THE MEMORIAL STADIUM TURF AND DRAINAGE REPLACEMENT PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute the construction contract with AstroTurf Corporation, in the amount of \$908,700, for the Memorial Stadium Turf and Drainage Replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$136,305 (15%).

Background:

- Memorial Stadium Park is a multi-use facility in the heart of downtown Asheville that is used extensively for both recreational and professional activities.
- The playing surface is artificial turf that has exceeded its useful life and is in dire need of replacement.
- This is a maintenance project that will be replacing the existing sub base, playing surface, field drainage system and replacing/relocating the stormwater system.
- This work is being done to ensure safe use of the field.
- Additionally, sidewalks and a ramp will be installed to create accessibility to the concrete seating area on the east side of the stadium.
- This project will start in summer 2021 and be completed in six to eight months.
- Bids were advertised initially on March 10, 2021.
- Three bids were received on the due date of April 1, 2021, but were not opened due to one envelope not being clearly marked regarding the contents.
- This was determined to be an ineligible submission and since this project required three bids, the bids were not opened at that time.
- The project was readvertised on April 7, 2012 and bids were received and opened on April 22, 2012.
- Three bids were received as follows:
 - AstroTurf Corporation, Dalton, GA, \$908,700
 - Sports Fields, Inc., Canton, GA \$1,283,580
 - Baseline Sports Construction, LLC, Knoxville, TN \$1,127,000
- AstroTurf was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- There was a 4.6% goal set for this project
- AstroTurf Corp is the prime contractor that reached out to MWBE companies during bidding and has indicated Stiles Trucking (WBE) as a subcontractor. This represents 2.6% of the total dollar amount of the contract to be contracted with minority and women owned businesses.

Council Goal(s):

- A well-planned and livable community.

Committee(s):

- The Recreation Board is currently not meeting.

Pro(s):

- Safer sports field.
- Field drainage improved.
- Stormwater lines relocated from under the field.
- Old stormwater lines replaced.

Con(s):

- Construction will temporarily close the field to activities.

Fiscal Impact:

- Funding for this contract is included in the adopted Parks and Recreation section of the 2016 General Obligation (GO) Bond program.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute the construction contract with AstroTurf Corporation, in the amount of \$908,700, for the Memorial Stadium Turf and Drainage replacement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$136,305(15%).

Councilwoman Turner initiated discussion about stripping the turf for one sport group (football) which then can't be used for other sport groups, i.e., soccer, lacrosse, etc. Assistant City Manager Cathy Ball said that this contract does not include the striping of the astroturf, only site work and installation. Football is a league sponsored by Parks & Recreation and the City has and worked with them in different ways like camps and little league football throughout the entire year. A concern we would have in just blank turf is there would be the perception that during soccer no one else would be able to use it. We will create a field that will be equitable and anyone playing on that field anytime of year. We can call the manufacturer of the turf and the striping and put a hold on it for approximately \$25,000. If Council chooses to do that, she felt Council could approve the contract today as there is enough work in the storm drainage underneath the turf as well as getting the bedding ready for the turf that it would not hold up the contract, and then direct staff to re-engage the community around the striping for the turf.

It was the consensus of Council to direct staff to re-engage the community around the striping for the turf.

RESOLUTION BOOK NO. 42 - PAGE 191

C. ORDINANCE NO. 4371 - BUDGET AMENDMENT FROM THE BURTON STREET NEIGHBORHOOD COMMUNITY LEADERSHIP ASSOCIATION AND A CITY MATCH TO FUND AN ARCHITECTURAL SURVEY OF THE BURTON STREET NEIGHBORHOOD

Action Requested: Adopt a budget amendment in the amount of \$6,000 in the Special Revenue Fund to accept and budget a one-time donation in the amount of \$4,000 from the Burton Street Community Leadership Association (BSCLA) to fund an architectural survey of the Burton Street Neighborhood and budget the City's match of \$2,000 from the Planning & Urban Design Department's General Fund budget.

Background:

- In 2017, the City began working with the Burton Street Community Association Leadership Association to implement their neighborhood plan as a mitigation strategy for the I-26 Connector project.
- The Burton Street Neighborhood Plan identified implementation of design guidelines and policies that aim to preserve or enhance neighborhood character in order to minimize the impacts of renewed development interest in the neighborhood.
- As a first step in preserving neighborhood character, the City will work with BSCLA to hire a consultant to complete an architectural survey of the neighborhood that will ultimately inform a pattern book for the neighborhood.

- Though voluntary in terms of compliance, a pattern book is a helpful resource for prospective developers, real estate professionals and community members when building new infill development that is compatible with the neighborhood.
- BSCLA was awarded a Technical Assistance Grant in the amount of \$4,000, which is being donated to the City to fund the project.
- Donated funds will be matched by the Planning & Urban Design Department in the amount of \$2,000, for a total project budget of \$6,000.
- Planning & Urban Design staff does not anticipate the project budget exceeding the allocated amount of \$6,000; however, if additional funding is needed, it will be allocated from the Planning & Urban Design Department's budget.

Comprehensive Plan Consistency:

- This project aligns with the Living Asheville Comprehensive Plan's stated goal of elevating the arts and cultural sectors to strengthen and preserve heritage and history with particular attention to the preservation of areas with historic value to communities of color.

Council Goal(s):

- A Well-Planned and Livable Community; An Equitable and Diverse Community.
- A Connected and Engaged Community.

Pro(s):

- Funding will be available to research and document historic resources in the Burton Street Neighborhood.
- The City is partnering with BSCLA to assist in achieving the goals and strategies outlined in the Burton Street Neighborhood Plan.

Con(s):

- None

Fiscal Impact:

- This donation requires a match of \$2,000 to be allocated from the training line item in the Planning & Urban Design Department budget.

Motion:

- Motion to adopt a budget amendment in the City's Special Revenue Fund in the amount of \$6,000 utilizing the Burton Street Community Association Leadership funds and City matching funds.

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D. RESOLUTION NO. 21-88 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TARHEEL PAVING AND ASPHALT INC. FOR THE FISCAL YEAR 2021 ASPHALT PAVING PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Tarheel Paving and Asphalt, Inc. in the amount of \$1,534,663.86, plus a 15% contingency of \$230,199.58 (\$1,764,863.44 total) for the Fiscal Year (FY) 2021 Asphalt Resurfacing contract.

Background:

- The main scope of the project is the resurfacing of 16 streets for a total of 4.45 miles.
- Also included will be repairs to the concrete sidewalk and ADA on four streets - Cedar Street, Kentucky Drive, Ottari Road and St. Davids Court.

- The contract was advertised on March 5, 2021 and bids were opened on April 1, 2021.
- The following bids were received:

Tarheel Paving and Asphalt, Inc. of Hendersonville, NC	\$1,534,663.86
French Broad Paving, Inc. of Marshall, NC	\$1,660,316.40
JLS Company, LLC of Hendersonville, NC	\$1,991,269.60
Harrison Construction of Asheville, NC	\$2,204,005.10
Bryant's Land and Developments Industries, Inc of Burnsville, NC	\$2,575,441.10
- The contract is expected to be available on June 1, 2021 and the contractor has until December 15, 2021 to complete the 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, but is listed as a subcontractor with several of the prime bidders.
- Two MWBEs, both Black-owned, will be operating as subcontractors on the project.
- Tarheel Paving anticipates expending 3.71 percent (\$56,915.00) of the total dollar amount of the contract with these companies.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Provides for the repair and resurfacing of many poorly rated city-maintained roads.
- Will make the sidewalks more ADA-compliant.

Con(s):

- Construction will be disruptive to the neighborhoods and to traffic.
- Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:

- Funding is provided in the Fiscal Year 2021 Streets Program. This funding is part of our annual resurfacing program and is not bond-funded. The total cost of this contract, including contingency, is \$1,764,863.44.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Tarheel Paving and Asphalt, Inc. in the amount of \$1,534,663.86 plus a 15% contingency of \$230,199.58 for a total of \$1,764,863.44, for the project known as FY 2021 Asphalt Resurfacing.

Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

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

III. PRESENTATIONS & REPORTS: None

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO ARTICLES II AND XVI OF THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS RELATED TO HOMESTAYS

Councilwoman Kilgore moved to continue this public hearing until May 25, 2021. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 21-89 - RESOLUTION AUTHORIZING 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

Mayor Manheimer said that this public hearing was held on April 27, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

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

Councilwoman Turner moved to adopt a resolution authorizing submission of the City's Annual Action Plan for 2021-2022 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 2021-2022 Annual Action Plan. This motion was seconded by Councilwoman Kilgore and carried unanimously.

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VI. NEW BUSINESS:

A. FISCAL YEAR 2021-22 FEES & CHARGES

ORDINANCE NO. 4372 - ORDINANCE ADOPTING THE FISCAL YEAR 2021-22 FEES & CHARGES MANUAL

Finance Director Tony McDowell, along with Budget Manager Taylor Floyd, said that this is the consideration of an ordinance establishing the fees and charges for Fiscal Year (FY) 2021-22.

Background:

- Fees and charges comprise 35% of City-wide revenue and 10% of General Fund revenue.
- In an effort to limit the financial impact of the COVID-19 pandemic some fees were waived, late charges were deferred, and no increases were proposed in FY21.
- An attachment was provided of detailed information for proposed fee adjustments submitted during this year's annual budget process, including impacts on revenues, customers and service provision.
- Recommendations for changes to Water Resources rates and to formally include existing fee discounts offered to nonprofits for special events are included in separate staff reports.
- Adjustments to fees charged for stormwater and sanitation services are not recommended for adoption at this time.
- Instead, staff recommends a midyear review of stormwater and sanitation services during the next fiscal year (FY22) that includes more detailed information about service needs and financial context.
- Changes recommended for adoption include adjustments to fees and charges for
 - transit advertising,
 - design and subdivision review in special review areas,
 - sidewalk fee-in-lieu payments,
 - WNC Nature Center admissions,
 - fire safety inspections, and
 - monthly on-street, garage, and off-street lot parking.
- All recommended fee adjustments would become effective July 1, 2021, with the exception of changes to parking garage hourly rates.
- Parking garage rate changes would become effective with the completion of the replacement of garage gating equipment which is anticipated to be June 1, 2021.

Committee(s):

- Finance & Human Resources Committee - April 21, 2021 - unanimously recommended to move forward to full Council with the exception of a proposed \$1.00 charge for the first hour of parking in garages. The new proposal recommends continuing the first hour of garage parking free of charge. This change will result in a \$170,000 decrease in anticipated additional revenue.

Pros:

- Provides an opportunity to recover the cost of services from those that directly utilize or benefit from the service where appropriate, reducing the financial burden of City services on taxpayers.
- Provides additional revenue to help balance the FY 2021-22 budget.
- Allows staff to begin communicating fee changes to the public, customers, and stakeholders so they are aware of changes that will be implemented.

Con:

- A minimal increase in the cost to utilize certain city services.

Fiscal Impact:

- Additional for each proposal are shown in an Attachment A provided to City Council.

Suggested Motion:

- Motion to approve an ordinance amending the fees and charges manual for Fiscal Year 2021-22.

Budget Manager Floyd pointed out an error in the fee structure for parking garage, lot and meter fees. He said staff will review (not remove) existing discounted monthly garage parking rates for Vanderbilt and Battery Park residents at the Harrah's Center garage and monthly lots.

In response to Councilwoman Roney, Assistant Transportation Director Jessica Morriss said that we have not only raised the fee-in-lieu-of for sidewalks to a per square footage charge to cover the actual cost of the sidewalk installation, but have added some additional criteria to make it more difficult for a developer to opt out of building sidewalks or building Americans with Disabilities Act curb cut ramps.

When Councilwoman Turner asked if we could raise the fees in the major works category since larger hotels require more staff time to review, City Attorney Branham said that this will require more research to make sure that we are fully prepared and authorized to make such an additional level of delineation. Generally speaking we are allowed to charge these types of fees and he believes the level of the fee has to be based on the project impacts on the surrounding area, as well as being reasonably proportional. If we have a certain project that will have a greater degree of impact, including on the existing infrastructure, etc., then the possibility to charge a larger fee is possible. He said we would need to review that on multiple levels.

In response to Vice-Mayor Smith, Transportation Director Ken Putnam said that we are only eliminating coins at the parking garages and that currency will still be accepted by the machines.

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

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

Councilwoman Wisler moved to approve an ordinance amending the fees and charges manual for Fiscal Year 2021-22. This motion was seconded by Vice-Mayor Smith and carried unanimously.

ORDINANCE BOOK NO. 33 – PAGE 280**ORDINANCE NO. 4374 - ORDINANCE ESTABLISHING FISCAL YEAR 2021-22 WATER RESOURCES FEES & CHARGES**

Finance Director Tony McDowell, along with Water Resources Director David Melton, said that this is the consideration of an ordinance establishing the Fiscal Year 2021-22 Water Resources fees and charges.

Background:

- Fees and charges fully fund the Water Resources Department functions.
- The Department does not receive any funding from the General Fund.
- In 2018 the North Carolina Supreme Court issued an opinion in the case of Quality Built Homes Inc. v. Town of Carthage.
- In this opinion the Court determined that cities were not permitted to charge water and sewer "impact fees."

- Thereafter, law firms began filing lawsuits against cities throughout the State who had charged these fees in recent years.
- Asheville was also named in two class action lawsuits based upon its Capital Improvement Program (CIP) Fee for water service.
- These lawsuits were settled without any admission of liability by the City.
- The settlement, however, included an agreement to discontinue the CIP fee at the beginning of FY 2020-21.
- The financial impact of this agreement was approximately \$2,100,000 for settlements, and approximately \$7,500,000 in annual revenue from the CIP fee.
- Water Resources has averaged reinvesting approximately \$11,000,000 annually over the past three years in capital improvement projects.
- Loss of the CIP fee revenue has a direct impact on the Department's ability to continue reinvesting in the sustainability of the water system.
- Loss of the CIP fee also impacts the revenue coverage ratio that debt rating agencies, such as Standard & Poor's and Moody's, use to evaluate the credit worthiness of the water system.
- The loss of annual revenue and the impact on the ability to reinvest in the water system necessitated a rebuild of the current Water Resources rate model.
- Raftelis Financial Consultants, Inc. was secured to perform the rebuild of the rate model, which was completed earlier this year.
- An attachment was provided of the overview of the rate model realignment proposal for the various customer classes.
- The proposed rates for FY 2021-22 are slightly higher than current charges, but are less than customers were charged in FY 2019-20 prior to the lawsuit settlements.
- Staff will work with the consultants from Raftelis to refine rate realignment recommendations for Council consideration in future years, which will allow the system to meet its financial requirements while continuing to evaluate the differential between the residential and commercial customer classes.

Committee(s):

- Finance & Human Resources Committee - April 21, 2021 - unanimously recommended to move forward to full Council.

Pro(s):

- Provides an opportunity to recover the cost of services from those who directly utilize or benefit from the service.
- Provides the revenue to continue much needed reinvestment into the water system to maintain sustainability.
- Provides required debt coverage ratios and credit ratings.
- Allows staff to begin communicating fee changes to customers and stakeholders so they are aware of changes prior to the effective date.

Con(s):

- A small increase to current annual costs to customers.
- Additional customer rate increases will likely be required in future years.

Fiscal Impact:

- The bi-monthly impact on the average residential household is shown below. As noted above, detail for all customer classes is included as an attachment to this staff report.

2020 including CIP charge	2021 without CIP charge	2022 proposed fees & charges
\$65.38	\$56.86	\$63.29

***3.2% Decrease from 2020 to 2022**

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

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

Councilwoman Mosley moved to approve an ordinance establishing the Fiscal Year 2021-22 Water Resources Fees & Charges. This motion was seconded by Councilwoman Wisler and carried on a 6-1 roll call vote with Councilwoman Roney voting “no.”

ORDINANCE BOOK NO. 33 – PAGE 299

**ORDINANCE NO. 4374 - ORDINANCE AMENDING THE FISCAL YEAR
2021-22 FEES & CHARGES MANUAL TO INCLUDE A SPECIAL EVENT FEE
DISCOUNT**

Budget Manager Taylor Floyd said that this is the consideration of an ordinance amending the Fiscal Year 2021-22 Fees & Charges Manual to include a special event fee discount.

Background:

- The City has historically offered a fee discount to events produced on public space by non-profit organizations.
- The discount has been attached to the Strategic Event Partnership program and approved by Council resolution.
- Since the discount was approved by a Council resolution specific to that program, it was not included in the Fees & Charges Manual.
- The Strategic Event Partnership program expired at the end of 2019, and along with it, authorization for the discount.
- To continue offering the discount, staff is recommending an addition to the Fees & Charges Manual that states the following:
 - 75% discount provided to state registered and federal 501c non-profit organizations for outdoor special events that are open to the public and produced on public property.
 - This discount would apply to Property Use Fees and Permit Fees only.

Committees:

- This fee change was not reviewed by the Finance and Human Resources Committee as it is not a change, rather a formalization of the fee discount by adding it to the manual.

Pros:

- Provides authorization through the Fees and Charges Manual for the City to continue to offer the current Special Event Fee Discount.

Cons:

- None.

Fiscal Impact:

- The reduction in fee revenue from this program was already included in the revenue estimates for the current fiscal year.

In response to Councilwoman Wisler, Community Event Manager Jon Fillman said that all 501 (c) on-profits, including churches registered in the State of North Carolina, are eligible for the special event fee discount.

When Councilwoman Roney asked if we are able to assess the fees by use (commercial vs. manufacturing) or by the size of the meter, Water Resources Director David Melton said that the differentials that we had in place are still there, plus the base fee. If someone has the larger meter, they will pay a higher base fee.

Councilwoman Roney understood it is important to keep our water infrastructure updated; however, was concerned that we are in a year of recovery and that we might consider shifting some of that burden to our high volume commercial or manufacturing and lessen the burden on our residential and smaller commercial.

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

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 approve an ordinance amending the Fiscal Year 2021-22 Fees & Charges Manual to include a special event fee discount. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 301

B. BOARDS & COMMISSIONS

RESOLUTION NO. 21-90 - RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

On March 23, 2021, by Resolution No. 21-58, City Council revised the membership of the Affordable Housing Advisory Committee to include a Housing Authority staff member and a person with general housing experience. In addition, Parker Smith (general housing experience) has resigned, thus leaving an unexpired term until September 1, 2023.

The following individuals applied for the vacancies: Rodrigo Afanador, Damita Jo Wilder, Eric Howell, Michael Waddle, Joshua Katz, ZaKiya Bell-Rogers, Henry Sannyasa, Cyd Jagers, Chris Woodward, Jessica Montanez, Shannon M. Watkins, Chris Day, Jessie Figueroa, Kyle Gilliland, Brandy Woodward, Jeffrey Vanderlip and Katleen Hasegawa.

The Boards & Commissions Committee recommended appointing Brandy Woodward (HACA staff member), Chris Day (general housing experience) and ZaKiya Bell-Rogers (general housing experience).

Vice-Mayor Smith moved to appoint Brandy Woodward (HACA staff member) and Chris Day (general housing experience) as members of the Affordable Housing Advisory Committee, to each serve until September 1, 2021, and then to each serve a fully three-year term, terms to expire September, 2024, or until their successors have been appointed; and (2) appoint ZaKiya Bell-Rogers (general housing experience) to fill the unexpired term of Parker Smith, term to expire September 1, 2024, or until ZaKiya Bell's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 196

RESOLUTION NO. 21-91 - RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE BOARD

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Civil Service Board.

The terms of Carol Goins and Carter Webb as members of the Civil Service Board expire on May 11, 2021.

No one applied for the vacancies.

The Boards & Commissions Committee recommended reappointing Carol Goins and Carter Webb.

Vice-Mayor Smith moved to reappoint Carol Goins and Carter Webb as members of the Civil Service Board, to each serve an additional two-year term respectively, terms to expire May 11, 2023, or until their successors have been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 197

RESOLUTION NO. 21-92 - RESOLUTION APPOINTING MEMBERS TO THE DESIGN REVIEW COMMITTEE

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that on February 23, 2021, City Council adopted an ordinance regulating hotel development standards and part of that ordinance was the formation of a new Design Review Committee to review applicable hotel applications in the Central Business District or the River District. Four members shall be current members of the Downtown Commission, four members shall be current members of the Asheville Area Riverfront Development Commission, and one member will be appointed by the other eight.

The following individuals applied for the vacancies by the representations of the Downtown Commission or the Riverfront Redevelopment Commission. From the Downtown Commission: Guillermo Rodriguez, Steven Lee Johnson, Kimberly Hunter, Robin Raines and Bryan Moffitt. From the Riverfront Redevelopment Commission: Jane Mathews, Ben Williamson and Jeremy Goldstein.

On April 27, 2021, the Boards & Commissions Committee recommended appointing Robin Raines, Steven Lee Johnson, Kimberly Hunter and Guillermo Rodriguez from the Downtown Commission; and Jane Mathews, Ben Williamson and Jeremy Goldstein from the Riverfront Redevelopment Commission, with the last seat to be filled by a member of the Riverfront Redevelopment Commission at a later date.

Councilwoman Turner said that Guillermo Rodriguez currently serves on the Planning & Zoning Commission and the Downtown Commission and since those are two large boards, she spoke with Mr. Rodriguez who said that he would reapply for the Design Review Committee next year.

Councilwoman Turner moved to appoint Robin Raines, Steven Lee Johnson, Bryan Moffitt and Kimberly Hunter from the Downtown Commission as members of the Design Review

Committee. All term expirations are to coincide with their term expiration on the Downtown Commission, or until their successors have been appointed. This motion was seconded by Councilwoman Kilgore.

When Councilwoman Wisler asked if Mr. Moffitt was a City resident, Councilwoman Turner replied that he is not, but he is the County appointee on the Downtown Commission and is highly recommended. Because the City normally appoints City residents unless a person has special expertise that we cannot find in our pool of applicants, and because we already have several landscape architects in the applicant pool on the Design Review Committee, she felt Mr. Moffitt would be a good fit.

Councilwoman Roney felt that if Mr. Rodriguez was appointed that this would be an opportunity to have insight from the Planning & Zoning Commission as well. Therefore, she asked for a friendly amendment to appoint Guillermo Rodriguez instead of Steven Lee Johnson.

Councilwoman Turner did not accept Councilwoman Roney's friendly amendment, at which time the original motion made by Councilwoman Turner and seconded by Councilwoman Kilgore carried on a 5-2 vote, with Councilwoman Roney and Councilwoman Mosely voting "no."

Vice-Mayor Smith moved to appoint Jane Mathews, Ben Williamson and Jeremy Goldstein from the Riverfront Redevelopment Commission as members to the Design Review Committee. All term expirations are to coincide with their term expiration on the Riverfront Redevelopment Commission, or until their successors have been appointed. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote..

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RESOLUTION NO. 21-93 - 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.

The terms of Tanya Rodriguez, Anne Greene, Veronica Coit, DeLores Venable and Raynette Waters expire on June 1, 2021.

The following individuals applied for the vacancies: Bernie Lee Miller, Alexandra DISclarfani, Brittini Worley, Ricky McGrath, Emma Nichole Worthy, Tim Collins and Amanda Benson-Bremseth.

The Boards & Commissions Committee recommended reappointing Tanya Rodriguez, Veronica Coit and DeLores Venable; appointing Emma Worthy; and continuing to advertise for the other vacant seat.

Vice-Mayor Smith moved to (1) reappoint Tanya Rodriguez, Veronica Coit and DeLores Venable as members of the Human Relations Commission, to each serve a two-year term respectively, terms to expire June 1, 2023, or until their successors have been appointed; and (2) appoint Emma Worthy to serve a two-year term, term to expire June 1, 2023, or until Emma Worthy's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 2 individuals spoke to Council for several reasons, some being, but are not limited to: the lack of knowledge of how the Americans with Disabilities Act compliance works in the City; and the history of Asheville in 1931.

Closed Session

At 6:34 p.m., Councilwoman Roney moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(5). This motion was seconded by Councilwoman Turner.

Councilwoman Wisler said "I understand that we are looking to purchase property for a shelter for our houseless community. But this is far bigger than the purchase of real estate. This is making the commitment to act as the lead agency in addressing the region's homelessness issue. This is making a significant strategic shift in the role of the City. In the past, the City has spent hundreds of thousands of dollars participating with other agencies in addressing the homelessness issue. By even discussing this purchase, we are fundamentally changing the City's role. We will lead the effort. Let me be clear, this is not just a real estate transaction. Homelessness is a huge issue. Homelessness is a crisis. The causes of homelessness are extremely difficult issues and must be addressed on a regional basis. We and the entire country have a huge problem around homelessness and the attendant issues. No one wants the City's parks and open spaces taken over by homeless camps. However, no one wants to just chase our houseless neighbors to another community either. This is a big issue and the City has a significant role to play around this issue. However, the City has no or very little expertise with running a shelter or providing wrap around services. Several regional nonprofits have run or are running shelters. The County has not only the expertise in providing wrap around services but it has the obligation to provide health and human services under North Carolina law. The City will, if this property is acquired, take on the lead role in providing shelter and in providing health and human services. We cannot take this role without regional non-profits, our business, residential and faith communities and the County government partnering with us. We need their long-term commitments if we are to take on this role. Following CDC guidelines during the pandemic has required the City to provide alternatives for shelter if homeless camps are being eliminated. The City has done that and paid for that using federal funds. However, those federal funds will be exhausted within 2 years. After those 2 years, the City will still own a shelter. The City will still own its lead role as the solver of the regional homelessness issue. The City will still have the primary responsibility for providing shelter and health and human services for the homeless population. While we've taken this role on during the pandemic, are we ready to take on this role indefinitely without long-term commitments from our partners? The residents of Asheville have not seen this proposal. They have not seen an estimate of the costs. They have not seen the partnerships that may or may be in place to assist the City in this effort. By discussing this acquisition of property, we will be authorizing staff to approach other people and make offers to purchase property. In good faith, those other people should be able to trust that the City staff has authority to complete a transaction. I don't want to pull the rug out from anyone who, in good faith, negotiates with the City. So if Council authorizes the staff to go ahead with a transaction, effectively Council has authorized a major shift in the City's role around homelessness. Rather than discussing this publicly, we will go into closed session and make this decision. Once staff is authorized to negotiate, the horse has left the barn so to speak. While I recognize the City's

obligation during the pandemic, I am uncomfortable with a long-term obligation without partnerships cemented in place. I want input from our community. I want a clear path to funding. The property owners of Asheville should not be required to assume all of this obligation given the potential other available resources, the City's lack of expertise around operating a homeless shelter and given the regional nature of the homeless issue. We cannot be in this alone. "

The motion made by Councilwoman Roney and seconded by Councilwoman Turner carried on a 5-2 vote with Councilwoman Mosley and Councilwoman Wisler voting "no."

At 8:21 p.m., Councilwoman Wisler moved to come out of closed session. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:21 p.m.

CITY CLERK

MAYOR