

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 FOR OCTOBER 12, 2021, AND RATIFICATION OF CONSENT AGENDA ITEMS FROM SEPTEMBER 28, 2021 MEETING

Mayor Manheimer said that before City Council votes on the consent agenda this evening she would like to make an announcement for the public. During our meeting on September 28th, due to a broadcasting issue, the early portion of the meeting was not streamed live through our YouTube or online links. Although the meeting remained available via our telephone, we have added the full consent agenda from that meeting to tonight's vote in order to ensure full transparency in the City Council's voting process. In addition, we have taken steps to provide new safeguards to our broadcasting process in order to ensure that meetings will be put on hold during any future potential streaming disruptions. We apologize for this issue, and now we'll move on to tonight's consolidated consent agenda.

- A. RATIFICATION - APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 14, 2021**

- B. RATIFICATION - RESOLUTION NO. 21-208 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SEPI ENGINEERING & CONSTRUCTION FOR THE FRENCH BROAD RIVER GREENWAY WEST PROJECT**

RESOLUTION BOOK NO. 42 - PAGE 377

- C. RATIFICATION - RESOLUTION NO. 21-209 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH WxPROOFING LLC FOR HARRAHS CHEROKEE CENTER ASHEVILLE - WINDOW REPLACEMENT & CONCRETE REPAIRS PROJECT**

RESOLUTION BOOK NO. 42 - PAGE 378

- D. RATIFICATION - RESOLUTION NO. 21-210 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND RIGHT OF ENTRY AGREEMENT WITH DUKE-PROGRESS ENERGY TO EXPLORE THE OPTION OF A FUTURE**

PROPERTY EXCHANGE FACILITATING THE RECONSTRUCTION OF THE EXISTING DOWNTOWN ELECTRICAL SUBSTATION

RESOLUTION BOOK NO. 42 - PAGE 379

- E. RATIFICATION - RESOLUTION NO. 21-211 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH WK DICKSON FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT AREA 5 PROFESSIONAL SERVICES CONTRACT**

RESOLUTION BOOK NO. 42 - PAGE 382

- F. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 28, 2021**

- G. RESOLUTION NO. 21-212 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE INC. FOR THE FISCAL 2022 UTILITY CUT CONCRETE REPAIR CONTRACT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Appalachian Paving and Concrete, Inc. in the amount of \$287,751.00 for the Fiscal Year 2022 Utility Cut Concrete Repair contract.

Background:

- The City of Asheville Public Works Streets Division administers the Street Cut Utility Program.
- This program is an enterprise fund that is supported by the participation and work generated by partner agencies (MSD, Dominion Energy, City of Asheville Water Resources and City of Asheville Stormwater Division).
- As part of this program, both internal and external utilities partner with the Streets Division to make repairs to City-owned infrastructure that results from utility improvements and repairs.
- At times these activities cut into concrete infrastructure such as curbs and sidewalks.
- When this occurs the Utility Cut Program must have a method to address these areas.
- This is the ninth year that a private contractor has performed this service.
- The contract was advertised on August 18th, 2021 and bids were opened on September 7th, 2021.
- The following bid was received:
Appalachian Paving and Concrete, Inc. of Swannanoa, NC \$287,751.00
- The contract is expected to begin at the beginning of November 2021 and to take approximately 365 days to complete.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Staff also checked the City of Asheville list of certified MWBE businesses, the NC Historically Underutilized Business database, and the NCDOT MWBE database for potential contractors.
- Only two companies from an identified disparity group were found in the ten-county area and staff directly contacted those companies.
- The companies did not bid for this contract.

- Appalachian Paving and Concrete is certified by the City of Asheville as a woman-owned business and they propose to self-perform the work.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- Provides for the timely repair of concrete infrastructure that has been damaged by the installation of utilities.

Con(s):

- None

Fiscal Impact:

- The Street Cut Utility Program is an enterprise fund that is funded by fees paid by the four partners participating in the program.
- The partners will be billed 100% of the repair cost, meaning that the City realizes full cost recovery.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Appalachian Paving and Concrete, Inc. in the amount of \$287,751.00 for the Fiscal Year 2022 Utility Cut Concrete Repair contract.

RESOLUTION BOOK NO. 42 - PAGE 383

H. RESOLUTION NO. 21-213 - RESOLUTION AUTHORIZING THE SALE OF ONE 2006 FREIGHTLINER KNUCKLEBOOM DEEMED SURPLUS CITY PERSONAL PROPERTY

Action Requested: Approval of a resolution authorizing the sale of one (1) 2006 Freightliner Knuckleboom deemed surplus City personal property.

Background:

- The Sanitation Division of the City's Public Works Department identified a 2006 Freightliner Knuckleboom as surplus personal property, with no anticipation of future utilization by the City.
- A knuckleboom is a truck with a hydraulic arm that was used by Sanitation for the purpose of collecting brush and yard waste for recycling. It is frequently used to collect large brush piles because it can be done with a single operator, as opposed to a crew performing hand loading.
- The estimated wholesale value of the 2006 Freightliner Knuckleboom is listed at approximately \$30,000 or more, depending on condition.
- Bids will be solicited through GovDeals online auction.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at \$30,000 or more must be approved by the City Council.
- The City's Purchasing Manager has authority to dispose of personal property valued at less than \$30,000 by private negotiation and sale.

Vendor Outreach Efforts:

- None

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

Con(s):

- None

Fiscal Impact:

- The knuckleboom is fully depreciated and the General Fund will recognize the entire amount as revenue from the sale of the asset.

Motion:

- Move to adopt a resolution authorizing the sale of one (1) 2006 Freightliner Knuckleboom deemed surplus City personal property.

RESOLUTION BOOK NO. 42 - PAGE 384

I. RESOLUTION NO. 21-214 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE N.C. DEPT. OF TRANSPORTATION FISCAL YEAR 2022-23 APPRENTICESHIP AND INTERNSHIP GRANT PROGRAM, AND TO EXECUTE SAID AGREEMENTS IF GRANTED

Action Requested: Adoption of a resolution authorizing the City Manager to apply for the North Carolina Department of Transportation (NCDOT) Apprenticeship Grant Program for Public Transit and if awarded, authorize the City Manager to enter into an agreement with NCDOT to fund the 10% match for the program for Fiscal Year (FY) 2022-2023.

Background:

- The NCDOT funds and manages an annual program that places recent university graduates with an interest in public transit within a city/transit agency for 1 year as a full-time, paid staff member.
- The City must apply for the program by November 1, 2021 to potentially be approved as a participant.
- If approved, NCDOT provides 90% of the funding for the salary and benefits of the apprentice; the City Transit Operations Fund would provide the remaining 10%.
- State costs would amount to \$45,234.90.
- Local costs would amount to \$5,026.10.
- The City has participated in this program annually for the last several years (except FY 21/22 as the program was not included in the State budget).
- The transit apprentice would work within the Transit Planning Division of the Transportation Department and would assist the division with ongoing work program items related to transit service.
- The apprentice is also required by the NCDOT to prepare a research report at the end of the apprenticeship.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- 90% of apprentice costs are covered by NCDOT.
- Assistance to Transit Planning Division to assist in transit-related projects that serve the City of Asheville and the surrounding community.
- Assistance will include continued implementation of the Transit Master Plan (2018).

Con(s):

- None

Fiscal Impact:

- Local cost of \$5,026.10 which would be budgeted in the Transit Operations Fund for fiscal year 2022-23.

Motion:

- Adoption of a resolution authorizing the City Manager to apply for the North Carolina Department of Transportation (NCDOT) Apprenticeship Grant Program for Public Transit and if awarded, authorize the City Manager to enter into an agreement with NCDOT to fund the 10% match for the program for Fiscal Year (FY) 2022-2023.

RESOLUTION BOOK NO. 42 - PAGE 385

J. ORDINANCE NO. 4907 - BUDGET AMENDMENT TO ACCEPT A DONATION FROM OASIS RECOVERY CENTER AND ASHEVILLE RECOVERY CENTER FOR THE PURPOSE OF INSTALLING A BUS SHELTER LOCATED AT MERRIMON AVENUE AND DURWOOD DRIVE

Action: Budget amendment, in the amount of \$5,000, to allocate a donation from Oasis Recovery Center and Asheville Recovery Center for the purpose of installing a bus shelter.

Background:

- The Oasis Recovery Center and Asheville Recovery Center are providing \$5,000 to install a bus shelter located at Merrimon Ave. and Durwood Dr., just south of Edgewood Rd. outside of CVS, serving the N1 and N2 transit lines.
- Within the ART Transit System, the stop location is referred to by the following names and numbers: Stop #240: Merrimon Ave. at Edgewood Rd.
- The shelter was destroyed by a vehicle crash approximately 1 year ago and is included in the Transit Planning Division's list of priority stops to be improved as part of the recently awarded \$1 million Federal Transit Administration grant for bus stop improvements. The \$5,000 donation will be used as matching funds for the grant.
- The donation will cover the purchase of the shelter and the cost to install the shelter will be funded through the federal grant. Acceptance of the donation does not impact other stop improvements planned as part of the grant project.
- The \$5,000 donation will be allocated to the Transit Services Multi-Year Fund.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Provides funding for improved comfort for transit users at a high ridership bus stop.

Con(s):

- None

Fiscal Impact:

- Funds from the Oasis Recovery Center and Asheville Recovery Center will be used as match funds for the \$1 million federal grant for bus stop improvements received in FY 2021.

Motion:

- Motion to adopt a budget amendment, in the amount of \$5,000, to allocate a donation from Oasis Recovery Center and Asheville Recovery Center for the purpose of installing a bus shelter.

ORDINANCE BOOK NO. 34 - PAGE 1

K. RESOLUTION NO. 21-215 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE EXISTING TRANSIT OPERATIONS AND MAINTENANCE CONTRACT WITH ASHEVILLE TRANSIT MANAGEMENT, LLC (RATPDEV USA)

Action Requested: Adopt a resolution authorizing the City Manager to ratify and amend the existing Transit Operations and Maintenance Contract between the City of Asheville and Asheville Transit Management, LLC (RATPDev USA) and to increase the contract amount by \$175,000, for a contract total of \$9,153,487, to reflect the increase in cost to continue to provide the current/existing transit service level for FY 22.

Background:

- The City of Asheville contracts out the operations and maintenance of the Asheville Rides Transit (ART) fixed-route transit system.
- In 2017, the City of Asheville issued a request for proposals (RFP) for the operations and maintenance of ART and RATPDev USA was selected to be the contractor.
- The current contract is a four year contract with two optional 2-year extensions.
- The fourth year of the contract ended June 30, 2021 and the City opted to exercise the first of the 2-year optional contract extensions as of July 1, 2021 to ensure continued transit operations.
- The first 2-year option period will end June 30, 2023.
- In the adopted FY 2022 budget, the City Council allocated an additional \$175,000 in transit funds to reflect the increase in annual cost for the continuation of the existing/current transit service levels.
- Amendment 2 reflects the increase in cost for the current/existing service, including the standard increase to the hourly revenue rate and monthly fixed fee.
- The Amendment also includes minor revisions to some language in the contract to further clarify roles and responsibilities.

- The City Council also allocated funding to support implementation of additional service (add frequency to the S3 and S6 routes and to extend the hours of operation later into the evening), however, due to the continued national driver shortage, the expansion of service has been postponed.
- Therefore, this contract increase does not include funding for the expanded service.
- Staff will return to Council to approve an increase to the contract when the transit service expansion becomes possible once required staffing levels have been reached.

Vendor Outreach Efforts:

- N/A - this is a current contract. An extensive outreach process was conducted in 2017 when the transit operations and maintenance contract was put out for bid.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- N/A - The Transit Committee and Multimodal Transportation Commission were informed of the proposed service increase and increase to the base budget during the budget process.
- Staff has notified the Transit Committee and Multimodal Transportation Commission that the planned service expansion has been postponed.

Pro(s):

- This action will support the continuation of current/existing transit service levels.

Con(s):

- None

Fiscal Impact:

- Amendment 2 includes an increase of \$175,000 to the annual contract for transit operations and maintenance and reflects the increase in cost of continuing the current/existing transit service for FY 22.
- The FY 22 Transit Services Fund budget already includes the increase needed to continue the existing transit service.

Motion:

- Motion to adopt a resolution authorizing the City Manager to ratify and amend the existing Transit Operations and Maintenance Contract between the City of Asheville and Asheville Transit Management, LLC (RATPDev USA) and to increase the contract amount by \$175,000, for a contract total of \$9,153,487, to reflect the increase in cost to continue to provide the current service level for FY 22.

RESOLUTION BOOK NO. 42 - PAGE 386

Mayor Manheimer announced that there were no advanced sign-ups for 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 Wisler moved for the adoption of the Consent Agenda (including ratification of the September 28, 2021 Consent Agenda Items). This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

Councilwoman Roney was concerned about the process regarding something she felt should have been on our agenda in recent meetings, and which she had requested. On March 9th during a closed session, City Council gave unanimous approval to move forward with next steps acquiring land using the \$2 million in bond funds for parks. From the staff report on February 22: "The 10 acre property located at 2351 Sweeten Creek Road is owned by Carolina Day School Inc., and is wooded and undeveloped and sits adjacent to Carolina Day Athletic Complex. It is residentially zoned. Carolina Day has offered to subdivide the property and sell 9.5 +/- acres to the City for a public accessible park in south Asheville." "Acquisition of the property would allow the City to provide recreation/community space and necessary support facilities to increase equitable access to community & recreation services for current and future residents." She wrongly assumed that the next step would include a public facing agenda item, such as a consent agenda, so that the public could review the information and Council would have a public vote. We need to maintain and build trust for this and future bond programming, and it surprised her that we are not taking an opportunity to bring this decision into the sunshine. These are public lands acquired through and to be maintained with public dollars and should have been on a public agenda. She was embarrassed and disappointed that they were not. It should be noted that we have purchased land outside the city limits from a private school that will be annexed and maintained with public tax dollars next to the school, and that it is about 1 mile from the Greenwood Park, adjacent to the Blue Ridge Parkway. There are a number of positives that appear overshadowed by lack of transparent process.

Mayor Manheimer said that perhaps the Planning & Economic Development Committee would be interested in hearing a report about the park purchased with bond dollars, which were approved by the voters in 2016, which included a park space in south Asheville.

In response to Councilwoman Wisler, City Attorney Branham said that in North Carolina our open meetings laws specifically permits city councils to go into closed session for a variety of reasons. One of those reasons is for City Councils to set the negotiation position for the purchase of real estate. The purpose of this is fairly straightforward. You don't want to publicize your bargaining position before you go into negotiations in order to safeguard city funds. Typically these items do come back to City Council for a motion of some type in open session, generally because a budget amendment is required. However, in this somewhat unique circumstance, the funds were already located within the budget necessary to effectuate this property purchase - through the bond program. Therefore, there were no additional requirements for City Council to give approval beyond what was given in closed session.

III. PRESENTATIONS & REPORTS:

A. SIX-MONTH UPDATE FROM ASHEVILLE CITY SCHOOLS FOUNDATION ON THE USE OF DONATED FUNDS FROM CLASS ACTION SETTLEMENT

Dr. Darrius Stanley, Asheville City Schools Foundation (ACSF) Board of Directors Chair, said that the City's generous donation totaling \$474,592.56 has been used to further the following goals for our Asheville City Schools (ACS) community: (1) ACS and ACSF are actively working towards a proportionate ratio of Black certified teachers for Black students, increasing from the current rate of 6% to at least 12%; (2) In pursuit of the primary goal, ACSF will support tuition fees for a cohort of 10 current Black staff's career advancement in education (e.g. teacher licensure, school counseling, school leadership), creating the first Black Educator Excellence (BEE) cohort; and (3) ACSF will provide college tuition for Black high school students who want to pursue careers in education (e.g., teaching, school social work) to be awarded annually in perpetuity, creating the City of Asheville Student Scholarship.

Dr. Mark Dickerson, Assistant Superintendent of Human Resources for Asheville City Schools, said the BEE Cohort will be (1) providing tuition and funding to 10 Black faculty as they complete advanced degrees, certifications, and licensures; (2) providing monthly academic support sessions through ACS; (3) hosting monthly social gatherings through ACSF; and (4) ongoing qualitative research conducted by Dr. Darrius Stanley to maximize the impact of the cohort model and ensure the sustainability of the BEE program. He provided a list of BEE cohort members and their respective degrees.

Brandon Whiteside, Scholarship and Alumni Coordinator for ACSF, said the City of Asheville Scholarship is a four-year scholarship of \$10,000, payable at \$2,500 per year for 4 years (subject to satisfactory progress), for Black/African-American students that have demonstrated excellent character and intend to pursue a career in education. The City of Asheville Scholarship is one of 20 unique awards offered by ACSF. ACSF scholarship awards are structured to address barriers and uplift student experiences beyond academic history alone. 100% of ACSF scholarship recipients demonstrate financial need. The Spring 2021 Student Scholarship recipient is Jayla Williams. Ms. Williams is attending North Carolina Central University where she is currently studying Child Development and Education.

Mr. Whiteside thanked City Council for investing in equitable opportunities for Asheville's Black students and educators.

Councilwoman Mosley asked to be included in the email distribution list of social gatherings. She also noted that what ACSF is doing with these funds is exactly what we hoped would happen.

On behalf of City Council, Mayor Manheimer thanked the ACSF for their work and that this is a win for the entire City.

B. MANAGER'S REPORT - REPARATIONS PROCESS UPDATE

City Manager Campbell introduced Reparations Process Project Manager Debra Jones who will provide an update on the reparations process. She also thanked Interim Equity Director Brenda Mills who has been working closely with Ms. Jones.

Ms. Jones said that she will review (1) about TEQuity; (2) the project manager role; (3) project phases; (4) project milestones to date; and (5) Reparations Commission appointment process.

She said the management consulting firm specializes in strategic planning, project management, analytics, and equity initiatives. Asheville regional projects include: (1) N.C. Dept. of Transportation Minority and Woman Small Business; (2) Capacity Enhancement (SBCE) Initiative for Western North Carolina (31 counties); (3) Economic Leakage Study for Asheville MSA for the New Economy Coalition; and (4) City of Asheville's Disparity Study – Community Engagement.

She said the role of the project manager support team is to support the work of the Community Reparations Commission (1) Creating project management structure designed to support Commission in producing key deliverables; (2) Establishing research infrastructure; (3) Providing facilitation support by impact area; (4) Formalizing resource affiliations with community-based organizations; (5) Sharing information with community; and (6) Institutionalize knowledge gained for implementation efforts and/or future projects.

Reparations Project phases consist of project initiation; formation of Community Reparations Commission; reparations and impact area research; short-term recommendations

(spring quarter of 2022); medium-term recommendations (2nd quarter of 2022); long-term recommendations (spring of 2023); final report; and close-out. The formation of the Reparations Commission will kick off October 18.

Project milestones to date include (1) Project Management Services contract awarded to TEQuity, LLC and approved on September 14, 2021; (2) Project kick-off meeting with City of Asheville and Buncombe County staffs; (3) Identification of local liaisons/facilitators for each impact area: criminal justice, economic development, education, healthcare, housing; (4) Meetings with Communications and Public Engagement staff, ITS/Office of Data and Performance, City Clerk's Office, and City Attorney; and (5) Development of Community Reparations Commission nomination and application process and form.

The Community Reparations Commission appointment process consists of (1) Twenty-five (25) Community Reparations Commission members (a) Impacted Neighborhood Representatives: (i) Thirteen (13) appointments to be selected by neighborhood organizations including: Four (4) neighborhoods historically impacted by Urban Renewal: Burton Street, East End/Valley St., Shiloh, Southside; and Housing Authority communities and other neighborhoods (e.g. Stumptown); (ii) Neighborhood nomination process; and (iii) Selection process at the discretion of the neighborhood organizations submitting nominations; and (2) Impact Focus Area Appointments: (a) Twelve (12) appointments based on experience and expertise in criminal justice, economic development, education, healthcare, and/or housing impact focus areas (i) Six (6) City Council seat appointments; and (ii) Six (6) Buncombe County Commissioner seat appointments.

On October 18, 2021, we will begin solicitation of nominations and applications for the City of Asheville's Reparations Commission. In the November/December timeframe, (1) nomination and application submittal deadline; (2) Council application submission; (3) Council application review completion; (4) interview for six City Council Reparations Commission seats; (5) Council appointment of six City Council Reparations Commission seats and announcement of 13 Commission members nominated by neighborhood organizations; (6) interviews for the six Buncombe County Commission Community Reparations seats; and (7) Buncombe County Commissioners appointment of six Reparations Commission Commission seats. In the December/January timeframe, the appointments to the Reparations Commission will be finalized.

She explained what the Commission nomination and application forms will look like and that there will be procedures and guidelines for this process. There will be meetings set to review the process, taking questions & answers, etc. following the launch on October 18.

When Councilwoman Kilgore asked if the November 15 deadline for applications will be enough time to work through the selection process, Ms. Jones said that based on her internal discussions with City and County staff, she felt comfortable that we will have ample time. We do not want to compromise quality and if we do need to extend the time, she will have those discussions.

In response to Councilwoman Wisler, Ms. Jones clarified the appointment process in that the 13 neighborhood representatives will not be vetted by City Council, but by the associations. The City & County 12 seats may still be representatives of the communities, but applications will be handled through a different process. We will strive to make all voices heard in this process, even if they are not appointed to a seat on the Commission. We see all kinds of opportunities for the community to be involved. We will reach out to organizations and individuals that want to support this effort and provide that information to the Commission to let them know what is available to them for support.

Ms. Jones responded to Councilwoman Mosley when she asked how neighborhoods can nominate someone if they do not have a formal association, in particular the Housing Authority neighborhoods; and also how a Black person not living in an affected neighborhood can be appointed.

In response to Vice-Mayor Smith, Ms. Jones said that during the information sessions, we will ask individuals to apply if they are interested.

Councilwoman Roney wanted to ensure that there is every opportunity for Black voices to be heard. She also wanted to make sure that Montford and Stumptown are on the list of neighborhoods historically impacted by Urban Renewal. Ms. Jones confirmed that they are on the list.

In response to Vice-Mayor Smith, Ms. Jones said that the application process has questions that will speak to generational voices.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER ADOPTION OF A CORRIDOR STUDY ON TUNNEL ROAD

Councilwoman Roney moved to continue the public hearing to consider adoption of a corridor study on Tunnel Road to November 9, 2021. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

B. PUBLIC HEARING TO CONSIDER ADOPTION OF A CORRIDOR STUDY ON HENDERSONVILLE ROAD

Councilwoman Mosley moved to continue the public hearing to consider adoption of a corridor study on Hendersonville Road to November 9, 2021. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

C. PUBLIC HEARING TO CONSIDER ADOPTION OF A CORRIDOR STUDY ON BILTMORE AVENUE AND MCDOWELL STREET

Councilwoman Roney moved to continue the public hearing to consider adoption of a corridor study on Biltmore Avenue & McDowell Street to November 9, 2021. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

D. 130 CHARLOTTE STREET

Mayor Manheime said that the presentations and public hearings for the Land Use Incentive Grant and the conditional zoning for 130 Charlotte street will be combined; however, each will require a separate vote.

PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO KASSINGER DEVELOPMENT GROUP FOR 130 CHARLOTTE STREET

RESOLUTION NO. 21-216 - RESOLUTION GRANTING A LAND USE INCENTIVE GRANT TO KASSINGER DEVELOPMENT GROUP FOR 130 CHARLOTTE STREET

Community Development Programs Director Paul D'Angelo said that this is the consideration of a land use incentive grant to Kassinger Development Group (KDG) for 130 Charlotte Street. This public hearing was advertised on October 1, 2021.

Review:

- KDG has applied for a Land Use Incentive Grant (LUIG) for their development at 130 Charlotte Street per the LUIG policy adopted by City Council and amended on June 22, 2021.
- The development is residential rental / mixed use with 186 total units, 167 one bedrooms and 19 two bedrooms, with housing representing a majority of the overall rentable square footage.
- Of the 186 residential units, 37 rental apartments (20%) will be affordable, serving individuals and families earning at or below 80% of the Area Median Income (AMI), with half of those units, 19, accepting Housing Choice Vouchers / Rental Assistance for individuals and families at or below 60% AMI, for a minimum of 20 years. Note - KDG is offering 30 years.
- The project encompasses 2.34 acres of land bound on Charlotte Street, pin number 9649-53-7348.
- The developer estimates a total development cost of approximately \$42,900,000.
- Estimated Tax Value of the property is \$26,970,000 post-completion.
- The project, as presented to staff, meets the following Eligibility Requirements:
 - The proposed development consists of two or more dwelling units for rent;
 - At least 20% of the units will meet the affordability standards set by the City of Asheville for households earning at or below 80% of the Area Median Income (AMI).
 - The affordable units will be affordable to and leased to income-eligible households for at least 20 years. Note - KDG is offering 30 years.
 - The proposed development is located inside the city limits.
 - The proposed development provides residents convenient access to jobs, schools, and services.
 - The proposed development is over the 70% residential threshold in use based on square footage not to include a parking structure if applicable.
- Per the LUIG Scoring Matrix and based upon the policy, the project will receive:
 - 40 total points for affordability,
 - 20 points for the location, and an additional
 - 20 points for energy efficiency,
 - for a total score of 80 points.
- Per the policy, this will equal 16 years of grants in the amount of the City Property Taxes payable on the 130 Charlotte Street Development.

Proposal:

- Affordable Rental Housing
 - The proposed project will provide:
 - thirty-seven (37) affordable units (20% of the total units) to individuals and families earning at or below 80% AMI,
 - with 19 (50% of the affordable units) accepting rental assistance, for an affordability period of thirty (30) years.
 - Under this category, the project qualifies for 30 points.
- Rental Assistance
 - The proposed project will accept 19 Housing Choice Vouchers / Rental Assistance in the community, and possibly consider more.
 - Under this category, the project qualifies for 10 points.
- Superior locational efficiency

- The proposed project is located:
 - within .25 mile of a 1/2 hour transit stop served by an existing sidewalk,
 - within 1 mile from a job or urban center, and
 - within a .5 mile from a Transportation Amenity.
- Under this category, the project qualifies for 20 points.
- Energy Efficiency
 - The developer has committed to using Energy Efficiency (EE) / Energy Star Certification and Solar Panels for the common areas.
 - Under this category, the project qualifies for 20 points.
- Staff has scored the project with 80 points, which qualifies the project for sixteen (16) years of Land Use Incentive Grant.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Housing & Community Development Committee - September 21, 2021 - Unanimous Approval

Pro(s):

- The proposed project will provide:
 - 37 affordable rental housing units to households earning 80% or less of area median income,
 - with half of those units, 19, accepting Housing Choice Vouchers / Rental Assistance for individuals and families at or below 60% AMI.
- The proposed project addresses the pressing need for affordable one-bedroom apartments with:
 - approximately 32 one (1) bedrooms, and
 - 5 two (2) bedrooms
 - for a total of 37 affordable units;
- The proposed project will have an affordability period of thirty (30) years;
- The proposed project should have a significant economic impact.
- Construction wages and material purchases will positively affect the local and regional economy;
- The 37 affordable units are located in North Asheville (walkability score of 65 - somewhat walkable, bike score of 60 - bikeable, some bike infrastructure) and provide downtown employment & shopping options for individuals and families who fall within the 80% AMI incomes.
- KDG will communicate with the Asheville Housing Authority and others that they are accepting Housing Choice Vouchers and Rental Assistance as the development prepares to come online.

Con(s):

- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.

Fiscal Impact:

- The parcel has a combined current tax value of \$3,612,300 and pays city property taxes of approximately \$14,558 annually.
- Under the estimated tax value of \$26,970,000M post-completion, the annual city property tax will be approximately \$108,689.

- The difference is \$94,131 which would be granted to the property owner annually after payment for 16 years.
- For 16 years and 37 affordable units at or below 80% AMI, the city will grant back a total of \$1,506,096 over the 16 years of the LUIG which equals \$40,705 per unit of subsidy which is lower than the estimate of up to \$80,000 in subsidy for 80% AMI homes as noted in Council Work Sessions and a subsidy cap noted in the LUIG Policy.
- After year 16, the City will receive the approximate \$108,689 annually in city tax revenue (depending on future property tax increases, etc.).
- Please note the City will still receive property taxes of approximately \$14,558 in years 1 - 16.
- The City sets aside a budget annually for Land Use Incentive Grants.

In response to Councilwoman Wisler, Councilwoman Turner, Chair of the Housing & Community Development (HCD) Committee, said that this request was reviewed by the HCD Committee and received unanimous approval.

In response to Councilwoman Turner, Mr. D'Angelo said that the affordable units will be spread throughout the building. He also said that once the renter surpasses the income level of 80%-120% AMI, they will have four months to make a decision on whether they can pay the full amount of rent or move out.

Councilwoman Wisler was pleased to see that the developer has agreed to a 30 year commitment of affordability, not just the required 20 years in the LUIG.

Mr. D'Angelo responded to Councilwoman Roney when she asked if our grant is based on the taxable value of the land or the end sale price of the land. Mr. D'Angelo said that it is based on taxable value and at this time it is only an estimate. But when we actually go to contract and the building is complete and we finalize the documents, i.e., deed restriction and this LUIG, we will look at the final taxable value to see how close that estimate was. But, the final taxable value is what we will base the grant upon.

In response to Councilwoman Roney, City Attorney Branham said that if the final tax value comes in greater than the original estimate, the amount of subsidy will go up if tax value goes up. The net effect on the City is essentially the same. They would essentially receive a greater grant back only if the tax value was greater.

Councilwoman Roney said that as we analyze how these LUIGs are working as they are finalized, the big picture is if we were to be partnering with groups that have permanently affordable housing as their mission, would we get farther in per unit than what we are attempting to do now.

PUBLIC HEARING TO CONDITIONALLY ZONE 130 CHARLOTTE STREET FROM COMMUNITY BUSINESS I DISTRICT TO COMMERCIAL EXPANSION - CONDITIONAL ZONE

ORDINANCE NO. 4908 - ORDINANCE TO CONDITIONALLY ZONE 130 CHARLOTTE STREET FROM COMMUNITY BUSINESS I DISTRICT TO COMMERCIAL EXPANSION - CONDITIONAL ZONE

Principal Planner Shannon Tuch said that this is the consideration of conditionally zoning 130 Charlotte Street from Community Business I District to Commercial Expansion - Conditional Zone. This public hearing was advertised on October 1 and 8, 2021.

Project Location and Contacts:

- The project site consists of a single 2.34 acre parcel located at 130 Charlotte St. (PIN 9649-53-7348)
- Owner: Charlotte Holding LLC.

Summary of Petition:

- This petition is for the purpose of constructing an approximately 166,000 square foot mixed-use development that includes 186 new residential units and 4,500 square feet of commercial/retail space.
- The proposed new street address for the project would be 120 Charlotte St.
- The site is 2.34 acres in size and the proposed project will disturb the entire site.
- The current zoning is CB-I (Community Business I).
- The applicant is seeking a rezoning via conditional zoning to COM EXP-CZ due to the number of residential units and overall square footage requiring Level III review.
- Based on the Future Land Use map found in the Living Asheville Comprehensive Plan, the property is currently designated Traditional Corridor which calls for a mix of uses and higher density residential projects with buildings located close to the street and full multimodal access. No change to the FLU will be required.
- The maximum density in the COM EXP district is 20 units/acre but may be increased to 50 units/acre with the inclusion of 20% of all residential units being set aside as affordable. This project does include 20% of the units to be affordable but proposes 80 units/acre, exceeding the maximum and requiring modification.
- The entire parcel is located within the Charlotte Street Transition Overlay District and is included in the Charlotte Street Innovation District (or Municipal Service District).
- The subject property is also located in the Chestnut Hill National Register Historic District. The period of significance for this district is 1865-1929. There are no historic structures on the property and one non-contributing structure (former Fuddrucker's restaurant) which is proposed to be demolished.
- The site has road frontage on Charlotte St. and E. Chestnut St. with vehicular access into the parking garage proposed from E. Chestnut St. The Traffic Impact Study contemplated access to the garage from Charlotte St. and will need to be updated to reflect the location change.
- The existing transit stop near the intersection of Charlotte St. & E. Chestnut St. will be retained with the addition of a transit shelter.
- New construction includes a single mixed-use, multi-storied commercial building. The building will range from 3-5 stories in height with the uppermost story stepped back from the vertical plane of the lower stories. The maximum height, as measured by the UDO, is 48' with an overall structure height of approximately 54'.
- Housing is the predominant land use proposed with affordable housing included as part of the project, setting aside 20% of the total unit count (38 units) as affordable to those earning at or below 80% area median income (AMI) for a period of 20 years. During the LUIG presentation, the developer offered a period of 30 years and the conditions will be amended to reflect that.
- Off-street parking will be accommodated through two levels of below grade structured parking which will supply approximately 231 parking spaces. Also included in the project is the creation of six on-street parking spaces located on E. Chestnut St.
- Almost 19% (18,941 square feet) of the site is proposed as community open space containing a combination of active and passive courtyards, as well as wide sidewalks. Sidewalks are available for public use while the active/passive recreation areas will be restricted to residents and guests and will be privately maintained.
- The plans indicate that the required tree canopy preservation requirement (15%) will be satisfied through a combination of new tree plantings with a fee-in-lieu for the balance of the requirement.
- Streetscape improvements are noted along both road frontages and with a sidewalk/ped zone that ranges from 10-20' wide and will include street trees in grates or trees in

- planting islands.
- The project is seeking several modifications to development standards and does not comply with the COM EXP zoning standards only in that density exceeds the maximum 50 units/acre.
- The project does not comply with the Charlotte Street Transition Overlay District requirements in the following ways:
 - Building footprints exceed 6,000 square feet and gross floor area exceeds 12,000 square feet. (Note: projects that meet additional design criteria may exceed the maximum footprint and gross floor area by 25%; however, this project greatly exceeds those limits.)
 - Buildings exceed the two-story maximum allowable building height.
 - The dominant roof form is flat and not gabled or hipped.
 - Facades are greater than 35 feet.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- This project meets a number of key city goals in the Living Asheville Comprehensive Plan including:
 - **Encourage Responsible Growth** - by increasing the city's housing supply and locating housing density and new jobs in a locationally efficient area, within an Innovation District, which is one of the plan's identified growth areas.
 - **Make Streets More Walkable, Comfortable and Connected** - by supporting multimodal transportation such as transit, bicycling and walking through pedestrian and transit infrastructure improvements.
 - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking & Increase and Diversify the Housing Supply** - by providing contextually appropriate infill development that includes housing, especially affordable housing.

Charlotte Street Corridor Plan (1999)

- The proposed development supports the following plan goals:
 - Mixed use development that introduces housing along the corridor (consistent with the Proposed Land Use map in the plan).
 - A sense of place along the streetscape, including enhancements, is encouraged to address a lack of cohesiveness and pedestrian-friendly infrastructure.
 - Multimodal and pedestrian improvements, increasing pedestrian activity and parking capacity.
- The proposed development can be seen as being inconsistent with one goal in the plan where new development is encouraged to be two to three stories in height and compatible with the historic character, massing and scale of Charlotte Street while preserving aesthetic amenities.
- While this building is 3-5 stories in height, it is consistent with the historic character and of the commercial buildings along the corridor. The plan also makes allowances for larger size buildings that otherwise align with the plan.

Plan on a Page - Living Asheville Appendix (2018)

- Living Asheville included a neighborhood planning initiative called "Plans on a Page (POP)" where neighborhoods provided feedback on their respective neighborhoods and geographies.
- The summary for North Asheville included the following recommendation, *"Given the existing character of the area, including historic districts/structures, there is a need to balance preservation with accommodation of new demand. The areas with the most potential for higher-density development are along the North's three primary commercial corridors: Broadway Avenue, Merrimon Avenue, and Charlotte Street. Therefore,*

strategies for North Asheville should promote maintaining local character in the residential neighborhoods, while encouraging higher-density development along the commercial corridors.”

- The project largely aligns with the Plan on a Page by concentrating the intensity of the project (5 stories + commercial space) along the Charlotte St. corridor and stepping the building down as it abuts the residential properties to the north and west.

Compatibility Analysis:

- Adopted city plans envision a balance of new construction that activates Charlotte Street with historic preservation and neighborhood compatibility goals.
- The proposed zoning (COM EXP-CZ) and land uses are generally compatible with the surrounding zoning and uses, surrounded primarily by high density residential in 2-3 story buildings, or community based offices or businesses.
- Where the project abuts single family residences, the project will provide a 30 foot Type B property line buffer.
- The building has been designed in a way that incorporates design elements found in other buildings on the corridor.
- The building design is consistent with the Charlotte Street Transition Overlay District, which states, “It is not the intent that new buildings mimic historic designs, but rather that they combine elements from the historic design palette in new ways to achieve a design which is compatible with and complementary to the historic character of the street” (Section 7-9-10(f)(2)).
- The proposed building steps down in height where it abuts the adjacent residential properties.
- As stated above a change in the Future Land Use map is not required as the Traditional Corridor future land use designation contemplates a mix of uses and higher density residential projects with buildings located close to the street with multimodal transportation access.

Council Goal(s):

- The council goal of **A Well-Planned and Livable Community** is most applicable.

Committee(s):

- Technical Review Committee (TRC) - July 19, 2021 - approved with conditions.
- Planning & Zoning Commission (PZC) - September 1, 2021 - approved.

Staff Recommendation:

- Staff recommends approval of the project, for the reasons stated above.

Ms. Tuch identified some of the conditions being (1) Technical modification (UDO & Charlotte St. Overlay); (2) Mix of uses (predominantly residential w/ some ground level retail); (3) 20% of units will be dedicated affordable (80% AMI for 30 years); (4) Bus shelter added to Charlotte Street; (5) 18,000 s.f. of community open space; and (6) 231 structured parking spaces.

In response to Councilwoman Wisler, Ms. Tuch responded to concerns raised in a letter from the neighborhood. Ms. Tuch said that she believed the application was submitted in May, no steps were skipped, and the applicant took time to explore and address concerns after the Technical Review Committee, so she did not feel this project was fast-tracked. Regarding the project drastically changing from the neighborhood meeting, she said that we require a neighborhood meeting prior to submission of the application so the developer can hear concerns from the community and incorporate them into the design. That was the first time the developer revealed the English Tutor style (noting that was feedback received several years ago on the project). However, that style was a concern to staff who felt that style was out of place on this

corridor and with the Chestnut Hill Historic District. Staff wanted something compatible with historic preservation goals and consulted with the Historic Resources staff. The building did not change at all, but if it did, it was reduced slightly in scale. therefore a new neighborhood meeting was not warranted. The only changes from the Planning & Zoning Commission meeting to this meeting were (1) the parking garage entrance (moved from Charlotte Street to East Chestnut Street); (2) the character of the streetscape (pedestrian zones); and (3) the architectural style (English Tutor style to shingles architecture style or the style of the brick commercial buildings of the City Bakery). Staff felt those changes were positive and they were at staff's request.

Councilwoman Turner noted that the Asheville Citizen-Times printed a story on this project that contained some errors and she has asked that they correct them.

Mayor Manheimer opened the public hearing at 6:51 p.m.

Ten individuals spoke in opposition to the proposed development at 130 Charlotte Street for various reasons, some being, but are not limited to: current development is not what was presented to the neighborhood at the required public meeting; request to delay vote so neighborhood associations can meet with Council to better understand how we can work collaboratively towards a solution; the proposed conditional zone directly conflicts with the Charlotte Street Transition Overlay District and the Charlotte Street Corridor Plan; the project is inconsistent with the North Charlotte Street Innovation District process; any changes to these Plans should be done with involvement of the whole Charlotte Street Neighborhood; large development is surrounded on two sides of residential homes; and concern of ambient noise with increased traffic.

Mayor Manheimer closed the public hearing at 7:23 p.m.

In response to Mayor Manheimer, Transportation Director Ken Putnam said that we don't have any specific data regarding the traffic that Fuddruckers generated vs. traffic from an apartment complex this size. However, the main peaks for a restaurant would be in the lunch hour and evening hour. An apartment complex would have a morning peak hour and an afternoon peak hour. He felt that Fuddruckers' traffic volumes during the lunch hour were probably equivalent to this project. Fuddruckers was built so long ago that he was not sure if a Traffic Impact Analysis was required, but it would be today. Mr. Putnam agreed with Mayor Manheimer when she recalled the highest traffic counts on Merrimon Avenue and Charlotte Street were during the lunch time.

In response to Mayor Manheimer, Ms. Tuch said that there is a pretty dense 30-foot landscape buffer between this project and the adjacent residentially zoned properties. The same buffer would not be required between this project and the commercially zoned properties; however, this project still provides approximately 20-feet of buffering along those uses as well.

In response to Councilwoman Mosley, Mr. D'Angelo said this is one of our highest earning census tracts. Ms. Tuch said that some mixed-use and mid-scale multi-family are coming into some of these infill area opportunities. She said that there are two projects on Broad Street and they did include some affordable housing (but very small - 1 or 2 units; or 2-3 units). The other more significant in size affordable housing project was on Larchmont off Merrimon Avenue back in 2009.

In response to Councilwoman Turner, Mr. Putnam said the N.C. Dept. of Transportation (NCDOT) would need to be involved in changing the timing of the signal on East Chestnut and Merrimon Avenue, noting that it will have a compound effect on the other intersection lights along East Chestnut Street. However, he meets regularly with the NCDOT staff and would be happy to ask them to investigate that signal.

In response to Councilwoman Wisler, Mr. Putnam said that they are about 80% complete on a project to physically mark parking spaces alternately along East Chestnut Street. Hopefully the new Traffic Engineer will be able to finalize that project.

In response to Councilwoman Roney, Ms. Tuch said that the transition height from the project to the neighborhood is three stories.

Mayor Manheimer said that members of Council have previously received copies of the resolution ordinance and they would not be read.

Councilwoman Turner moved to approve the land use incentive grant application for KDG for 130 Charlotte Street. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 387

Councilwoman Kilgore moved to approve the conditional zoning request for the property located at 130 Charlotte St. from Community Business I (CBI) to Commercial Expansion - Conditional Zone (COM EXP-CZ) with the amendment to the conditions that the designed affordable units to those earning 80% of AMI be for a period of 30 years from final completion of the development; and find that the request is reasonable, is in the public interest, and is consistent with the city's comprehensive plan or other adopted plans in that the request: 1) encourages responsible growth by increasing the city's housing supply and locating housing density and new jobs in a locationally efficient area, 2) makes streets more walkable, comfortable and connected by supporting multimodal transportation such as transit, bicycling and walking, 3) celebrates the unique identity of neighborhoods through creative placemaking; and, 4) increases and diversifies the housing supply by providing contextually appropriate infill development that includes housing, including affordable housing. This motion was seconded by Councilwoman Turner and carried 6-1 by roll call vote with Councilwoman Roney voting "no".

ORDINANCE BOOK NO. 34 – PAGE 2

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Board of Adjustment Alternate seat, no one applied for the vacancy; therefore, it was the consensus of the Boards & Commissions Committee, and City Council, to re-advertise for the seat.

Regarding the Planning & Zoning Commission, the following individuals applied for the vacancies: Sherrye Coggiola, Roosevelt Harvin, Ricardo Seijo, Sara Wilcox, Lee Arevian, Kenneth Bussey Jr., Matthew Allen, Mike Falknor, Nicholas Dugan, Howard Wolkowitz, Darin Prosser and Kelsey Simmons. It was noted that on September 14, 2021, City Council interviewed Ricardo Seijo, Sara Wilcox, Kenneth and Bussey Jr. . Sherrye Coggiola and Roosevelt Harvin were unable to attend the interviews. City Council instructed the City Clerk to arrange interviews for Sherrye Coggiola, Matthew Allen, Mike Falknor, Nicholas Dugan, Howard Wolkowitz, Darin Prosser and Kelsey Simmons.

RESOLUTION NO. 21-217 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

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

Parker Smith has resigned as a member of the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2022.

The following individuals applied for the vacancy: Sarah Rick, David Bartholomew, Angelique Brickner, Emily Kirchmeyer and Louisa Shipnuck Jones.

It was the consensus of the Chair and staff liaison, and the consensus of the Boards & Commissions Committee to appoint David Bartholomew..

Vice-Mayor Smith moved to appoint David Bartholomew as a member of the Homeless Initiative Advisory Committee to serve the unexpired term of Parker Smith, term to expire November 1, 2022, or until David Bartholomew's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 388

RESOLUTION NO. 21-218 - RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Human Relations Commission (HRCA).

Tim Collins has resigned as a member of the HRCA, thus leaving an unexpired term until June 1, 2022.

The following individuals applied for the vacancy: Amanda Benson-Bremseth, Michael Brown, Edie Welchert and Harvey Dean Harold.

It was the consensus of the Boards & Commissions Committee to appoint Harvey Harold.

Vice-Mayor Smith moved to appoint Harvey Harold as a member of the Human Relations Commission to serve the unexpired term of Tim Collins, term to expire June 1, 2022, or until Harvey Harold's successor has been appointed.

Councilwoman Roney said that there is an HRCA meeting next week and she has heard from some members of the HRCA that they be allowed to make a recommendation as a group. We have accepted recommendations from groups instead of just the Chair. The City Council appointment would be delayed until October 26. Vice-Mayor Smith noted that the Chair made a recommendation to delay all appointments. Her only concern was that the HRCA is preparing for a retreat next month and she felt they should be fully seated before going into that retreat.

The motion made by Vice-Mayor Smith to appoint Harvey Harold was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 389

RESOLUTION NO. 21-289 - RESOLUTION APPOINTING MEMBERS TO THE NOISE ADVISORY BOARD

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

On July 27, 2021, City Council adopted Ordinance No. 4390 amending the Noise Ordinance. Said ordinance dissolved the Noise Ordinance Appeals Board and in its place adopted a Noise Advisory Board. Seven members will need to be appointed to the Board as follows: three residents, one representative of the restaurant industry, one representative of the industrial or construction industry, one professional in acoustic engineering or related field; and one representative of the performing arts.

The following individuals applied for the vacancies: Charles Beck, Jeffrey Fromson, Maria Burrell, Rick Freeman, Larry Holt, Megan Riley, Sharron Davis, Drew Dodge, Fletcher Maffett, Nancy Curtis, Eric Riffe, Jim Comer, Hernan Navarro, Seldern Porter Haizlip, Charles Warner, Michael Fulbright, Catherine Reed, Jessica Tomasin, Sunset Carson Appleton, Elliott Eichler, Elizabeth Whalen Tallent, Jeffrey Santiago, Dana Robertson, Lillianna Woody, James Harwood, Anoop Krishnan, Sally Spiegel, Matthew Calton, Carmelo Pampillonio, Nick Malgieri and Ryan Hargis.

It was the consensus of the Boards & Commissions Committee to appoint Jeff Santiago, Rick Freeman, Charles Beck, Jessica Tomasin, James Harwood, Anoop Krishnan, and Carmelo Pampillonio.

Vice-Mayor Smith moved to appoint the following members to the Noise Advisory Board: (1) Jeff Santiago to serve two-year term, term to expire November 1, 2023, seconded by Councilwoman Kilgore and carried unanimously by roll call vote; (2) Rick Freeman and Charles Beck to each serve a three-year term respectively, terms to expire November 1, 2024, seconded by Councilwoman Kilgore and carried unanimously by roll call vote; (3) James Harwood to serve a two-year term, term to expire November 1, 2023, as the representative of the restaurant industry, seconded by Councilwoman Mosley and carried unanimously by roll call vote; (4) Anoop Krishnan to serve a three-year term, term to expire November 1, 2024, as the representative of the industrial or construction industry, seconded by Councilwoman Mosley and carried unanimously by roll call vote; (5) Carmelo Pampillonio to serve a two-year term, term to expire November 1, 2023, as the professional in acoustic engineering or related field, seconded by Councilwoman Roney and carried unanimously by roll call vote; and (6) Jessica Tomasin to serve a three-year term, term to expire November 1, 2024, as the representative of the performing arts, seconded by Councilwoman Roney and carried unanimously by roll call vote. All terms are until their successors have been appointed.

RESOLUTION BOOK NO. 42 - PAGE 390

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, five individuals spoke to Council, including, but not limited to the following comments: update on Asheville Sister Cities; history of City Council; request for assistance from City to repair sinkhole on Montford Avenue; concern that the Reparations Commission will be chosen exclusively by City and County officials and a handful of organizational leaders from a small number of Black neighborhoods; and all Black community members, from all impacted neighborhoods, should have a voice in choosing who will represent them.

At the request of Mayor Manheimer, City Manager Campbell said that she would provide an update to City Council regarding the sinkhole on Montford Avenue.

Results of the September 30, 2021, Civil Service Board Employee Election

One copy of the results of the Civil Service Board employee election held on September 30, 2021, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on September 30, 2021: We do hereby certify, having opened, canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on September 30, 2021, noting the name of each person voted for and the number of votes cast for each person as follows: Alan Escovitz - 19; Mike Hahn -22; and Carol Goins - 1.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:04 p.m.

CITY CLERK

MAYOR