

Tuesday – June 22, 2021 - 5:00 p.m.

Regular Meeting

Present: 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

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 JUNE 8, 2021**
- B. RESOLUTION NO. 21-128 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LICENSE AGREEMENT WITH US CELLULAR AT 57 CRESTWOOD DRIVE**

Action Requested: Adoption of a resolution authorizing the City Manager to sign a new license agreement with US Cellular at 57 Crestwood Drive.

Background:

- The City of Asheville owns and controls a telecommunications tower located at 57 Crestwood Drive, primarily for the purpose of vital public safety communications.
- Excess space on the tower is available for telecommunications companies through license agreements with the City.
- U.S. Cellular originally built the tower at Royal Pines in 1987 and has occupied it since that time.
- Their most recent agreement was executed in 2012, at a rental rate of \$30,000 per year with an annual escalation rate of 3%.
- The current license agreement expires September 30, 2022 and US Cellular’s agent has approached the Real Estate Coordinator with a request for an extension.
- The Real Estate Division with the support of IT Services contracted with APC Telecom in Raleigh for an analysis of the current license agreement and its terms, including fair market value rental rates.
- They recommended an increase of over 10% of their current rent and to maintain the escalation rate of 3%.
- Finally, APC Telecom recommended a term as long as possible.
- US Cellular agreed to a term of ten (10) years at a rental rate of \$42,300 per year with 3% escalations.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- This license agreement will ensure that the City has a stable tenant on this tower.
- US Cellular will be paying Fair Market rent with an acceptable escalation clause.

Con(s):

- None.

Fiscal Impact:

- The City will be receiving \$3,525 per month or \$42,300.00, which benefits the General Fund.

Motion:

- Motion to approve the resolution authorizing the City Manager to sign this license agreement for ten (10) years.

RESOLUTION BOOK NO. 42 - PAGE 248

C. RESOLUTION NO. 21-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR AGREEMENT WITH AIR PRODUCTS FOR THE PURCHASE OF LIQUID OXYGEN AT THE MILLS RIVER WATER TREATMENT PLANT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a five year contract with Air Products in the amount of \$322,674 beginning in July 2021. Following the end of five years, the City may continue with three optional one-year contract extensions. Contract extensions will be held to a “not to exceed” product rate increase of 2% per year.

Background:

- Ozone is a key part of the water treatment process at the Mills River Water Treatment Plant.
- Liquid oxygen is a required precursor for the onsite production of ozone.
- The City’s existing eight year liquid oxygen contract with Air Products expires in July 2021.
- The City held a competitive bid for the supply of liquid oxygen to Water Resources for the next eight years.
- In response to the bid advertisement, the Water Resources Department received three (3) bids on May 6, 2021.
- The following companies responded with estimated first five year total costs:
 - Matheson, Irving, T.X. \$359,550
 - Andy Oxy, Asheville, N.C. \$1,755,000
 - Air Products, Allentown, P.A. \$322,674
- Since the costs reflect a multiple year contract, Council approval is required before City staff may award the contract to the lowest responsive bidder.

Council Goal(s):

- A Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Ozone helps to reduce the total organic carbon that is the precursor to Disinfection By-Products (Total Trihalomethanes and Haloacetic acids - HAA 5).

- Ozone is used as the initial disinfectant reducing the need to use chlorine at this step in the treatment process.
- High levels of total organic carbon combined with chlorine can form Disinfection By-Products.
- Enhances the level of water treatment.

Con(s):

- Increased costs to produce high quality potable water due to loss of ozone treatment resulting in other treatment processes having shorter life cycles.
- The City risks being out of compliance with the EPA Disinfection By-Products rule without liquid oxygen.

Fiscal Impact:

- \$322,674 over five years to be funded as part of the Water Resources Fund operating budget as one-year allocations.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a five year contract with Air Products in the amount of \$322,674 beginning in July 2021. Contract may be extended with three optional one year contract extensions at the end of the initial five year term contingent upon funding. Contract extensions will be held to a “not to exceed” product rate increase of 2% per year.

RESOLUTION BOOK NO. 42 - PAGE 249

D. RESOLUTION NO. 21-130 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION, AND IF AWARDED ACCEPT GRANT FUNDS, FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT

Action Requested: Adoption of a resolution authorizing the City Manager to apply for and if awarded accept the Assistance to Firefighters Grant of \$130,910.

Background:

- The primary focus of FEMA’s Assistance to Firefighters Grant program is to provide assistance in funding for firefighting safety and protective equipment that can reduce the risk of exposure to cancer-causing carcinogens.
- AFD was successful in its last request for \$36,000 to fund four sets of personal protective equipment washers and dryers.
- The goal of the current request is to increase the safety and health of our firefighters by increasing the accessibility of breathing air compressors within the Asheville Fire Department.
- The Department requested funds to purchase two SCBA air compressors.
- This equipment would be utilized to support the department’s Air Management and Cancer Prevention Policies.
- Due to the prevalence of carcinogenic materials being emitted throughout the duration of a firefighting operation, the department’s Cancer Prevention Policy requires SCBA usage at all fires for a minimum of 90 minutes after air monitoring indicates a clear environment in a fire occupancy.
- This policy has significantly increased the usage of breathing air at all of our fires while creating a safer work environment for our firefighters.

- AFD assigns approximately 40 members to every working fire incident.
- To fill bottles for these members, AFD relies upon neighboring fire departments that support a countywide air unit which responds to the incident scene.
- This unit is reliable, but there are times where it is unavailable due to being used by one of the other 21 Buncombe County fire departments or being serviced.
- The additional air compressors would allow greater accessibility to air refill by firefighters.
- This request also supports the SCUBA program which is one of two within the western region of North Carolina and the AFD Hazardous Materials Team which is contracted by NC Emergency Management as a regional resource for the 18 western NC counties.
- The overall request for funding via FEMA's Assistance to Firefighters Grant is to increase the safety for all members by providing increased access to breathing air compressors to support the increased usage of SCBA on firegrounds for firefighter safety.

Council Goal(s):

- Smart City

Committee(s):

- Public Safety Committee - June 22, 2021

Pro(s):

- Firefighter safety would be increased significantly

Con(s):

- The City's one time match would be \$13,091

Fiscal Impact:

- Requires a 10% local match.
- The grant amount, if awarded, would be \$130,910.
- One time local match would be \$13,091
- Asheville Fire Department could absorb this match in its operating funds (from the General Fund) in Fiscal Year 2021-22.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for and if awarded accept grant funds from the Federal Emergency Management Agency for the Assistance to Firefighters Grant.

RESOLUTION BOOK NO. 42 - PAGE 250

E. RESOLUTION NO. 21-131 - RESOLUTION ACCEPTING THE ANNUAL FLOOD MITIGATION ACTIONS REPORT AND SUPPORTING THE RE-CERTIFICATION AS A MEMBER OF THE COMMUNITY RATING SYSTEM PROGRAM

Action Requested: Adoption of a resolution accepting the annual Flood Mitigation Actions report and supporting the re-certification as a member of the Community Rating System Program.

Background:

- The City of Asheville joined the Community Rating System (CRS) program, a program through the Federal Emergency Management Agency (FEMA), and administered by the Insurance Services Office (ISO) in 2014.
- As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by Brown and Caldwell to supplement the Buncombe-Madison Regional All Hazards Mitigation Plan.

- Brown and Caldwell is an international Engineering and Consulting firm with a regional office in North Carolina. The team that developed the RLAA Report focuses on flood mitigation and hydrologic engineering.
- Participation in the CRS program provides lower insurance premiums under the National Flood Insurance Program.
- Currently, Asheville property owners receive a 10 percent reduction in their flood insurance premiums through the City's participation in the CRS program, based on the City receiving a Class 8 determination in the program.
- The classes are determined by points awarded based on program elements that enhance or are higher standards than requirements of the National Flood Insurance Program administered by FEMA.
- In order to maintain the current status in the CRS program, staff is required to provide to Council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013.
- The Annual Flood Mitigation Actions Report is provided as Exhibit A.
- Highlighted in the report, staff from multiple departments continue to work together, looking for ways to reduce flooding and damage from floods.
- These efforts include community outreach through the City website, social media, flyers, and events; working with the Army Corps of Engineers and other partners on flood mitigation opportunities; and working with developers and property owners on ways to protect their properties from flooding.

Vendor Outreach Efforts:

- Not Applicable.

Council Goal(s):

- A Clean and Healthy Environment
- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Asheville property owners will continue to receive a 10% reduction on their flood insurance.
- Provides a higher level of protection through the current flood ordinance and improves resilience.
- Promotes public education on the dangers of flooding and the Special Flood Hazard Areas.

Con(s):

- Considerable amount of staff time is necessary to maintain these requirements and improve our program.

Fiscal Impact:

- There is no additional fiscal impact to continuing the efforts necessary for the CRS program. Staff time is currently programmed into the annual operating budget.

Motion:

- Motion to adopt a resolution accepting the annual Flood Mitigation Actions report and supporting the re-certification as a member of the Community Rating System Program.

F. RESOLUTION NO. 21-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH SAM SCHWARTZ CONSULTING LLC FOR THE I-26 CONNECTOR PROJECT DESIGN WORK

Action Requested: Adoption of a resolution authorizing the City Manager to approve an amendment to the Sam Schwartz Consulting, LLC contract to increase the contract by \$7,000, raising the contract total to \$207,000, for I-26 Connector Project design work.

Background:

- City Council approved contract #91800148 with Sam Schwartz Consulting, LLC to provide consulting and engineering services to evaluate and advise City Council on the design of the I-26 Connector project via Resolution #17-204 on September 12, 2017.
- Sam Schwartz Consulting, LLC reviewed the project plans and met with the North Carolina Department of Transportation (NCDOT) and various stakeholder groups to help address design tweaks.
- Sam Schwartz Consulting, LLC prepared a report that was included in the Final Environmental Impact Statement.
- The City of Asheville established an I-26 Connector Project Aesthetics Committee on April 24, 2018, and the initial committee members were approved on July 24, 2018 via Resolution # 18-192.
- Sam Schwartz Consulting, LLC has prepared a report on behalf of the I-26 Connector Project Aesthetics Committee that is currently being reviewed by the NCDOT.
- The work for the Aesthetics Committee included reviewing the possibility of reducing the overall French Broad River crossing's footprint, the possibility of reducing the project's impact on property within Asheville, and maintaining the anticipated capacity of the proposed design.
- This work was much more involved and included more feedback from the committee than anticipated.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Through the efforts of Sam Schwartz Consulting, LLC, the NCDOT and the City of Asheville have been able to agree on design tweaks that support the City's goals.

Con(s):

- None

Fiscal Impact:

- Funding for the \$7,000 increase will come from previously budgeted Capital Improvement Program contingency funds.

Motion:

- Motion to adopt a resolution authorizing the City Manager to approve an amendment to the Sam Schwartz Consulting, LLC contract (contract # 91800148) to increase the contract by \$7,000, raising the contract total to \$207,000.

G. RESOLUTION NO. 21-133 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EXTENSION OF A CONTRACT WITH RIVERTOP CONTRACTING FOR MEDIAN MAINTENANCE IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a one year extension of a contract with Rivertop Contracting in the amount of \$32,222 for the Median Maintenance contract.

Background:

- This extension will be the second and final one year extension to the original contract and brings the total value of the contract to \$96,666.
- The contract is for maintenance of City-owned planting beds throughout the City.
- The extension will take effect at the end of the current extension (July 7, 2021) and run through July 7, 2022.
- The bids for the contract were opened on July 17, 2019 and the following bids were received:

Rivertop Contracting of Swannanoa, NC	\$32,222 per year
Smith and Lloyd Landscaping of Asheville, NC	\$58,110 per year
BuckTom Services of Asheville, NC	\$66,000 per year
B.H. Graning Landscapes of Sylva, NC	\$92,315 per year
Appalachian Paving and Concrete of Swannanoa, NC	\$119,800 per year

Vendor Outreach Efforts:

- Outreach was not performed due to this being an extension.
- This is the final extension for this contract. When the next contract is bid, staff will make a special effort to do appropriate outreach to try to attract minority and women owned businesses. Efforts will include listing the project on the State's Interactive Purchasing System, contacting minority contractors currently known to the City and searching the NCDOT and State of North Carolina Office for Historically Underutilized Business databases for MWBE contractors.

Council Goal(s):

- This project aligns with the 2036 City Council Vision of a Well-Planned Livable Community.

Committee(s):

- N/A

Pro(s):

- Will help maintain city-owned planting beds and islands.

Con(s):

- In some areas the work may temporarily impede pedestrian or vehicular traffic.

Fiscal Impact:

- Funding for this contract is in the Fiscal Year 2021-2022 Public Works Department budget.

Motion:

- City staff recommends City Council adopt a resolution authorizing the extension of the contract to Rivertop Contracting, Inc. in the amount of \$32,222 for the Median Maintenance contract.

RESOLUTION BOOK NO. 42 - PAGE 257

H. RESOLUTION NO. 21-134 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DUDE SOLUTIONS TO RENEW CONTRACT FOR FACILITY DUDE LICENSE, THE CITY'S CARBON TRACKING SYSTEM

Action Requested: Resolution authorizing the City Manager to amend a contract with Dude Solutions for Energy Manager, a carbon emissions tracking system.

Background:

- This software is used to track the energy consumption and carbon emissions from the City's buildings which supports [Resolution 11-77](#), the City's 80% carbon reduction goal.
- This will be the third year the City has utilized this software vendor.
- This software demonstrates that carbon emissions from city facilities are predominately from electricity consumption (74%).
- Through the use of the Dude Solutions Energy Manager software system, the Office of Sustainability and Capital Projects Department have been able to confirm energy savings from efficiency projects.
- For example, the city experienced a 5% reduction in carbon emissions in City Hall following the boiler replacement project.
- Dude Solutions Energy Manager software demonstrates that the most carbon intensive buildings are the Mills River Water Treatment Plant, Harrah's Cherokee Center, North Fork Water Treatment Plant, the Municipal Building, and City Hall.
- The Office of Sustainability and Capital Projects Department utilize this software to identify renewable energy opportunities to help mitigate the City's carbon emissions from buildings.
- Additionally, Dude Solutions is utilized by the Capital Projects Department for facilities work order system allowing an opportunity to connect the two systems.

Vendor Outreach Efforts:

- In 2017, staff performed outreach through a solicitation process which included posting on the State's Interactive Purchasing System
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The contract also includes importing energy usage from the City's Duke Energy bills which otherwise takes considerable staff capacity.
- The software is compatible with the City's facilities work order system.
- This may enable the City to more easily track and measure efficiency projects such as lighting, HVAC upgrades, and track maintenance requests for the solar energy systems that are a new city asset.

Con(s):

- None

Fiscal Impact:

- This contract has a fiscal impact of \$39,352.17 for fiscal year 2022. The three year total will be \$117,205.10.
- The Green Savings account will be utilized to fund this contract.

Motion:

- Motion to authorize the City Manager to amend a contract with Dude Solutions for Energy Manager, a carbon emission tracking system.

RESOLUTION BOOK NO. 42 - PAGE 258

I. RESOLUTION NO. 21-135 - RESOLUTION ADOPTING AN ETHICS POLICY FOR ADVISORY BOARDS AND COMMISSIONS

Action Requested: Adoption of Ethics Policy for Advisory Boards & Commissions

Background:

- This is a formal policy to establish ethical standards of conduct for advisory board members.
- The policy will help ensure that all public meetings are a welcoming, respectful, safe, and productive atmosphere to conduct business.
- Topics covered within the policy include Meeting Rules of Deorum; Operating Code of Conduct; Harassment; Social Media, and Conflict of Interest for advisory board members
- The policy provides the Board Chair, Council Liaison, City Staff Liaison with the authority to further investigate and/or enforce violations of this policy.
- On November 23, 2010, City Council adopted Code of Ethics for Asheville City Council.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- A Connected & Engaged Community

Committee(s):

- Boards & Commissions Council Committee - June 8, 2021 - Unanimously recommended to full Council.

Pro(s):

- Establish guidelines for ethical standards of conduct for board and commission members
- Helps ensure that public meetings are welcoming and respectful of members, staff and community members.

Con(s):

- None noted.

Fiscal Impact:

- None.

Motion:

- Move to adopt the Ethics Policy for Advisory Boards & Commissions.

RESOLUTION BOOK NO. 42 - PAGE 259

J. ORDINANCE NO. 4383 - BUDGET AMENDMENT ASSOCIATED WITH THE REFUNDING OF THE RECENT BOND ANTICIPATION NOTES

Action Requested: Adoption of budget amendment in the amount of \$35,403,247 in the City's General (2100) Fund to account for the refunding of debt.

Background:

- In May, 2018, Council authorized the issuance of a Limited Obligation Bond Anticipation Note (BAN) in an amount not to exceed \$48 million.
- In March, 2021, Council approved resolutions authorizing City staff to proceed with the issuance of long-term fixed rate Limited Obligation (LOBs) and Special Obligation (SOBs) Refunding Bonds to pay off the existing amount utilized on the BAN.
- The funds generated from the issuance of the Refunding Bonds, which totaled \$35.4 million, were used to pay off the existing bond anticipation note and so do not represent additional money available for City use.
- The Fiscal Year (FY) 2020-21 budget did not include appropriations reflecting the funds generated from the issuance of the Refunding Bonds.
- This technical amendment incorporates these appropriations into the budget in order to ensure that the General Fund does not exceed the approved annual budget in the City's annual financial reporting.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Amends the FY 2020-21 General Fund budget in order to ensure statutory budgetary compliance.

Con(s):

- None

Fiscal Impact:

- There is no net fiscal impact from this technical budget amendment.
- It will amend the FY 2020-21 budget in the General (2100) Fund to reflect the receipt of refunding proceeds from the bank and the subsequent payment to bondholders to pay off the prior debt issuances.

Motion:

- Motion to adopt a budget amendment in the amount of \$35,403,247 in the City's General (2100) Fund.

ORDINANCE BOOK NO. 33 - PAGE 319

K. RESOLUTION NO. 21-136 - RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT ON CITY RIGHT-OF-WAY FOR AN EXISTING LOADING DOCK AT 99 RIVERSIDE DRIVE

Action Requested: Adoption of a resolution authorizing the City Manager to grant a permanent easement to 99 Riverside LLC.

Background:

- The building at 99 Riverside Drive was constructed in the 1960s.
- A recent survey showed that the existing loading dock is located on the City right-of-way.
- The “Old Wood Company” operated at this site has closed after twelve years in business.
- The space will now have a new tenant.
- The new tenant would like to use the old loading dock in the front of the building as their new entrance.
- There is ample area between the loading dock and the new improvements completed as part of RADTIP.
- Staff believes that granting this easement will in no way impede the flow of pedestrian, bike and auto traffic along Riverside Drive.
- The Real Estate Office has proposed a permanent easement instead of an encroachment, because this improvement is a permanent part of the building and is an existing issue.
- A survey has been completed and the easement area is 312 square feet.
- The property owner will be charged fair market value for the square footage that is needed, for a total amount of \$5,000.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- City staff has determined the granting of this easement will in no way impede traffic on Riverside Drive.
- The City is being compensated \$5,000 which is fair market value.

Con(s):

- The City will be losing some right of way.

Fiscal Impact:

- The City is being paid \$5,000 for this easement.

Motion:

- Motion to allow the City Manager to grant this permanent easement.

RESOLUTION BOOK NO. 42 - PAGE 263

L. ORDINANCE NO. 4384 - ORDINANCE AMENDING CHAPTER 13, ARTICLE II, OF THE CODE OF ORDINANCES RELATING THE THE RULES AND PROCEDURES OF POLICE ALARMS

ORDINANCE NO. 4385 - ORDINANCE AMENDING THE FISCAL YEAR 2021-22 FEES & CHARGES MANUAL

Action Requested: Approval of revisions to the alarm ordinance; and an amendment to the Fiscal Year 2021-22 Fees & Charges Manual.

Background:

- Pursuant to N.C. Gen. Stat. § 74D-11(c), the City of Asheville has authority to require an alarm systems business operating within its jurisdiction to register and to supply information regarding its license, and adopt an ordinance to require users of alarm systems to obtain revocable permits when alarm usage involves automatic signal transmission to a law-enforcement agency.
- Accordingly, on August 29, 2002, the City of Asheville adopted an Alarm ordinance (Ord. No. 2951 under Chapter 13, Article II, § 31-39).
- Since January 1, 2018 to May 12, 2021, officers from the Asheville Police Department (APD) have responded to 15,682 business and residential burglar alarms, of which 97% were false alarms.
- The revised Alarm Ordinance drafted by APD is based upon best law enforcement and security alarm industry practices, with a goal of increasing efficiency, managing its alarm permitting process, and reducing false alarms.
- Various best practices have been written into the revised Alarm Ordinance, to include, but not limited to:
 - New registration and renewal fees:
 - Alarm System Permit Fee: \$25.00
 - Alarm System Renewal Fee: \$10.00
 - Late Fee after 30 days: \$25.00
 - Appeal Hearing Fee: \$50.00 (reimbursed if appeal is upheld)
 - Reinstatement of response fee: \$50.00
 - The continuation of graduated civil penalties for false alarms
 - New equipment standards
 - The gold standard of Enhanced Call Verification by the alarm companies shown to reduce false alarms by 40%

Council Goal(s):

- Smart City

Committee(s):

- Public Safety Committee - June 1, 2021 - unanimous vote to move to City Council.

Pro(s):

- More efficient and effective policing through less time and resources spent on the response to false alarms.

Con(s):

- None

Fiscal Impact:

- Proposed new fees will have a minimal fiscal impact.

Motions:

- Motion to adopt the revisions to the Rules & Regulations for Police Alarms and an amendment to the Fees & Charges Manual.

ORDINANCE NO. 4384 - ORDINANCE BOOK NO. 33 – PAGE 320

ORDINANCE NO. 4385 - ORDINANCE BOOK NO. 33 - PAGE 328

M. RESOLUTION NO. 21-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT LAND DONATION AT OLD HAYWOOD ROAD AND EASTVIEW CIRCLE

Action Requested: Adoption of a resolution authorizing the City Manager to accept land donation at Old Haywood Road and Eastview Circle.

Background:

- The City was approached by Anne and Michael Powell who reside in Georgia.
- They asked if the City was interested in land that was owned by Ms. Powell's late father, Robert Hunter.
- The parcel is 0.12 acres and is located across the street from Fire Station #10 at the corner of Old Haywood Road and Eastview Circle.
- It is vacant land with no improvements.
- The Real Estate Office contacted the Fire Department and they indicated they would have a useful purpose for the land.
- The Fire Department intends to place a basic shed on the property for storage associated with the Fire Station #10.
- This triangular shaped parcel has a tax assessed value of \$4,000 and is being donated by the heirs of Robert C. Hunter's Estate, heirs of Joseph L. Hunter's and Heirs of Edward B. Shoff.
- The City has commissioned an Environmental Phase I for this property and the transfer of land will not be finalized until the site receives a clean report.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- This land could be used to provide much needed storage for Fire Station #10.
- The land is being donated at no cost to the City.

Con(s):

- The City will no longer be receiving property tax revenues.

Fiscal Impact:

- The donation of the land comes at no cost to the City.

Motion:

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

RESOLUTION BOOK NO. 42 - PAGE 264

P. RESOLUTION NO. 21-138 - RESOLUTION AMENDING THE 2021 CITY COUNCIL MEETING SCHEDULE TO ADD A WORKSESSION ON THE AMERICAN RESCUE PLAN ACT SUMMARY PLAN AT 2:30 P.M. ON JULY 27, 2021, AT HARRAH'S CHEROKEE CENTER - ASHEVILLE, LOCATED AT 87 HAYWOOD STREET, ASHEVILLE, N.C.

RESOLUTION BOOK NO. 42 - PAGE 265

Q. MOTION TO SUPPORT HOMEWARD BOUND IN ITS PURCHASE OF THE DAYS INN LOCATED AT 201 TUNNEL ROAD

Action Requested: Motion to support Homeward Bound in its purchase of the Days Inn located at 201 Tunnel Road.

Background:

- Homeward Bound is proposing a permanent supportive housing (PSH) apartment project for our homeless population.
- The agency intends to acquire the Days Inn located at 201 Tunnel Road.
- This project will be an adaptive reuse of the existing motel and will create 85 affordable housing rental units for people experiencing chronic homelessness.
- The motel sits on a 2.95 acre site and contains 128 guest rooms in two, 2 story buildings.
- Homeward Bound will convert 85 of the 128 rooms into permanent supportive housing units by adding a small kitchenette to each of the 85 units.
- The remaining rooms will be converted into office space for case managers, program managers, clinical staff, a permanent supportive housing director, and other agency staff. Space will also be provided for community partners to deliver on-site supportive services to residents.
- A Phase 1 Environmental Review / Environmental Assessment has been conducted with no findings.
- Housing units are targeted to special needs and underserved populations.
- This is a critical strategy in ending chronic homelessness and a key component of the Continuum of Care, providing an exit from homelessness for people with the most complex needs.
- The project will be affordable housing in perpetuity with a deed reflecting this agreement.
- The total project cost is estimated at approximately \$12.6 million with \$6.5 million associated with property acquisition.
- The requested funding, as outlined below, will be used entirely for property acquisition.
- Homeward Bound anticipates closing on the property by August 14, 2021.
- Homeward Bound is seeking funding from the following sources for acquisition:

Funding Source - Acquisition	Amount
City of Asheville	\$2,000,000
Dogwood Health Trust	\$2,000,000
Buncombe County	\$2,000,000
Private Donor	\$500,000
TOTAL	\$6,500,000

****Homeward Bound anticipates needing \$6,900,000 to upfit the property for Permanent Supportive Housing & \$1,214,262 in annual operation costs, with annual revenues anticipated at \$1,236,900.***

- Homeward Bound has requested that the City's funds be structured as a grant to Homeward Bound in the amount of \$2 million for acquisition costs to provide 85 permanent supportive housing units.
- While the City has not determined the source of funds, the City is committed to providing formal approval, recognizing that Homeward Bound hopes to close on this acquisition by

August 14, 2021, and that the lives of the chronically homeless in our community will greatly benefit by expediting this project.

- The City understands that this commitment is important for Homeward Bound as it seeks other governmental/HUD sources of support for acquisition and renovation.

Council Goal(s):

- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- Quality Affordable Housing

Committee(s):

- Housing & Community Development Committee - May 18, 2021 - Approval 3-0

Pro(s):

- This funding would support 85 permanent supportive housing units.
- The proposed project is targeted to end homelessness for at least 85 people experiencing chronic homelessness, which aligns with the City of Asheville's Consolidated Plan goals.
- This investment per unit will be \$23,529 which is below our per unit investment for permanently affordable housing.
- Permanent Supporting Housing Project can save a jurisdiction or municipality anywhere from \$17k to \$37k per person.

Con(s):

- None noted.

Fiscal Impact:

- Staff is analyzing potential funding sources, including Housing Trust Fund, General Obligation (GO) Bonds, or American Rescue Plan Act (ARPA) funding.
- Financial analysis will be completed prior to presentation to City Council in July or August 2021.

Motion:

- Move to support Homeward Bound in its purchase of the Days Inn located at 201 Tunnel Road, with the financial analysis to be completed prior to the formal presentation to City Council.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

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 Councilwoman Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. LEAD AND COPPER RULE REVISIONS - RESPONSIBILITIES OF THE CITY OF ASHEVILLE WATER SYSTEM

Water Resources Department Compliance Manager Brenna Cook provided the history of the Lead and Copper Rule; Lead and Copper Action Levels; Lead and Copper Rule Revisions;

Water Resources Response; Water Response Responsibilities; and potential responsibility for water customers.

She said that the initial Lead & Copper Rule was first passed in 1991. The City of Asheville has always met the requirements of the Rule. The Rule requirements are (1) collecting samples in customer homes to ensure Lead & Copper Levels did not exceed action levels set by the Environmental Protection Agency (EPA); and (2) began treating the drinking water to reduce corrosion in service lines and in household plumbing. Lead can cause damage to the brain & kidneys in adults. In children under 7, lead can slow development, potentially causing learning & behavioral problems.

In late December 2020, the EPA passed new revisions, with main focus areas of (1) different sampling locations & protocols to find more sources of lead in drinking water; (2) establishing a trigger level to ensure earlier mitigation; (3) requiring complete lead service line replacements (public and private side) if action level is exceeded; (4) requiring testing in schools & daycare facilities; and (5) requiring water systems to identify and provide information to homeowners and the public the locations of lead service lines. The service line inventory will be available to the public in 2024.

The responsibilities of Water Resources include (1) any lead service lines or lead fittings (goosenecks) on City side of the meter will be replaced as soon as possible when found; (2) testing will be provided if any work is performed on a lead service line or galvanized line preceded by a lead fitting or lead service line; (3) water pitcher filters will be provided to customer if work is performed on a lead service line on either side of the meter or if the lead results are above the action level; (4) customers who have lead or galvanized preceded by lead connections, or unknown material, will be notified annually, including how to reduce exposure, health effects language and resources on how to get their service line replaced; (5) lead service line replacement plan in place by 2024 - only a full replacement counts (this means both the customer and utility sides); and (6) a funding strategy for service line replacement. For the school and daycare facility testing: (1) revisions require all elementary schools & licensed daycare facilities to be tested; (2) if a middle or high school request testing, we are required to collect samples; (3) all results must be made available to the public; (4) utilities can give schools and daycares advice on how to resolve any lead issues; and (5) re-collect samples once a resolution is applied. For the Lead Prevention & Awareness Program (LEAP) (1) LEAP website on Water Resources webpage; (2) community meetings in areas affected by Service Line Inventory or affected customers; (3) Lead Hotline and Email for questions - on LEAP website; (4) Free Lead testing available for all City of Asheville water customers; and (5) annual reminders for customers affected (lead service line, galvanized preceded by lead or unknowns).

Potential responsibilities for water customers include (1) follow recommended guidance to reduce lead exposure. Guidance is available on the LEAP website and will also be available in any letter sent to customers; (2) participation in the Lead Service Line Inventory Study; (3) participation in the Lead Service Line Replacement Plan if they meet the requirements; and (4) participation in Compliance Lead and Copper testing if they are contacted.

Ms. Cook responded to Councilwoman Wisler about the plan to seek grants to help people who can't afford to make the repairs.

B. NOISE ORDINANCE UPDATE

Development Services Director Ben Woody updated City Council on the revisions to the noise ordinance. He reviewed the guiding principles, along with an update on the noise ordinance revisions. He outlined all the internal collaboration of the noise ordinance - including Information Technology, Community & Economic Development, Community & Public

Engagement, Development Services Center, Asheville Police Department, and Equity & Inclusion. The project team is grateful for the valuable contributions of many local organizations, including, but not limited to: Coalition of Asheville Neighborhoods, Asheville Music Professionals, Downtown Area Residential Neighbors, Housing Authority of the City of Asheville, Asheville Downtown Association, Asheville Brewers Alliance, and Asheville Independent Restaurants.

The top noise concerns are construction; refuse collection; vehicle exhaust/revving; commercial/industrial equipment; music overamplification: venues, outdoor events and buskers; fireworks; residential neighbors; and dogs and animals.

The community engagement included (1) 880 public comment responses on draft proposal - Nov/Dec 2020; (2) 1,490 online and paper survey responses - Spring 2019; (3) 25+ stakeholder meetings and forums (a) residents/neighborhood associations; (b) business/industry groups; and (c) Council committees; (3) direct email outreach to 120+ local businesses and resident groups; (4) Buncombe County Community Market participant surveys; (5) 150+ NoiseScore smartphone app "noise reviews"; (6) project webpage and press releases; and (7) newspaper articles and local news segments.

A summary of the community feedback includes (1) keep Asheville vibrant, but don't let noise hurt the quality of life; (2) use clear and objective sound measures; (3) develop community-based solutions to supplement enforcement; (4) partner with community groups to educate about noise; and (5) give clear guidelines to businesses and permit holders about noise.

Program recommendations include (1) staff administration in Development Services Department; (2) educational resources for residents/businesses/institutions/industries; (3) good neighbor policy with clear guidance to residents/businesses for handling common noise issues; (4) noise enforcement manual that outlines detailed enforcement protocols; (5) development notification system that notifies residents of permitted noise activity; and (6) review noise ordinance for improvements every 18 months - 2 years.

Mr. Woody then reviewed in detail each section of the proposed noise ordinance, including scope, definitions, general regulation, sound measurement, prohibitions, exceptions, construction noise permitting, administration, noise advisory board, non-exclusivity, violations, penalties, and appeals.

Mr. Woody then gave examples of resident to resident noise; and business to resident noise. There is still lack of consensus that requires additional attention (1) Central Business District daytime/nighttime decibel level (2) commercial daytime/nighttime decibel level; (3) possible commercial to residential "buffer area" decibel live; (4) day/night definition; and (5) sound exceedance permitting (a) event frequency; (b) decibel cap; and (c) sound exceedance curfew (not event curfew).

In response to the COVID-19 pandemic and community feedback, next steps include (1) delay the ordinance effective date for at least six months (continue ordinance adoption process in Summer 2021); (2) continue to transition current noise ordinance administration from Asheville Police Department to Development Services Department to address present noise concerns; (3) release final draft ordinance, Frequently Asked Questions and noise sampling log; (4) move forward with hiring and training the Noise Control Administrator and Noise Compliance Officer as part of the "Reimagining Public Safety" initiative; (5) make preliminary Noise Advisory Board appointments before ordinance effective date; (6) continue to take noise sample measurements during Summer 2021; and (7) revisit ordinance decibel limits before ordinance effective date.

Mr. Woody responded to various questions/comments from Council, some being, but are not limited to: if there is a delayed start, will there still be a trial period; will this ordinance address

illegal fireworks; what is the volume of noise ordinance calls per year, and is the high number of 2,000 partly due to our topography and repeat offenders; when the ordinance comes back to Council for consideration, request for a heat map of how many and where sound exceedance permits have been issued; concern that if we wait until September 14, 2021, to consider the ordinance that we are missing an opportunity to test out what some noise looks like; confirmation that we are already tracking and collecting data as if this proposed ordinance is adopted; and concern of sound exceedance permit violation jump of 2-weeks suspension to 365 day revocation.

C. MANAGER'S REPORT

Reparation Speaker Series

City Manager Campbell said that on July 14, 2020, Asheville City Council passed a Resolution Supporting Community Reparations for Black Asheville. The resolution calls for the City Manager to, "establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the Black community." The three phase process consists of Phase 1 - Information Sharing and Truth Telling (May 2021 - June 2021 - underway); Phase 2 - Formation of the Commission (July 2021 - August 2021); and Phase 3 - Finalize and Present the Report (January 2022 - April 2023).

The speaker series on June 3, 2021 (Past Policies and Practices) consisted of - (1) approximately 100 people seated in the room; (2) 45 people called in to listen by phone; (3) 20 information sharing videos; and (4) 939 views on YouTube (as of 9:00 a.m. today). The June 10, 2021, speaker series (Present Trends and Disparities) consisted of (1) approximately 150 people seated in the room; (2) 21 people called in to listen by phone; (3) 35 information sharing videos; and (4) 597 views on YouTube (as of 9:00 a.m. today). The speaker series on June 17, 2021 (Future Initiatives) consisted of (1) approximately 175 people seated in the room; (2) approximately 50 at the Eddington Center; (3) 14 people called in to listen by phone; (4) 19 information sharing videos; and (5) 469 views on YouTube (as of 9:00 a.m. today). There were approximately 2560 total connections. She then thanked the panelists and the other participants for their hard work on this speaker series, and outlined the next steps in Phase 2 and Phase 3.

City Manager Campbell said that on June 8, 2021, City Council passed a resolution and budget amendment in the amount of \$2.1 Million in the City's General Capital Projects Fund utilizing land sale proceeds to provide initial funding for reparations.

She said that staff will (1) compile all information received during the Information Sharing and Truth Telling Speaker Series to share with the Reparations Commission when it is formed; (2) develop a Request for Proposals for project manager who will support the work of the Reparations Commission; and (3) make recommendations to City Council about the process and selection of Reparations Commission members.

In response to Vice-Mayor Smith, City Manager Campbell said that the Information and Truth Telling session is not the only public input to happen. This is just getting us started to hear the concerns and issues. She will be recommending to the project manager and the Commission to have ongoing discussions. She said that we can never have enough participation and we will be trying other avenues and venues to solicit participation, including going out to meet the public in their neighborhoods.

Asheville Police Department Update

Chief David Zack said that over the past 10 years, Asheville has experienced an increase in violent crime, which is on trend with other major metropolitan cities in North Carolina like Raleigh, Charlotte-Mecklenburg and Greenville. The Asheville Police Department (APD) continues to work with other city departments and community partners to take proactive steps to address crime and reimagine the role of APD. Despite current staff shortages, the APD is still aggressively developing strategies to address especially violent, but also other types of crime. He used a chart to show the violent crime in the U.S. vs. N.C. along with the overall crime rate, property crime and violent crime from 2011 through 2020.

He said that Asheville is not seeing a major increase in homicides like other major metropolitan cities. In 2020, 10 people were killed, and in 2021 (to date), 4 have been killed by gunfire. The national clearance rate for homicide is 61.4%. The APD clearance rates for homicides in 2019 was 58%, in 2020, 60% and in 2021 (to date) is 75%.

Regarding gun violence, 17 people have been shot in 2021 (year-to-date), down from 21 in 2020. The APD has seized 114 guns since January 1, 2021 (200 guns were seized in 2020). The APD coordinates monthly with federal, state, and local partners to discuss and address ongoing gun violence in Asheville.

Chief Zack used a chart to show calls for gun discharge and persons shot from 2017 to 2020. He then showed a chart of traffic stops and traffic citations in the past five years. In 2021, moving violations (60%), regulatory stops (23%), no drivers license/suspended (6%), equipment violation (6%) and all other (4%).

He said that if you are a victim of a non-emergency crime, use the P2C tool to report the incident online. Crime prevention is everyone's responsibility (1) remember to always lock your doors (both home and vehicle); (2) secure your belongings (secure bicycles, tools, and lawn equipment); and (3) place valuables out of sight. If you see something, say something. You can even "say something" anonymously using the TIP411 text feature or smartphone app.

Chief Zack said that online reporting of non-emergency crime is not new. In May of 2020, the APD announced an upgrade to the Police to Citizen tool that provides victims of non-emergency crimes the ability to submit reports online. For over a year, we have encouraged individuals to use P2C to report non-emergency crimes - proactive stores with local media and continuous social media reminders. Online reporting has been underutilized.

TIP411 provides the ability to anonymously provide information to the APD, as well as anonymous 2-way communication. He explained the two ways to use TIP411. TIP411 was rolled out on December 1, 2020. Since the rollout, 1,074 tips have come into the app. Many tips have led directly to, or assisted in, charges and arrests.

The APD continues to engage with community members and organizations about ways to reallocate and share public safety services (1) community paramedics (a) continue to work with Buncombe County to learn more about a co-response to calls regarding medical/behavioral health issues; (2) Asheville City Schools (a) conversations with Asheville City Schools about roles and responsibilities of School Resource Officers; (3) 911 consolidation; and (4) response to traffic crashes (a) crash report centers?; and (b) civilian crash investigators (Wilmington model)?

In summary, the APD continues to work with the community, as well as federal, state and local partners to discuss and address violent crime in Asheville. The number of traffic stops are down drastically compared to 2019 and 2020 numbers - the total number of regular stops and equipment violations have decreased by 25% since 2019. We continue to have conversations with other city departments and community organizations to reimagine public safety services.

Chief Zack responded to various questions/comments from Council, some being, but are not limited to: what happens to the money from drug seizures and who decides what the City's share is if there is a task force with other agencies; is there a key reason why clearance rates for homicides in 2021 is so successful; taking into account the population, how many accidents happened in 2019 and 2020 to tell more of a whole story to see if actually stopping vehicles results in safer commutes; how can we cut down on illegal guns and how many seized have had their serial numbers taken off; request for information on the technology of the gunfire locator; and update on staffing for police officers.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONDITIONALLY REZONE 70 MILLS GAP ROAD FROM INDUSTRIAL DISTRICT AND RS-2 RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

At the applicant's request, Councilwoman Turner moved to continue the public hearing to conditionally rezone 70 Mills Gap Road from Industrial District and RS-2 Residential Single-Family Low Density District to residential Expansion/Conditional zone to September 14, 2021. This motion was seconded by Councilwoman Kilgore and carried unanimously.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4386 - ORDINANCE ADOPTING THE FISCAL YEAR 2021-22 ANNUAL OPERATING BUDGET

Finance Director Tony McDowell said that this is the consideration of adopting the Fiscal Year 2021-22 Annual Operating Budget.

Background:

- The Fiscal Year (FY) 2021-22 Proposed Annual Operating Budget was presented to City Council on May 25, 2021.
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 28, 2021.
- City Council conducted a public hearing on the Proposed Budget on June 8, 2021.
- The following changes have been made to the Proposed Budget since it was presented to Council on May 28, 2021:
 - At the June 8, 2021, meeting, City Council took action to amend the FY 2020-21 Budget to budget \$2.1 million from the White Lab sales proceeds for Repairs.
 - With Repairs funding approved in the current fiscal year budget, staff has removed the \$1.2 million in funding that was included in the FY 2021-22 Proposed Budget.
 - An additional \$25,000 is included in the General Fund to budget the revenues and expenses associated with the Repairs Speaker Series.
 - The FY 2021-22 Proposed General Fund Budget that was presented on May 25th was balanced with an ad valorem tax rate of 41.30 cents per \$100 of assessed value, which was 3 cents above the revenue-neutral rate.
 - In the Budget Ordinance being considered tonight, staff has revised the proposed ad valorem tax rate down by 1 cent to 40.30 cents per \$100 of assessed value.
 - In order to keep the FY 2021-22 General Fund Budget balanced at this lower ad valorem tax rate, staff is proposing the following adjustments:

- Utilize \$1.0 million in American Rescue Plan (ARPA) funding to support transit operations, which will allow the City to reduce the General Fund transfer to the Transit Services Fund by \$1.0 million in FY 2021-22.
- Increase the FY 2021-22 sales tax revenue budget by \$400,000 based on updated estimates and continued strong growth in retail sales as the economy recovers from the COVID-19 pandemic.
- Appropriate \$500,000 in unassigned fund balance based on projections that unassigned fund balance in the General Fund will exceed the City's 15% policy goal.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- Ensures City's compliance with North Carolina General Statutes that require local governments to adopt a balanced budget ordinance by July 1 of each year.
- General Fund budget is balanced for ongoing operating expenses and all essential City services are continued.

Con(s):

- None

Fiscal Impact:

- As noted above, the Proposed FY 2021-22 General Fund budget is balanced with an ad valorem tax rate of 40.30 cents per \$100 of assessed value, which is 2 cents above the revenue neutral tax rate.
- The Proposed General Fund budget includes \$150,000 to fund the City's participation in Buncombe County's new Homeowner Grant Program which is designed to help mitigate the impact of property tax increases for low-income homeowners.

Mr. McDowell said that the proposed budget is based on internal work, Council priorities, and community input including a continuation of the reimaging public safety process. The proposal is a balanced and fiscally responsible budget. It funds investments in Council priorities through a property tax rate above revenue neutral. It funds core community services in a time of rising costs. And, it continues funding for the capital improvement program. Work will continue during the next fiscal year, including reimaging public safety, reparations and strategic use of American Rescue Plan Act funding to achieve goals.

The Fiscal Year (FY) proposed budget was presented to City Council on May 25. City Council conducted a public hearing on the proposed budget on June 8. He then outlined the adjustments to the proposed budget (1) adjustment for reparations funding; and (2) adjustment to property tax rate.

Mayor Manheimer said that the public hearing on the budget was held on June 8, 2021, and no further comments will be accepted.

Vice-Mayor Smith moved for the adoption of the Fiscal Year 2021-22 Annual Operating Budget. This motion was seconded by Councilwoman Mosley.

Councilwoman Roney said “today I’m remembering the call for a Million Dollars for the People, and intergenerational Black leadership asking for us to divest from policing in order to invest in long-term safety strategies. Asheville is in a unique position with 188 vacancies in City Hall and additional resources to address overlapping emergencies. Reverend Amy Cantrell has called our budget a “moral document,” the agreement and source of funding for our services, plans, and policies. On the face, the budget looks like what we need: housing, youth programming, neighborhood investment, expanded transit service, and action on lagging wages for our lowest-paid employees, including living wages for our firefighters. This looks like yes, but looking at the budget in 3D, there’s more to the how and the why. (using a slide), First, the how - increasing property taxes. Joe Minicozzi at Urban 3 has generously compiled and presented data around the disproportionate impact of property tax increases and the ongoing structural racism in our assessment policies. The information hit me hard, and the responses I heard were incredibly moving and heavy. Seen here in comparison to the red-lining map (using a slide) and a side by side comparison with adjacent neighborhoods (using a slide), if we look at a longer range view, coming out of the recession in 2013, we see the assessment go down for Buncombe homes in the highest 20% value while the lowest 20% value see an increase. The how we get this budget funded matters. Neighbors including Nina Tovish and Rich Lee are voluntarily offering analysis around mitigating the impact of the property tax increase, and it sounds like our \$150k for homeowners needs to be closer to a million, and that’s not including the impact on renters and businesses. Then the why - because we are funding the new initiatives on top of business as usual. We need to diversify our responses to public safety calls, and we don’t have to start from scratch. We can partner for Community Paramedicine and need to pursue a violence interrupter pilot. I’m hopeful, because of our resourceful neighbors, capable staff, and with my colleagues, that we can take bold action to get to the different outcomes we say we want! So, my suggestion is that we move to pass this budget with 2 amendments: 1) to get to work on our goal to reimagine public safety, freeze 15 (changing my original ask and responding to Durham) of the 88 open positions in APD so we can partner in diversifying our available responses to public safety calls like mental health crisis and overdoses and 2) commit publicly to finding the necessary funds to mitigate the impact of our increase in property taxes, including eviction protection funding through the ARP funds, because \$150k isn’t going to cut it. My expectation is that our hiring goals are an optimistic stretch, so mitigation funding might be found in the over \$7-million in vacancies while we’re experiencing a national push-back from workers demanding better wages and working conditions coming out of the pandemic.”

Councilwoman Mosley said that when she initially saw the crime statistics, she delved into them a little more. She requested crime statistics specifically relating to black women. Over the past 5 years, 32% of victims of violent crime (rape, robbery, aggravated assault and homicide) have been black. Despite comprising only 6% of Asheville’s population, black females are 16% of all violent crime victims. The disparity is even greater when considering that 1 in every 5 (20%) of domestic crime victims in our city are black and female. She wondered what consideration, if any, and have we been able to extrapolate how many black women will die if we reduce the number of police we have by 15. She wondered if anyone had considered that. She didn’t think so.

Mayor Manheimer asked for a second to Councilwoman Roney’s two amendments to the original motion. Hearing none, said amendment to the motion failed.

Mayor Manheimer noted the important things included in this budget that moves our community forward.

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

Vice-Mayor Smith moved for the adoption of the Fiscal Year 2021-22 Annual Operating Budget. This motion was seconded by Councilwoman Mosley and carried on a 6-1 vote, with Councilwoman Roney voting “no.”

ORDINANCE BOOK NO. 33 – PAGE 329

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-139 - RESOLUTION UPDATING THE LAND USE INCENTIVE GRANT POLICY

Community Development Programs Director Paul D’Angelo said this is the consideration of updating the Land Use Incentive Grant Policy.

Background:

- In November of 2010, City Council first adopted a Land Use Incentive Policy that provided incentives to encourage development projects that fulfill important public purposes directly addressing annual strategic goals set by Council such as affordable housing.
- Council directed that the Policy be reviewed yearly after its adoption.
- Since that time, the Policy has been revised six times in March of 2011, January of 2013, August of 2014, September of 2015, September of 2018, October of 2019 and November of 2020.
- A continued goal of Community Development, per community discussions with stakeholders and developers, is to make policies easy to comprehend, usable & equated to an investment partnership dollar amount to be used as a source in a proforma / balance sheet.
- Changes of note -
 - Allow a LUIG for partner developers who purchase an existing market rate building and would like to add at least 20% of the units, for individuals and families at or below 80% Area Median Income (AMI), for a minimum of 20 years.
 - The LUIG is a grant back of the tax value on the full building value, but not the land value.
 - 25 pts. for converting at least 20% of the units, within 2 years, for individuals and families at or below 80% Area Median Income (AMI), for a minimum of 20 years.
 - 40 pts. for converting at least 20% of the units, within 2 years, for individuals and families at or below 80% Area Median Income (AMI), for a minimum of 30 years.
 - 50% of the affordable units should be rented to Housing Choice Voucher holders / Rental Assistance. The developer must demonstrate good faith efforts if 50% of the affordable units are not rented to Housing Choice Voucher holders.
 - Community Outreach & Engagement for Affordable Units

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Affordable Housing Advisory Committee (AHAC) - May 6, 2021, approved for HCD.
- Housing & Community Development (HCD) Committee - May 18, 2021, approved for City Council

Pro(s):

- The proposed amendments come from staff based on recent usage of the updated LUIG Policy dated November, 2020, and developers interested in adding affordable units to their purchase to be a part of the solution.
- Potential quicker addition of affordable units (within 2 years) versus waiting for new construction.
- The policy follows Community Development efforts of creating policies that are easy to comprehend, usable & equated to a partnership investment dollar amount to be used as a source in a proforma / balance sheet.
- Additional clarity from an Equity lense with our Equity & Inclusion Department.

Con(s):

- Concern of foregoing / reduction of future property tax dollars in exchange for affordable housing.

Fiscal Impact:

- Future LUIG grant subsidies should remain the same or could potentially increase if we are able to preserve affordable housing units with this update.
- Like all LUIG updates, the more use of this policy as an affordable housing tool would require a higher yearly budgeted amount to cover the grant of the property taxes.

Mr. D'Angelo explained that this LUIG update will allow existing market rate units to convert to affordable units to help preserve and protect affordable housing. Affordable units from existing housing stock can be added more quickly than new construction which can take 2 to 3 years to come online. We are asking our development partners to assist more with the acceptance of Housing Choice Vouchers - Individuals & Families at or below 60% Area Median Income. There has been community outreach and marketing for equity & inclusion.

He then explained the City's role in affordable housing which is to produce, preserve and protect affordable housing in partnership with funding, city-owned land, regulatory and convener/collaborator.

With the current LUIG, every 5 points can earn one year of economic incentive. Equivalent to City property taxes (with full improvement calculated) in excess of currently assessed city taxes at the time of LUIG application for one year applied annually, to be dated from the date of release of all occupancy permits for the project. LUIG not to exceed 20 years plus one. LUIG's are paid with General Fund dollars and are budgeted annually.

With the updated LUIG, every 5 points can earn one year of economic incentive. Equivalent to City property taxes (with full improvements calculated) in excess of currently assessed city taxes at the time of LUIG application for one year applied annually, to be dated from the date of release of all occupancy permits for the project. LUIG not to exceed 20 years plus one. For adding affordable units to an existing all market rate rental complex, the tax value on the building will be granted back but not the land value. Twenty-five points for converting at least 20% of the units, within 2 years, for individuals and families at or below 80% Area Median Income for a minimum of 20 years. Forty points for converting at least 20% of the units, within 2 years, for individuals and families at or below 80% Area Median Income for a minimum of 30 years.

Mr. D'Angelo then gave examples for new construction and conversion.

Other changes of note is that at least 20% of the units must meet the affordability standards set by the City of Asheville for individuals and households earning 80% or less of the Area Median Income, which would include at least 50% of the affordable units accepting Rental Assistance like Housing Choice Vouchers.

Regarding community engagement and outreach for the affordable units for equity & inclusion, whether building new or purchasing old, Community Development expects our development partners to reach out to organizations, groups, and stakeholders about the affordable units coming online for rent. Community Development encourages our development partners to outreach and engage with all their neighbors in the immediate vicinity of the build or building purchase. At a minimum, Community Development requires the builder to outreach and meet with, in a timely lease-up manner, the following organizations - Housing Authority of the City of Asheville; Homeward Bound; Mountain Housing Opportunities; Asheville Area Habitat for Humanity; Thrive Asheville; Asheville-Buncombe Community Land Trust; OnTrack, the nearest neighborhood association; and all churches and businesses within a half mile.

Councilwoman Turner said we gave good tools around new construction, and that this is one way we can now tap into the preservation and protection of existing homes, whether it's a single-family home, an apartment complex, or a four-plex.

In response to Councilwoman Roney's question about the possibility to consider a "ban the box" initiatives as part of the City's LUIG program, City Attorney Branham said that, generally speaking, many of the rules around housing are governed by federal laws and outside of City authority. He would have to explore that more deeply before offering a final opinion.

When Mayor Manheimer asked for public comments, none were received.

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

Councilwoman Turner moved for the adoption of the updated Land Use Incentive Grant Policy. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 – PAGE 266

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Seventeen individuals spoke to Council for several reasons, some being, but are not limited to: shut down Pritchard Park; move forward with the noise ordinance; move adoption of the noise ordinance before September because by September artists and businesses will have contracts signed and deposits put down well into 2022 and if the ordinance changes, there will be lost deposits and lost contracts which may result in businesses going out of business; request to move the noise ordinance to the July 27, 2021, agenda; need to expand the property tax mitigation amount of \$150,000; place 319 Biltmore Avenue into the reparations program; support for Asheville Police Department; request for citizens to be able to use the Council laptop without providing the information ahead of time; defund the Asheville Police Department and reallocate the funds into the black community; need support from the City for the YMI Cultural Center building restoration; need to increase affordable housing; and use ARPA funds for eviction moratorium; affordability should be 60% AMI and below.

After a brief discussion initiated by Councilwoman Turner, it was the consensus of City Council to consider the noise ordinance revisions at their July 27, 2021, meeting.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:18 p.m.

CITY CLERK

MAYOR