

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:

A. RECOGNITION OF NEIGHBORHOOD VOLUNTEER OF THE YEAR AWARDS

Ms. Bobette Mays, Chair of the Neighborhood Advisory Committee (NAC), was pleased to present Angela Young of Hillcrest Apartments, Michael Stratton of Oakley, and Lee Arevian of Grove Park/Sunset Mountain as the 2022 Neighborhood Volunteer of the Year Awards. She said that this award was initiated in 2017 by the Neighborhood Advisory Committee. The award is designed to recognize and honor local volunteers who have demonstrated significant and positive contributions toward a neighborhood association and/or commitment to strengthening city neighborhoods through volunteer time, talents and service, an unsung hero. The Neighborhood Advisory Committee voted on October 24 to recognize three Asheville residents for their outstanding service to their neighborhoods. This is the first time that the committee has made the Neighborhood Volunteer of the Year Award since 2019.

Mayor Manheimer said that there are many people that lovingly care for their community in Hillcrest and in other communities like it across Asheville. Ms. Angela Young, along with those that support, take action to show their fellow residents that there is love nearby and that it feels good. As they face real life challenges, they could use all the resources that could be swung their way as they bring smiles across their neighborhood. Some of Angela's contributions: Organized a neighborhood council for the community, always volunteers to help with food distribution and events, being a positive influence throughout the neighborhood. Ms. Young was unable to attend the Council meeting, and the award would be presented to her..

Mayor Manheimer said that Lee helps bring neighbors together and to make everyone feel included. Lee Arevian doesn't want people to have a lack of knowledge about the neighborhood, instead he wants people that live in a neighborhood to pay attention and see what is going on. He believes that when you buy a home, you are investing not just for yourself but everyone in that community; to feel proud of where they live and to make it the very best. He believes that you are leaving a footprint that will be remembered for many years to come and to continue to contribute to make your neighborhood the best for the life of the city. Lee is currently President of the Grove Park Sunset Mountain Association which represents over 1300 Homes in the Neighborhood, maintaining 3 parks along with 22 traffic islands and preserving over 100 years of Asheville history. Mr. Arevian was unable to attend the meeting; however, a representative for NAC accepted the award on behalf of Mr. Arevian.

Mayor Manheimer said that Michael Stratton led the effort to establish a neighborhood association. He volunteered his back yard for a community resilience garden, which donates harvests to Bounty and Soul. Michael was the primary coordinator for our two neighborhood Open Streets events, which brought neighbors together to envision a new way to experience our shared spaces. Through leading committees, coordinating volunteer clean-up days, and tending

the resilience garden, Michael makes our neighborhood more connected and vibrant. Councilwoman Roney, Council liaison to NAC, was pleased to present the award to Mr. Statton.

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 25, 2022**
- B. RESOLUTION NO. 22-242 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR EXTENSION TO CONTRACT WITH WNC LANDSCAPING LLC FOR THE 2021 DOWNTOWN CLEANING PROJECT**

Action Requested: Adoption of a resolution to execute a one year extension of the downtown cleaning contract with WNC Landscaping, LLC in the amount of \$264,528.54, plus a 17% contingency of \$44,969.85, for a total of \$309,498.36 of the Fiscal Year 2021 Downtown Cleaning contract.

Background:

- This is the second of two possible extensions for this contract.
- Each extension is for one year.
- This contract includes provisions for the pressure washing of City-owned sidewalks in the Central Business District (CBD), weed control on City-owned sidewalks and curb lines, general cleanup services to remove loose litter and debris from City-owned sidewalks, and the cleaning of City-owned garbage and recycling cans.
- Specifically, Zone A of the CBD will be pressure washed six times in one year and Zone B will be pressure washed two times.
- The contractor will provide weed control on an as-needed basis and patrol daily for loose litter and debris.
- Garbage and recycling cans will be cleaned four times per year.
- The contract carries an automatic 3% price increase for each annual extension.
- The project was advertised on October 10, 2020 and bids were opened on November 5, 2020.
- The following five bids were received:

	(Base bid - determines low bid)	Extra services
WNC Landscaping, LLC of Cedar Mountain, NC	\$132,503.00	\$98,491.00
TruBlue Services, LLC of Easley, SC	\$137,593.00	\$126,094.00
MsLean of Arden, NC	\$146,996.00	\$79,240.00
PD Rivers of Hemingway, SC	\$158,035.00	\$101,720.00
B.H. Graning Landscapes, Inc of Sylva, NC	\$185,808.00	\$114,684.00

- The lowest responsive bid was determined by the base bid.
- The contract also requested prices for extra services to be provided by the lowest responsive bidder if the prices fit into the City’s budget.
- These services include two additional washing cycles of Zone A, daily loose debris pickup, and garbage can cleaning.
- The lowest responsive bidder provided acceptable prices for these items and they have been added to the contract.
- A recent amendment to the contract has provided for the removal of litter hotspots in the CBD.
- These are locations of concentrated litter that were not on the contractor’s daily route.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority- & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- One minority- or woman-owned business enterprise submitted a bid to be the prime contractor on the project.

Council Goal(s):

- Well-Planned and Livable Community
- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Continues the pressure washing of the CBD.
- Provides for the cleaning of City-owned garbage and recycling cans, which are a source of complaint.
- Provides for cleaning of litter hotspots throughout the CBD.

Con(s):

- Pressure washing can cause short disruptions for pedestrian traffic.

Fiscal Impact:

- Funding for this contract is available in the Public Works Department operating budget.

Motion:

- Motion to adopt a resolution to execute a one year extension of the Downtown Cleaning contract with WNC Landscaping, LLC in the amount of \$264,528.54, plus a 17% contingency of \$44,969.85, for a total of \$309,498.36 of the FY21 Downtown Cleaning contract.

RESOLUTION BOOK NO. 43 - PAGE 313

C. RESOLUTION NO. 22-243 - RESOLUTION SETTING A PUBLIC HEARING ON DECEMBER 13, 2022, TO CONSIDER CLOSING A PORTION OF AN UNOPENED RIGHT-OF-WAY ON CLAYTON AVENUE ADJACENT TO 77 HANSEL AVENUE, AND DECLARING ITS INTENT TO CLOSE THIS RIGHT-OF-WAY

Action Requested: Adoption of a resolution to set a public hearing for December 13, 2022, to permanently close a portion of an unopened right-of-way on Clayton Avenue adjacent to 77 Hansel Avenue.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires City Council to consider whether the closure of the right of way has a negative impact to the public interest and whether the closure would impede access to parcels, utilities, and other public infrastructure.
- Buncombe County Rescue Squad is the applicant.
- The applicant wishes to permanently close a portion of an unopened right-of-way on Clayton Avenue adjacent to 77 Hansel Avenue to rectify an error on the original plat (PB 2, PG. 78) that locates Clayton Avenue south of its true location.

- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right of way.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee, October 3, 2022, unanimously recommended approval.
- Multimodal Transportation Commission, October 26, 2022, unanimously recommended approval.

Pro(s):

- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.
- It corrects a platting error.

Con(s):

- None.

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution to set a public hearing for December 13, 2022, to permanently close a portion of an unopened right-of-way on Clayton Avenue adjacent to 77 Hansel Avenue.

RESOLUTION BOOK NO. 43 - PAGE 314

D. ORDINANCE NO. 4981 - TECHNICAL BUDGET AMENDMENT IN EACH OF THE CITY'S ANNUAL OPERATING FUNDS TO APPROPRIATE FROM RESTRICTED AND ASSIGNED FUND BALANCE THE REQUIRED BUDGET AUTHORIZATION FOR PRIOR YEAR CONTRACTS, PURCHASE ORDERS, AND OTHER CARRY-OVER APPROPRIATIONS THAT ROLLED FORWARD TO FISCAL YEAR 2022-23

Action Requested: Adoption of a technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to Fiscal Year (FY) 2022-23.

Background:

- As part of its ongoing operations, the City enters into various contracts and purchase order agreements throughout the fiscal year.
 - Budget funds are encumbered for the full amount of the expected purchase.
 - These contracts and purchase orders are often not fully completed and paid in one fiscal year.
 - North Carolina General Statutes provide authorization for local governments to reserve the unexpended portion of these prior year commitments and roll those budgets forward to the new fiscal year.
- As a part of the FY 2021-22 annual audit, staff identified prior year commitments and carry-over appropriations to roll forward to FY 2022-23.

- These dollar amounts were deducted from the unassigned fund balance amounts that were reported in the Annual Comprehensive Financial Report.
- The technical budget amendment will provide authorization to officially appropriate these amounts in the FY 2022-23 budget for each of the City's annual operating funds.
- It is standard practice for staff to bring forward this technical budget amendment each year at the same City Council meeting in which the external auditors present the annual audit results.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2022-23.

Con(s):

- None.

Fiscal Impact:

- There is no impact on unassigned or available fund balance in the City's operating funds.

Motion:

- Motion to adopt a technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2022-23.

ORDINANCE BOOK NO. 34 - PAGE 285

E. MOTION TO INTRODUCE BOND ORDER AUTHORIZING THE ISSUANCE OF 2023 GENERAL OBLIGATION REFUNDING BONDS IN AN AMOUNT TO NOT EXCEED \$26,000,000

RESOLUTION NO. 22-244 - RESOLUTION MAKING CERTAIN STATEMENTS OF FACT CONCERNING THE PROPOSED BOND ISSUE AND SETTING A PUBLIC HEARING ON DECEMBER 13, 2022, TO RECEIVE PUBLIC COMMENTS ON THE PROPOSED BOND REFUNDING

Actions Requested: Introduction of the Bond Order that authorizes the issuance of 2023 General Obligation (GO) Refunding Bonds in an amount not to exceed \$26,000,000; and 2) adoption of a Resolution making certain statements of fact concerning the bond issue; and 3) setting a public hearing on December 13, 2022 to receive public comments on the proposed bond refunding.

Background:

- On November 8, 2016, Asheville voters approved a \$74 million General Obligation (GO) Bond Referendum - \$32 million for Transportation improvements, \$25 million for Affordable Housing initiatives and \$17 million for Parks and Recreation improvements.
- In June 2020, the City issued a three-year short-term general obligation bond in an amount not to exceed \$25,000,000.

- Short term bonds provide cash to reimburse the City for capital expenses prior to the issuance of long term fixed rate financing.
- Since the short term bond was issued in June 2020, the City has drawn down approximately \$14.9 million and will draw the remaining available amount over the next two months.
- In order to refund the \$25,000,000 principal on the short term bond, the City intends to issue long-term, fixed-rate GO Bonds in early 2023.
- Staff is seeking Council approval of the introduction of the Bond Order that authorizes the issuance of 2023 General Obligation (GO) Refunding Bonds in an amount not to exceed \$26,000,000, this amount includes an estimate of potential Original Issue Discount and issuance cost.
- Staff is also seeking Council approval:
 - o of the resolution making certain statements of fact concerning the proposed bonds as required by the Local Government Commission and
 - o to set a Public Hearing on this debt issuance for December 13, 2022.
- Approval of the Bond Order and adoption of a resolution setting the terms of the bonds is also scheduled for Council's December 13, 2022 meeting.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Converts GO funding from short-term variable-rate debt to long-term, fixed-rate bonds.
- Spreads capital costs over a longer term to better match assets' lives.

Con(s):

- None

Fiscal Impact:

- In June 2017, City Council approved a 3.5 cent increase to the property tax rate to fund future debt service associated with voter passage of the GO Bond referendum.
- The debt service payments for this bond refunding are already included in the multi-year Capital Improvement Program (CIP)/Debt Financial Model.

Motion:

- Motion to introduce the Bond Order authorizing the issuance of 2023 General Obligation (GO) Refunding Bonds in an amount not to exceed \$26,000,000; and motion to adopt the resolution making certain statements of fact concerning the proposed bond issue and setting a public hearing on December 13, 2022 to receive public comments on the proposed bond refunding.

Introduction of Bond Order: BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$25,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the "City") has previously issued its General Obligation Bond, Series 2020 (the "2020 Bond");

WHEREAS, the City Council of the City (the "City Council") deems it advisable to refund all of the outstanding principal amount of the 2020 Bond;

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Asheville, North Carolina, as follows:

Section 1. The City Council deems it advisable to refund the 2020 Bond.

Section 2. To raise the money required to pay the costs of refunding the 2020 Bond as set forth above, General Obligation Refunding Bonds of the City (the "*Refunding Bonds*") are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such Refunding Bonds authorized by this bond order shall be and not exceed \$26,000,000.

Section 3. Taxes will be levied in an amount sufficient to pay the principal and interest of the Refunding Bonds.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. This bond order shall take effect on its adoption.

RESOLUTION BOOK NO. 43 - PAGE 316

F. RESOLUTION NO. 22-245 - RESOLUTION APPROVING UPDATES TO THE CITY'S POLE BANNER POLICY

Action Requested: Adoption of a resolution approving updates to the City of Asheville Pole Banner Policy

Background:

- City Council adopted Asheville's current Pole Banner Policy, developed by the Planning and Community Development Department, on March 23, 2004.
- The Outdoor Special Events office began overseeing the permitting and execution of the pole banner policy, permitting, and administration in 2013.
- Several issues have since been identified with the administration of the City's current pole banner policy including a lack of staff capacity for oversight of installations, insufficient hardware maintenance and fees, and clarification needed around the guiding principles in decisions determining the location and upkeep of hardware and banners.
- City Council has adopted staff recommendations on fee changes beginning in Fiscal Year 2023.
- The revised policy was reviewed with Planning staff to ensure it complies with the City's Sign Ordinance.
- The revised policy incorporates the new fee structure, updates the responsibilities of program participants and city administration offices, and also:
 - Brings policy in alignment with new application preparation and permitting fees
 - The Department of Community & Regional Entertainment Facilities (DCREF) becomes responsible for the purchase of hardware and contracts with a single installer to service all banner installations and maintenance
 - Improves placement standards to create a more cohesive presentation per block face
 - Clarifies qualification requirements for neighborhood-district identification
 - Creates special allocation of certain poles along the frontage of City-owned entertainment facilities for priority of use: Civic Center, Art Museum/Wortham, McCormick Field, WNC Nature Center, Aston Park Tennis Center, and John B. Lewis Soccer Complex

- Limits event promotion to events conducted within city-owned entertainment facilities with at least 1,000 attendees per day, minimum of two consecutive days in duration
- Recognizes the relationship with Duke-Progress Pole Use standards

Council Goal(s):

- Well-planned and livable community
- Thriving local economy
- Connected and engaged community

Committee(s):

- Planning & Economic Development Committee - October 10, 2022 - recommended unanimously to forward to City Council

Pro(s):

- Provides a necessary update to City policy.

Con(s):

- None

Fiscal Impact::

- The City will incur the initial costs for purchasing hardware, which will not be fully recovered by fees until banners are displayed for three years.
- Funding for this work has been identified within the Department of Community & Regional Entertainment Facilities operating budget.

Motion:

- Motion to adopt a resolution approving updates to the City of Asheville Pole Banner Policy

RESOLUTION BOOK NO. 43 - PAGE 319

G. ORDINANCE NO. 4982 - BUDGET AMENDMENT FROM 2021 ASSISTANCE TO FIREFIGHTERS GRANT FOR SELF-CONTAINED BREATHING APPARATUS COMPRESSOR

Action Requested: Adoption of a budget amendment, in the amount of \$65,000, for the Assistance to Firefighters Grant Self Contained Breathing Apparatus (SCBA) Compressor

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.
- The goal of the current request is to increase the safety and health of our firefighters by increasing the accessibility of a breathing air compressor within the Asheville Fire Department.
- The Department requested funds to purchase a SCBA air compressor.
- 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 compressor 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 a breathing air compressor to support the increased usage of SCBA on firegrounds for firefighter safety.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- Firefighter safety would be increased significantly

Con(s):

- New equipment will require additional staff time to utilize and maintain.

Fiscal Impact:

- The total grant amount is \$65,000, including the City match.
- Funding for the required 10% local match (\$5,910) has been identified within the current fiscal year departmental operating budget.

Motion:

- Motion to adopt a budget amendment, in the amount of \$65,000, for the Assistance to Firefighters Grant Self Contained Breathing Apparatus (SCBA) Compressor

ORDINANCE BOOK NO. 34 - PAGE 287

H. ORDINANCE NO. 4983 - BUDGET AMENDMENT FOR THE OFFICE OF COMMUNITY ORIENTED POLICE SERVICES LAW ENFORCEMENT AND MENTAL HEALTH AND WELLNESS GRANT

Action Requested: Adoption of a budget amendment in the Special Revenue Fund in the amount of \$175,000 for grant funding from the Office of Community Oriented Police Services (COPS), U.S. Dept. of Justice (DOJ) Law Enforcement and Mental Health and Wellness Act (LEMHWA).

Background:

- On April 12, 2022, Asheville City Council approved Resolution 22-65 authorizing the Asheville Police Department (APD) to apply for and accept an award of grant funding from the Office of Community Oriented Police Services (COPS), U.S. Dept. of Justice (DOJ) Law Enforcement and Mental Health and Wellness Act (LEMHWA) of up to \$175,000 to fund a Wellness Coordinator Position within the department.
- On October 13, 2022, APD was notified of the grant award of the full \$175,000.
- The grant project period runs from 9/1/2022 through 8/31/2024.
- Approval of the budget amendment allows APD to execute the grant agreement.
- This position will be advertised and filled using the hiring process established and currently employed by the City of Asheville Human Resources department.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Physically and mentally fit officers are able to: Demonstrate better de-escalation skills, have lower rates of worker's compensation claims, build community relations more effectively, have lower suicide rates, have better decision-making skills, and exhibit more positive behaviors.
- A successful employee total wellness program for police employees must include a continuum of physical wellness strategies beginning at the hiring process and continuing through retirement.

Con(s):

- Maintaining the position after the grant funding is exhausted will require City funding.

Fiscal Impact:

- This action requires no City resources in the current fiscal year.
- The grant will fund a position and associated operating costs through next fiscal year (FY24). Continuing this program beyond the end of the grant period would require City resources and will be considered through the budget process.

Motion:

- Motion to adopt a budget amendment in the City's Special Revenue Fund in the amount of \$175,000.

Four individuals from the Asheville Coalition for Public Safety spoke in support of the Asheville Police Department, Asheville Fire Department, and all first responders. They also asked that Council proceed with an active plan to hire new police officers.

ORDINANCE BOOK NO. 34 - PAGE 288

I. RESOLUTION NO. 22-246 - RESOLUTION TO RESCIND THE \$1 MILLION HOUSING TRUST FUND LOAN PREVIOUSLY AWARDED TO BEAUCATCHER VISTA LLC

Action Requested: Adoption of a resolution to rescind the Housing Trust Fund award of \$1,000,000 approved for Beaucatcher Vista LLC.

Background:

- City Council approved Beacatcher Vista LLC's Housing Trust Fund award for \$1,000,000 on May 26, 2020, [Resolution #20-96](#).
- The award was to develop forty affordable rental homes at 2 Restaurant Court (now addressed as 16 Restaurant Court).
- Beacatcher Vista LLC chose not to pursue the development of the project and no formal agreements or payments were issued.
- Mountain Housing Opportunities currently has the 16 Restaurant Court property under contract and intends to close on the property before the end of October 2022, for the purpose of constructing multi-family affordable housing.
- The City Council approved a Housing Trust Fund loan of \$850,000 for Mountain Housing Opportunities to purchase the land on August 23, 2022.
- Beacatcher Vista LLC has since requested to rescind their Housing Trust Fund award.

Council Goal(s):

- Quality Affordable Housing

Committee(s):

- Housing and Community Development Committee (HCD) August 16, 2022 voted unanimously to approve Mountain Housing Opportunities' application, acknowledging that this award from 2020 would be rescinded.

Pro(s):

- Funds will be available for future use in the Housing Trust Fund.

Con(s):

- None noted.

Fiscal Impact:

- No funds have been paid to Beacatcher Vista LLC.
- This action will rescind the \$1,000,000 awarded to Beacatcher Vista LLC, and the funds will be available for future use in the Housing Trust Fund.

Motion:

- Motion to authorize a resolution to rescind the \$1,000,000 Housing Trust Fund loan previously awarded to Beacatcher Vista LLC.

RESOLUTION BOOK NO. 43 - PAGE 332

J. RESOLUTION NO. 22-247 - RESOLUTION AUTHORIZING ASSIGNMENT OF THE REPARATIONS PROJECT MANAGEMENT CONTRACT BETWEEN THE CITY OF ASHEVILLE AND TEQUITY LLC TO AMPLIFY CONSULTING LLC (D/B/A CIVILITY LOCALIZED)

Action Requested: Adoption of a resolution to authorize the City Council to assign the Reparatons Project Management Contract with TEQuity, LLC to Amplify Consulting, LLC dba Civility Localized.

Background:

- On July 14, 2020, City Council adopted [Resolution No. 20-128](#) in support of community reparations.
- The City of Asheville issued a Request for Proposals to solicit a professional project manager to provide comprehensive management, coordination and support services for reparations.

- On September 14, 2021, the Asheville City Council authorized the project management contract with TEQuity LLC.
- As a result, the City and TEQuity LLC entered into a formal agreement ([Resolution No. 21-199](#)).
- The contract provides for professional project management services including comprehensive management, coordination and support services throughout the development and work of the Community Reparations Commission in coordination with city staff.
- Due to capacity constraints associated with the company president accepting a full time position with another agency, TEQuity LLC wishes to assign this contract and responsibility to a separate entity and requires consent of the City for the assignment.
- Assignment of the agreement will allow for the contract scope of service and price to remain unchanged, as well avoiding any interruption in the project management of the Reparations Commission work,
- This assignment will reallocate the project management responsibility for this contract from TEQuity LLC to a new entity, Amplify Consulting, LLC dba Civility Localized.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses in 2021 through a solicitation process which included posting on the State's Interactive Purchasing System, the City of Asheville website, the City of Asheville Twitter account, and requiring RFP respondents to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department who also served on the City RFP evaluation team.
- Out of the nine (9) proposals received, all self-identified as minority business owners.
- The entity being assigned the contract is also a woman and minority owned business.

Council Goal(s):

- Reparations

Committee(s):

- N/A

Pro(s):

- Allows for the continuation of the professional project management of comprehensive management, coordination and support services throughout the development and work of the Reparations Commission in coordination with city staff.
- The professional project manager has worked previously with the City on the [Reimagining Public Safety](#) and [Equity-Focused Budget](#) Engagement.
- Maintains previously approved scope of services and contract price.

Con(s):

- None

Fiscal Impact:

- The assignment will not require additional City funding, as the new vendor will assume the same contract scope and contract price established in September 2021.

Motion:

- Motion to authorize the City Manager to assign the Reparations Commission Project Management contract with TEQuity LLC to Amplify Consulting, LLC dba Civility Localized, and to authorize an amendment to the contract to reflect the assignment.

Ms. Bobette Mays, member of the Reparations Commission focus group on housing, felt that as long as the project management stays within the guidelines and gets the work done, she did not object to transitioning to another project manager

Ms. Dewana Little, Vice-Chair of the Reparations Commission, was concerned that the Commission was only made aware of this assignment at their last meeting. She felt the City should have brought this to the Commission for discussion and would trust them that they can make an informed decision regarding these type decisions.

RESOLUTION BOOK NO. 43 - PAGE 333

- K. RESOLUTION NO. 22-248 - RESOLUTION AMENDING THE 2022 CITY COUNCIL MEETING SCHEDULE TO INCLUDE (1) CITY COUNCIL ORGANIZATIONAL MEETING ON DECEMBER 6, 2022, AT 4:00 P.M. IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF CITY HALL; AND (2) A CAPITAL IMPROVEMENT PROGRAM WORKSESSION ON DECEMBER 13, 2022, BEGINNING AT 2:00 P.M. IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF CITY HALL**

RESOLUTION BOOK NO. 43 - PAGE 334

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. This motion was seconded by Councilwoman Turner and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. PRESENTATION OF THE FISCAL YEAR 2022 AUDIT

Finance Director Tony McDowell introduced Mr. Robert Bittner, Partner of PMMares, who presented City Council the financial results for the year ended June 30, 2022, outlining the (1) financial results (a) the Annual Comprehensive Financial Report (b) audit opinion (unmodified); and benchmarking comparative results; (2) compliance results (Government Auditing Standards (a) one significant deficiency in internal control identified; and (b) no instances of noncompliance identified; and (3) Uniform Guidance and State Single Audit Implementation Act (a) no instances of noncompliance or significant deficiencies/material weaknesses in internal control; and (3) performance indicators of concern (1) one indicator requiring response by the City Council, directly related to the significant deficiency identified; . He noted that the City of Asheville has received an unmodified - "clean" (highest level of assurance). He explained that the one significant deficiency in internal control related to capital assets. In performing their audit, PB Mares noted that insufficient review of the capital asset schedules and reconciliations resulted in inaccurate information and calculations. As a result, construction in progress was overstated and repairs and maintenance understated by \$677,025 by not counting the transfers from construction in process to intangible assets. PB Mares identified the cause of the significant deficiency to be turnover in the Finance Department in positions responsible for the financial reporting process and recommended that the City strengthen its capital asset schedule review procedures to ensure proper reporting of capital asset information.

Councilwoman Roney expressed concern about this presentation and document being publicly available so close to the meeting. This was a missed opportunity to engage and inform the public when such important documents including a 207-page audit and 32-slide presentation

aren't available in advance alongside the agenda. In addition, this includes information that along with more detail will be helpful for the next budget cycle. Questions she is hearing are (1) With a housing crisis, where is housing represented as a percentage? She knows that it's folded within departments, but it's not a named percentage here; and (2) How does this department percentage breakdown compare to cities reliant on the tourism industry? It appears that the general fund through property taxes shows local taxpayers (disproportionately historic Black neighborhoods) are picking up the tab for public safety and sanitation for our daytime and tourist population. She hoped we can work backwards from here for the next budget cycle, ensuring support to prevent future weaknesses in our audits.

Councilwoman Turner, member of the Finance & Human Resources Committee, said that the Committee had a more in depth discussion on this audit presentation. She found it interesting that several years ago we had many, many findings, and now only one. That speaks to the systems in place.

A. MANAGER'S REPORT - Code Purple/Homeless Strategy Division Update

Homeless Strategy Division Manager Emily Ball updated City Council on Code Purple. The key takeaways from this presentation will be (1) the City and partners across the community are collaborating to add capacity to respond to homelessness; (2) there is a stronger, more participatory Code Purple planning process this year, currently with 105 available shelter beds - there are 27 additional Code Purple shelter beds available this year; and (3) recommendations from the National Alliance to End Homelessness in January will provide specific recommendations to help guide our collective efforts - January 25 City/County worksession to understand findings and recommendations.

She said the Homeless Strategy Division updates include (1) Division formed July 2022; (2) Comprised of four team members: Division Manager (hired July 2022), Data and Compliance Specialist (hired September 2022), Training and Development Specialist (interviewing), and Integrated Health and Housing Specialist (interviewing); (3) Focus on building community capacity to strengthen response to homelessness (a) Fulfill City's responsibilities as Continuum of Care Lead Agency; and (b) Support the Homeless Initiative Advisory Committee (Continuum of Care Governance Board). Progress since July 2022 include (1) Managed community process to develop and submit applications for federal funding for homeless programs (a) US Department of Housing and Urban Development Continuum of Care Program: \$1,977,474 (pending); and (b) NC Department of Health and Human Services Emergency Solutions Grant: \$128,187 (awarded); (2) Initiated and facilitated community workgroups: Code Purple, Healthcare and Homelessness, Outreach, System Leaders; and (3) Supported National Alliance to End Homelessness in extensive data collection for comprehensive needs assessment of unsheltered homelessness.

Regarding Code Purple, (1) Long standing community shelter initiative to expand capacity and flex requirements when the temperature is 32 or below (a) Started by shelter providers in 2009; (b) Shelter participation is voluntary and varies year to year; (c) Homeless Coalition leads communication and develops operations manual; and (d) No formal role established for City or County historically; (2) Operational complications during the pandemic led to increased City and County involvement and funding; and (3) This fiscal year for the first time both the City and County have budgeted funding to support Code Purple. The 2022-2023 Winter Season Planning Process includes (1) Homeless Initiative Advisory Committee (HIAC) formed a Code Purple Work Group, which developed the plan over 4 meetings; (2) Planning began earlier than last year with much stronger community participation; (3) Work Group presented plan to HIAC at their September 23, 2022 meeting; and (4) Homeless Coalition Co-Chairs updating and publishing manual. She reviewed the Code Purple work group participants. the Code Purple Plan highlights from October 15, 2022 - April 30, 2023 include: (1) Notification (a) Homeless Coalition calls Code Purple 48 hours in advance based on weather.gov forecast and sends email

notification out to distribution list + post on social media - Well-established distribution list includes service providers and referral partners, community members, media partners; (b) Buncombe County will send text alert based on Coalition notification; and (c) City of Asheville will publish on HCCA marquee based on Coalition notification; (2) Entry cutoff is now 8 p.m.; law enforcement, emergency responders, Mission Hospital, and outreach teams able to facilitate late entry; and (3) Transportation (a) ABCCM coordinating shuttle service; and (b) ART providing free transit.

The City of Asheville and Buncombe County each budgeted \$50,000. The funding process is (1) Published and distributed invitation to submit funding request; (2) Requests reviewed by Finance Workgroup of HIAC; (3) Finance Workgroup made funding recommendations to HIAC at their October 28, 2022 meeting, which were approved by majority vote; (4) Staff will execute contracts based on HIAC approval; and (5) Funding requests were received and approved for both Code Purple and Winter Shelter - ABCCM: \$83,851, Asheville Ecumenical Winter Shelter: \$6,211, and Salvation Army originally awarded funds to be reconsidered at 11/30 HIAC meeting.

The unsheltered homelessness consultant update includes (1) City of Asheville has partnered with Buncombe County and Dogwood Health Trust to contract with the National Alliance to End Homelessness to better understand and address unsheltered homelessness; (2) City is serving as administrative point of contact; project is fully funded by Dogwood; (3) Project began in June 2022, and entails: (a) Comprehensive needs assessment to understand the increase in unsheltered homelessness during the pandemic; (b) Map and understand the homeless service system, including current City, County, and partner efforts; and (c) Identify service gaps and needs, with corresponding strategies and actionable recommendations to better respond to the crisis of homelessness, and specifically decrease unsheltered homelessness; (4) Project has had a high level of community engagement throughout including service providers, partner organizations, businesses, neighborhood associations, faith communities, and people with lived experience; (5) Results of needs assessment and strategies/recommendations will be combined into a comprehensive written report and public presentation delivered in person by the National Alliance to End Homelessness on January 25, 2023, 1 p.m. - 4 p.m. at Harrah's Cherokee Center (a) Joint work session of Asheville City Council and Buncombe County Commission; and (b) Dogwood Health Trust and Homeless Initiative Advisory Committee (HIAC) representatives will be invited to attend; (6) HIAC will have a key role in strategy implementation, as governance board for the Asheville-Buncombe Continuum of Care - HIAC will hold a special-called meeting January 26, 2023 with the National Alliance to End Homelessness; and (7) Members of the public are welcome and encouraged to attend both sessions.

Mayor Manheimer said that we have learned that cities that are successful around effectively tackling the challenges of houselessness are coordinated and work together.

At the suggestion of Councilwoman Turner, Ms. Ball said that having a summer point in time count, in addition to the January count, makes sense because it seems we have a population change over the year.

Councilwoman Roney expressed appreciation for Ms. Ball for her experience and leadership as she is an incredible asset to this organization and the Asheville community. Winter/community/code purple shelter is a rapid response addressing gaps/barriers because we lack a long-term, emergency shelter option. We need to be able to expand and contract to meet the needs of our community during times of crisis. Regarding slides 9-10, her appreciation for the 8:00 p.m. expansion can't be overstated. We still have workers, including the service-industry, who do not get off work in time (as many shifts end between 10-midnight). The report from the first nights of called Code Purple in October, which was confirmed by the Chairs as reflecting the conversation at the October 18th meeting, read: " Group name: Community Shelter Steering

Committee - Meeting date: Oct 18th, 2022 - Concerns to carry to City Council regarding Code Purple launch and service: (1) Capacity: There are not enough beds. The VRQ was full at 10:30pm. The Salvation Army's 16 beds were not available; (2) Transportation: The bus doesn't run late enough, and while fare-free towards shelter is appreciated, the fares are a barrier to returning back to where resources like food are available, so some may not go to shelter if they know they are going to become stranded the next day. Not all volunteers/staff are equipped with equipment to transport people in wheelchairs; (3) Service Outcomes: There are concerns about Non-Discrimination Ordinance violations at entry of shelter and throughout service, but participants may be nervous to report. Staff and volunteers need training like HOPE, Crisis Intervention Training (CIT), REI, etc.; (4) Partnership: need government to come alongside, to be in partnership when asking faith communities to do this work. Examples: expand transit since late-night transport requires APD who are down staff, include fare-free return trips the next day; (5) Funding: \$100k is a drop in the bucket, and perpetuates a scarcity narrative. In the absence of an emergency shelter, Council and Commission need to make more resources available. It is an issue that funding is coming after services; and (6) Overpromising, under delivering: Need to review commitments to barrier removal, pets being allowed, families staying together." She appealed to the public to attend/follow the joint meeting on January 25 and hold our hearts and feet to the fire.

Ms. Ball responded to Councilwoman Roney, noting that after that community meeting, they had an after-action discussion and she believed most of the concerns were resolved. Service workers getting off shift need to make arrangements with shelter providers so they can access the beds.

IV. PUBLIC HEARINGS:

A. 115 RIVER HILLS ROAD

Mayor Manheimer said that the two public hearings will be combined into one; however, two votes will be taken.

CONSIDERATION OF APPROVING A LAND USE INCENTIVE GRANT TO ORANGE CAPITAL ADVISORS LLC FOR A DEVELOPMENT AT 110 RIVER HILLS ROAD

RESOLUTION NO. 22-249 - RESOLUTION APPROVING A LAND USE TRUST FUND GRANT TO ORANGE CAPITAL ADVISORS LLC FOR A DEVELOPMENT AT 110 RIVER HILLS ROAD

Affordable Housing Officer Sasha Vrtunski said this is the consideration of adopting a resolution approving a land use incentive grant to Orange Capital Advisors LLC for a development at 110 River Hills Road. A legal ad was published on November 4, 2022.

Review:

- Orange Capital Advisors LLC has applied for a Land Use Incentive Grant (LUIG) for their development at 110 River Hills Road per the LUIG Policy adopted by City Council on June 22, 2021.
- The proposed development consists of 153 rental apartments and community space.
- Of the +/- 153 residential units, 31 rental apartments (20%) will be affordable, serving individuals and families earning at or below 80% of the Area Median Income (AMI) for a minimum of 20 years.
- The affordable units will be a mix of 1 and 2 bedroom apartments, with 17 one bedroom and 14 two bedroom units.

- Housing represents 100% of all rentable square footage, excluding the parking structure.
- The project encompasses 10.9 acres of land on River Hills Road in East Asheville, PIN 9658-42-0239.
- The applicant's original estimated appraised value of the property was \$51.5 million post-completion.
- The applicant is proposing an \$80,000 per unit subsidy for the affordable units, which would bring the estimated taxable value to \$36.7 million post-completion and would equal a total grant value of \$2,480,000 or \$145,882 per year over a 17 year period for the 31 affordable units.
- The project, as presented to staff, meets the following LUIG Policy 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;
 - The proposed development is located inside the city limits;
 - The proposed development provides residents convenient access to jobs and services; and
 - 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
 - 20 total points for affordability,
 - 15 points for rental assistance,
 - 10 points for the location, 20 points for energy efficiency,
 - 10 points for Universal Design, and
 - an additional 10 points for building in a non-Qualified Census Tract, for a total score of 85 points.
- Per the policy, this will equal 17 years of grants in the amount of the City Property Taxes payable on the 110 River Hills Road Development.
- The total benefit limit under the policy is for 21 years, or 105 points.
- As a part of the LUIG program, 50% of the affordable units will accept vouchers, which generally benefit households at 50% AMI or below.
- When Housing Choice vouchers are utilized, this has the additional benefit of opening up a unit in Public Housing where there are waiting lists.

Proposal:

- Affordable Rental Housing
 - The proposed project will provide thirty-one (31) affordable units
 - (20% of the total units) to individuals and families earning at or below 80% AMI,
 - with 16 (50% of the affordable units) accepting rental assistance, for an affordability period of twenty (20) years.
 - Under this category, the project qualifies for 20 points.
- Rental Assistance
 - The proposed project will accept 16 Housing Choice Vouchers / Rental Assistance in the community.
 - The proposed project will house one person from the Homeless By-Name List for 5 points.
 - Under this category, the project qualifies for 15 points.
- Superior Locational Efficiency

- The proposed project is located within 1 mile from a job or urban center (Walmart Shopping Center is defined as an Urban Center),
- Within a .5 mile from a Transportation Amenity (near to 2 transit lines w/ one hour frequency).
- Under this category, the project qualifies for 10 points.
- Energy Efficiency
 - The developer has committed to using Energy Efficiency (EE) / Energy Star Certification and solar panels.
 - Under this category, the project qualifies for 20 points.
- Universal Design:
 - The project has committed to using Universal Design for 20% of the units, which qualifies for 10 points.
- Non-Qualified Census Tract:
 - The project is located in a Non-Qualified Census Tract, which qualifies for 10 points.
- Staff has scored the project with 85 points, which qualifies the project for seventeen (17) years of Land Use Incentive Grant.
- Using an \$80,000 per unit subsidy, the estimated taxable value is \$36.7 million post-completion and would equal a total grant value of \$2,480,000 or \$145,882 per year over a 17 year period for the 31 affordable units.
- This request complies with the policy, such that the anticipated City taxes received from the finished development will be greater or equal to the value of the annual incentive.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- The Housing and Community Development Committee reviewed this item on October 18, 2022 and voted 2-0 in support of the request.
- The Finance Committee reviewed the request on October 25, 2022 and voted 3-0 in support of the request.

Pro(s):

- The proposed project will provide 31 affordable rental housing units to households earning 80% or less of area median income;
- The proposed project will have an affordability period of twenty (20) years;
- The proposed project should have a significant economic impact.
- Construction wages and material purchases will positively affect the local and regional economy;
- The 31 affordable units are located in East Asheville near jobs and two transit lines (WE1 and S5) (walkability
- Score of 29 - car dependent, bike score of 26 - somewhat bikeable, minimal bike infrastructure)
- Provide employment and shopping options for individuals and families who fall within the 80% AMI incomes.
- Orange Capital Advisors LLC will communicate with the Asheville Housing Authority and others that they are accepting Housing Choice Vouchers for 16 of the affordable units 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 construction.

Fiscal Impact:

- The project parcel has a current tax value of \$563,600 and pays City property taxes of approximately \$2,271 annually.
- This will continue to be paid throughout the benefit period.
- Using an estimated tax value of \$36.7 million post-completion, the annual City property tax will be approximately \$148,153.
- The difference is \$145,882, which would be granted to the property owner annually after payment for 17 years.
- For 17 years and 31 affordable units at or below 80% AMI, the City will grant back a total of \$2,480,000 over the 17 years of the LUIG which equals \$80,000 per unit of subsidy which is equal to the maximum subsidy cap noted in the LUIG Policy.
- After year 17, the City will receive the approximate \$148,153 annually in City tax revenue (depending on future property tax value and rates, etc.).
- Please note the City will still receive property taxes of approximately \$2,271 per year in years 1 -17.
- The City sets aside a budget annually for Land Use Incentive Grants.

Ms. Vrtunski said the key takeaways from this presentation are (1) The Land Use Incentive Grant (LUIG) Program is an affordable housing incentive grant based on a development's increased tax value; (2) LUIG application was submitted by Orange Capital Advisors LLC for 153 apartment units at 110 River Hills Road; (3) The project is committing 31 units (20%) to be affordable for 20 years at 80% Area Median Income (AMI) or below; (4) The project is also bringing other benefits including: Rental Assistance (includes housing for the Homeless By-Name list), Housing Choice Vouchers, Solar Panels and Universal Design; and (5) The proposed development qualifies for a 17-year grant. She outlined the project background as follows: (1) Proposed development consists of 153 apartments and community space - The affordable units will be a mix of one and two bedroom apartments, with 17 one bedrooms and 14 two bedroom units; (2) Housing represents 100% of all rentable square footage; (3) Of the 153 apartments, 31 units (20%) will be affordable, serving individuals and families earning at or below 80% of the Area Median Income (AMI) for a minimum of 20 years; (4) The project encompasses 10.9 acres of land on River Hills Road; and (5) The current estimated taxable value after construction is \$36.7 million. She reviewed the project location, along with the site plan. She explained the LUIG point summary as follows: 20% of units affordable at 80% AMI (20 points); 10% Rental Assistance (5 points); Housing for one person on the Homeless By-Name List (5 points); Location: (a) 1 mile from a job or urban center (5 points) and (b) .5 mile from a transit amenity (5 points); Energy Efficiency / Energy Star (5 points); Energy Efficiency / solar panels (15 points); Universal Design- 20% of units (10 points); and Building in a Non- Qualified Census Tract (10 points). Total Points: 85 points = 17 year grant period. Regarding vouchers, 50% of the affordable units (16 units) must accept Housing Choice Vouchers. Housing Choice Vouchers help people at or below 50% AMI. These residents come from the Housing Authority. The household pays 30% of their income, but the voucher makes up the difference. Our area currently has 85 vouchers that are going unused because of a lack of units that accept them. When someone finds a unit, they make space for another household on the public housing waiting list. Housing Choice Voucher units actually help 2 households. LUIG specifics include (1) The project parcel has a current taxable value of \$563,600 and pays City property taxes of approximately \$2,271 annually; (2) Using an estimated taxable value of \$36.7 million post-completion, the annual City property tax will be approximately \$148,153; (3) The difference is \$145,882 which would be granted back to the property owner annually, after payment, for a period of 17 years; (4) Total grant is estimated at \$2,480,000 over the 17 years of the LUIG; (5) Subsidy then equals \$80,000 per unit, which is the maximum recommended in the existing LUIG policy; and (6) After year 17, the grant period will end and the City will receive approximately \$148,153 annually in additional City tax revenue (depending on future property tax value and rates, etc.). The Housing & Community Development Committee unanimously approved the project on October 18, 2022. The Finance & Human Resources Committee unanimously

approved the project on October 25, 2022. Staff recommends approval of the Land Use Incentive Grant application for Orange Capital Advisors LLC / 110 River Hills Road.

In response to Councilwoman Roney, City Attorney Branham said that the City currently has a non-discrimination ordinance that covered public accommodations and private employment. It does not, however, cover housing discrimination, including source of income discrimination. This would be applicable to issues involving voucher holders. The reason for this exclusion is that the State has already legislated this issue in the North Carolina Fair Housing Act, which has its own protected classes. Unfortunately, source of income is not one of them.

Ms. Vrtunski the City's agreements for Housing Trust Fund loans contain a non-discrimination provision. This is in addition to existing law, and provides contractual guarantees from the recipients against discriminating against voucher holders. This language is also planned to be added to Land Use Incentive Grant agreements in the near future as well.

PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 110 RIVER HILLS ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

ORDINANCE NO. 4984 - ORDINANCE TO CONDITIONALLY ZONE 110 RIVER HILLS ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

Principal Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone all portions of property located at 110 River Hills Road from Commercial Industrial District to Residential Expansion/Conditional Zone for the construction of a 153-unit multi-family building. This public hearing was advertised on November 4 and 11, 2022.

Project Location and Contacts:

- The project site totals 10.8 acres located at 110 River Hills Rd (PIN 9658-42-0239).
- Owner: Wood Ave LLC

Summary of Petition:

Project Site

- The project site consists of one property totalling 10.8 acres located at 110 River Hills Rd.
- The site is currently zoned Commercial Industrial (CI).
- Given the size of the project (over 50 residential dwelling units) a conditional zoning to the Residential Expansion (RES EXP) district is required.
- The project site is currently a wooded, vacant lot.
- The site is designated "Traditional Neighborhood" on the city's Future Land Use (FLU) Map.
 - A change in the FLU designation will not be required.

Overall Project Proposal

- New building construction includes a 153-unit, 4/5-story multi-family building and a one-story clubhouse building.
- Other site improvements include off-street parking, new sidewalks, stormwater retention, and resident amenities such as a pool, dog park, and walking path.
- 31 units (20%) will be affordable at 80% Area Median Income (AMI) for a minimum of 20 years.
- 16 of these affordable units (half) will accept housing choice vouchers.

Site Layout and Design

- Maximum building height for multifamily buildings in the RES EXP district is 60 feet. The maximum building height of the proposed project is approximately 54 feet, as measured

- to the ceiling of the highest occupiable floor.
- Maximum density in the RES EXP district is 50 units/acre for this project, since at least 20% of the dwelling units are affordable at 80% AML.
- The proposed project's density is 14.2 units/acre.
- Front yard, rear yard and side yard setbacks of 15 feet are proposed as is required in the RES EXP district.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%. The proposed project would result in a total impervious area of 28.5%.

Landscaping and Open Space

- Landscape requirements apply, including street tree, parking lot, building impact, and property line buffers.
- The RES EXP district requires a 20 foot-wide "Type A" landscape buffer where the subject property is adjacent to any other residentially zoned property, which will be required along the southern and eastern property boundaries.
 - The project proposes an encroachment into the required landscape buffer on the eastern property boundary which effectively reduces the width of the buffer by 50% for 155 linear feet in order to accommodate the driveway aisle and parking areas.
 - The impact of the encroachment into the buffer is mitigated by the fact that the required quantities of tree and shrub plantings will be provided and a six foot-high opaque fence is proposed along this segment of reduced landscape buffer.
- The project is classified as "urban" under the Tree Canopy Preservation standards and has a classification of "Class B".
- The existing tree canopy is 64.7%.
- The project is required to preserve 10% of the existing tree canopy and is proposing to preserve 19.6% of the existing tree canopy.
- Open Space is required at a rate of 20% of the site as the project meets the incentive requirements for enhanced stormwater management, resulting in 2.2 acres of required open space.
- The project is providing 5.3 acres of open space.

Access, Sidewalks and Parking

- Access to the site will be provided by a new driveway on River Hills Rd.
- A total of 223 parking spaces are proposed for the new dwelling units.
- Based on the number of bedrooms and dwelling units, the minimum/maximum number of required parking spaces is 153/306 for the RES EXP district.
- The RES EXP district requires new 10 foot-wide sidewalks be constructed, both along the primary access corridor and internally throughout the site.
 - The project is proposing a new five foot-wide sidewalk with a five foot-wide planting strip along the site's frontage on River Hills Rd.
 - The project is proposing five foot-wide sidewalks internal to the site.

Technical Modifications

- The project is seeking technical modifications to development standards through the conditional zoning process including:
 - Five foot-wide sidewalks along River Hills Rd and internal to the site instead of the required 10 foot-wide standard.
 - Encroachment into the required landscape buffer for 155 linear feet along the eastern property boundary to accommodate a driveway aisle and parking areas.
 - No bike lanes into the development.

Consistency with the Comprehensive Plan and Other Plans: Living Asheville Comprehensive Plan (2018)

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan, including:
 - **Encourage Responsible Growth** - by providing infill development in targeted growth areas.
 - **Increase and Diversify the Housing Supply** - by increasing the supply of housing, including affordable housing in proximity to schools, transit and parks.
 - **Make Streets More Walkable, Comfortable and Connected** - by eliminating gaps in the city-wide sidewalk network..
- The proposed development is compatible with the Future Land Use designation of “Traditional Neighborhood” which is proposed, in part, as “a mix of housing types such as single family with accessory dwelling units, duplexes, townhomes and multifamily apartments usually located seamlessly together”.

Compatibility Analysis:

- The proposed multi-family residential project is compatible with the surrounding land uses, including:
 - The LedgeWood Village Apartments, located directly south of the project site.
 - Suburban commercial uses located generally to the west and north of the project site.
 - Single-family houses located to the east of the project site across Wood Alley.

Council Goal(s):

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

Committee(s):

- Technical Review Committee (TRC) - September 19, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - October 5, 2022 - approved (Vote 7:0) with the following condition: 1) That bicycle sharrow pavement markings be added to the entrance driveway of the development.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above.

Mr. Palmquist reviewed the existing and proposed zoning, the aerial imagery and the future land use map. About the site plan, (1) New 4/5-story multi-family building; (2) 153 dwelling units (20% affordable); (3) New driveway on River Hills Road; (4) 223 total parking spaces total; (5) Sidewalks: 5'-wide with 5'-wide planting strip on River Hills Rd, 5'-wide internal sidewalks; (6) Landscaping and Open Space Standards; and (7) Tree Canopy Preservation standards met on-site. He then reviewed the landscape plan and building elevations. Conditions include (1) 20% of the units (31 units) will be designated affordable to those at or below 80% Area Median Income (AMI) for a minimum of 20 years - Half (16 units) of these affordable units will accept HACA Housing Choice Vouchers. Technical modifications are (1) Five foot-wide sidewalk with five-foot wide planting strip along River Hills Rd and five-foot wide sidewalks internal to the site instead of the required 10 foot-wide standard; (2) Encroachment into the required landscape buffer for 155 linear feet along the eastern property boundary to accommodate a driveway aisle and parking areas; and (3) No bike lanes into the development. (Bike sharrow pavement markings will be installed on the project's driveway). He said the Technical Review Committee approved the project with conditions. The Planning & Zoning Commission voted unanimously to approve the project with the condition that bicycle sharrow pavement markings be added to the entrance driveway of the development. He then explained how the project was consistent with the Living Asheville Comprehensive Plan. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

In response to Councilwoman Roney, Mr. Derek Allen, attorney representing the applicant, said that the solar panels will be in the parking areas. In addition, they do have commitments to electric car charging stations.

Mayor Manheimer opened the public hearing at 6:19 p.m.

Mr. Kenny Fischer mostly supported the project; however, had concerns about the traffic light that leads into River Hills Drive; the buffer and how much of the wooded area will be removed; and light pollution from the parking area and building.

Mayor Manheimer closed the public hearing at 6:23 p.m.

Mr. Palmquist responded by saying that the buffer will still be there with the required quantities of trees and shrub plantings, and the encroachment is mostly the driveway and parking area that is intruding into the buffer. Regarding lighting, he doesn't have detailed plans on that yet, but light generated on the site is required to stay on the site. Lights from the building windows that might spill over but that is not regulated. And, regarding the Traffic Impact Study for the traffic light, the project did not trigger the study.

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

Councilwoman Mosley moved to approve the Land Use Incentive Grant application for Orange Capital Advisors LLC / 110 River Hills Road with a per unit subsidy of up to \$80,000 and total grant value of up to \$2,480,000. This motion was seconded by Councilwoman Turner and carried unanimously.

RESOLUTION BOOK NO. 43 - PAGE 335

Councilwoman Turner moved to approve the conditional zoning request for the property located at 110 River Hills Rd from Commercial Industrial (CI) to Residential Expansion - Conditional Zone (RES EXP-CZ) and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan and meets the development needs of the community in that the request: 1) provides infill development in targeted growth areas; 2) increases the supply of affordable housing in proximity to schools, transit and parks; and, 3) eliminates gaps in the city-wide sidewalk network. This motion was seconded by Councilwoman Kilgore and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 289

B. PUBLIC HEARING RELATIVE TO ADOPTION OF THE SOUTH SLOPE: A SOUTHSIDE NEIGHBORHOOD VISION PLAN

Councilwoman Wisler moved to continue this public hearing to January 10, 2023. This motion was seconded by Vice-Mayor Smith and carried unanimously.

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE TO APPROVE AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN DESIGNATING A NON-CONTIGUOUS AREA (810 ELK MOUNTAIN SCENIC HIGHWAY) DESIRING TO ANNEX INTO WOODFIN AS NOT SUBJECT TO ANNEXATION BY THE CITY OF ASHEVILLE

ORDINANCE NO. 4985 - ORDINANCE TO APPROVE AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN DESIGNATING A NON-CONTIGUOUS AREA (810 ELK MOUNTAIN SCENIC HIGHWAY) DESIRING TO ANNEX INTO WOODFIN AS NOT SUBJECT TO ANNEXATION BY THE CITY OF ASHEVILLE

City Attorney Brad Branham said that this is the consideration of an ordinance to approve an annexation agreement between the City of Asheville and Town of Woodfin designating a non-contiguous area (810 Elk Mountain Scenic Highway) desiring to annex into Woodfin as not subject to annexation by the City of Asheville. This public hearing was advertised on November 4, 2022.

Background:

- The Town of Woodfin has received a petition from property owner, Sourwood Land Holdings, LLC, to voluntarily annex a 100.37 acre +/- property, which includes the Sourwood Inn, located at 810 Elk Mountain Scenic Highway and identified in the Buncombe County tax records as PIN #9761-06-4543 which is non-contiguous to the primary corporate limits of both Asheville and Woodfin (the "Property").
- N.C. Gen. Stat. sec 160A-58.1 permits a city/town to annex a non-contiguous area; however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city/town that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area.
- It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the City of Asheville than it is to the primary corporate limits of the Town of Woodfin, and therefore, the two municipalities would need to enter into an Annexation Agreement before Woodfin could consider the requested annexation.
- N.C. Gen. Stat. sec. 160A-58.23 authorizes cities/towns to enter into Annexation Agreements as long as they are of reasonable duration not to exceed 20 years and they are approved by ordinance of the governing board of each municipality.
- Review of City Council meeting minutes and resolutions dating back to 2007 reveal that the City of Asheville and Town of Woodfin contemplated entering into an annexation agreement allowing Woodfin to annex several non-contiguous areas including property along Elk Mountain Scenic Highway, of which the property requesting annexation herein was a part.
- The City and Town appeared close to adopting an annexation agreement and the City of Asheville, via Resolution No. 08-07, set the date for a public hearing to consider the annexation agreement for January 22, 2008.
- However the meeting minutes from the January 22, 2008 hearing reflect that the annexation agreement was not approved at that meeting because an accurate map was not provided and the matter was withdrawn from consideration until a later date undetermined.
- On March 9, 2021, the Town of Woodfin adopted an ordinance annexing the Sourwood Inn property, as described herein.
- It is still necessary that the City of Asheville and Town of Woodfin enter into an annexation agreement so that the annexation can be realized.
- The City and Town are seeking to finalize this process and authorize the requested annexation by entering into an Annexation Agreement.
- The State Legislature repealed the ability of municipalities to involuntarily annex in 2011, so the City does not have the ability to annex this property involuntarily.
- However, voluntary annexation (request by a property owner to be annexed) is still permissible and the process for voluntary annexation of noncontiguous areas remains unchanged and requires an annexation agreement.

Council Goal(s):

- A connected and engaged community
- A well-planned and livable community

Committee(s):

- None

Pro(s):

- The Annexation Agreement between the City of Asheville and the Town of Woodfin would allow Woodfin to annex the non-contiguous property as requested by the property owner and would complete an action that appears to have been contemplated by the City in 2008 and that was approved by Woodfin in 2021.
- The request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner's request for voluntary annexation.

Con(s):

- None noted.

Fiscal Impact:

- This action requires no City resources and has no fiscal impact.

City Attorney Branham reviewed the location and imagery maps. Some background information includes: (1) The Town of Woodfin has received a petition from property owner, Sourwood Land Holdings, LLC, to voluntarily annex a 100.37 acre +/- property, which includes the Sourwood Inn, located at 810 Elk Mountain Scenic Highway; (2) The property is non-contiguous to the primary corporate limits of both Asheville and Woodfin; (3) N.C. Gen. Stat. sec 160A-58.1 permits a city/town to annex a non-contiguous area; however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city/town that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area; (4) It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the City of Asheville than it is to the primary corporate limits of the Town of Woodfin, and therefore, the two municipalities would need to enter into an annexation agreement before Woodfin could consider the requested annexation; (5) N.C. Gen. Stat. sec. 160A-58.23 authorizes cities/towns to enter into annexation agreements as long as they are of reasonable duration not to exceed 20 years and they are approved by ordinance of the governing board of each municipality; (6) The State Legislature repealed the ability of municipalities to involuntarily annex in 2011, so the City does not have the ability to annex this property involuntarily; and (7) However, voluntary annexation (request by a property owner to be annexed) is still permissible and the process for voluntary annexation of noncontiguous areas remains unchanged and requires an annexation agreement. Pros of this action are (1) The annexation agreement between the City and the Town of Woodfin would allow Woodfin to annex the non-contiguous property as requested by the property owner and would complete an action that appears to have been contemplated by the City in 2008 and that was approved by Woodfin in 2021; and (2) The request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner's request for voluntary annexation. Staff recommends Council adopt an ordinance approving an annexation agreement with the Town of Woodfin designating the Sourwood Inn property located at 810 Elk Mountain Scenic Highway in Buncombe County, a non-contiguous area, as not subject to annexation by the City of Asheville.

When Councilwoman Kilgore asked why this property owner decided to annex into Woodfin rather than Asheville, City Attorney Branham said that this goes back several years and both the Council and staff at that time supported the annexation; however, for whatever reason, it

was never finalized. The property owner has believed they were a part of Woodfin for the past several years.

Mayor Manheimer opened the public hearing at 6:34 p.m., and when no one spoke, she closed the public hearing at 6:34 p.m.

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

Councilwoman Wisler moved to adopt an ordinance approving an Annexation Agreement with the Town of Woodfin designating the Sourwood Inn property located at 810 Elk Mountain Scenic Highway in Buncombe County, a non-contiguous area, as not subject to annexation by the City of Asheville. This motion was seconded by Councilwoman Kilgore and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 301

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 22-250 - RESOLUTION AMENDING THE CITY COUNCIL COMMITTEE STRUCTURES

Assistant City Manager Rachel Wood said that this is the updating the scope and composition of City Council Committees and committing to conduct a regular review of Council Committee scopes following the annual City Council Retreat.

Review:

- City Council Committees review policy matters and inform and educate Council on City programs and community matters.
- The City Council Committee structure has remained largely unchanged since 2006.
- Considering the significant change that has occurred both organizationally and within the community since the Council Committee structure was established, review will ensure Council Committees are in alignment.
- City Council currently has six Council Committees, which include: 1) Governance; 2) Boards and Commissions; 3) Planning and Economic Development 4) Housing and Community Development; 5) Public Safety; and 6) Finance and Human Resources
- Based on the feedback received to-date, and an assessment of the City Council's vision and strategic priorities, staff is recommending to revise the Council Committee structure to include:
 1. Policy, Finance and Human Resources (combines previous Governance and Finance and Human Resources Committees);
 2. Boards and Commissions;
 3. Planning and Economic Development;
 4. Housing and Community Development;
 5. Environment and Safety (expanded scope of Public Safety Committee to include Environment) and;
 6. Equity and Engagement (new Committee)
- Additional details on the scopes of the proposed Council Committee structure can be found in the resolution.
- The proposed resolution revising the City Council Committee structure also recommends that the City Council conduct a review of committee scopes and structure following each

annual City Council retreat.

Council Goals:

- Clean and Healthy Environment
- Connected & Engaged Community
- Equitable & Diverse Community
- Financially Resilient City
- Thriving Local Economy
- Transportation & Accessibility
- Well Planned & Livable Community

Committee(s):

- Council Worksession - May 10, 2022
- Governance Committee - September 13, 2022 - Review and feedback
- Governance Committee - October 11, 2022 - Approved 3-0 with recommendation to add food systems security to Environment & Safety Committee

Pro(s):

- Enhanced alignment with current City Council Vision Focus Areas and Priorities.
- Helps provide clarity for topics and policy considerations that should be brought to each City Council Committee.
- Enhanced reporting on projects and programs aligned with City Council priorities and Vision Focus Areas.

Con(s):

- Revision to committee structure that has been largely unchanged since 2006 may cause initial confusion as staff and the community adjust to the revised scopes.

Fiscal Impact:

- No direct fiscal impact.

Ms. Wood said that the following are key takeaways from the presentation: (1) Council Committees review policy matters and inform and educate Council on City programs and community matters; (2) Council Committees have not been reviewed since 2006 - Considering the tremendous change that has occurred both organizationally and within the community, review will ensure committees are in alignment; (3) A recommendation to Council today will inform ongoing work to enhance organizational alignment with Council vision and priorities; NAD (4) Proposed resolution includes an annual review of Council Committees. Using a chart, she explained how we got to this point. She explained the proposed committee scope development (1) Viewed as an opportunity to provide clarity around *where* and *what* city initiatives go to Council Committees; (2) Acknowledged some items will need to go to more than one Committee, the primary goal is to establish a “home base” for updates on projects and policy implementation work aligned with Council priorities; (3) Scope language and themes pulled from: Current Council Committee descriptions, Council’s Vision, and Comprehensive Plan; and (4) Department Directors reviewed and shared insights as the subject matter experts. She explained the Council Committees structure as follows:

Equity and Engagement

The Equity and Engagement Committee will review policy updates and make policy recommendations that ensure:

- 1) Fairness and equity in the provision of City resources and livelihood needs of all community members and groups; and
- 2) An equitable community that provides community members with the opportunity to be informed and engaged in the policy making process.

Policy Topics Covered:

- Equitable Investment
- Reparations
- Support for Disadvantaged and Minority Communities
- Racial Healing Grants
- Community Involvement in Decision-Making, Neighborhood Planning
- Neighborhood Matching Grants
- Citizen Survey
- Access to Opportunities
- Strategic Partnership Investments
- Engagement Initiatives
- Engagement Tools and Technologies
- Support Issues Pertaining to Persons with Disabilities
- LGBTQ+ policy considerations

FY23 Council Priorities:

- Neighborhood Resilience
- Reparations

Environment and Safety

The Environment and Safety Committee will review policy updates and make policy recommendations that ensure:

- 1) The contributions of natural resources to human well-being are explicitly recognized and valued and that maintaining their health is a primary objective;
- 2) Public health needs are recognized and addressed through provisions for healthy foods, physical activity, access to recreation, healthcare, environmental justice, and safe neighborhoods;
- 3) Building and maintenance resilience to climate change; and
- 4) The provision of public safety, including Police, Fire, and Emergency Management Services, as well as, intergovernmental relations and cooperation with law enforcement.

Policy Topics Covered:

- Green Building
- Facility Upgrades and Retrofits
- Fleet and Carbon Reduction

- Green Infrastructure, Flooding and Erosion
- Stormwater Management
- Trees and Urban Forestry
- Climate Change, Adaptation & Resilience
- Renewable & Alternative Energy
- Food Systems Security
- Water Use & Sanitation
- Parks and Recreation Operations and Planning
- Climate Justice
- Emergency Preparedness
- Public Safety

FY23 Council Priorities:

- Reimagining Public Safety
- Neighborhood Resilience

Planning and Economic Development

The Planning and Economic Development Committee will review policy updates and make policy recommendations that:

- 1) Support City Council's long-range vision and comprehensive planning goals;
- 2) Provide direction on development policies and processes and transportation standards that ensure sustainable development and redevelopment strategies;
- 3) Provide economic development strategies that enhance the health of the economy and improve the employability of Asheville residents; and
- 4) Ensure that all local proposals account for, connect with, and support the plans of adjacent jurisdictions and the surrounding region.

Policy Topics Covered:

- Land Use & Zoning
- Growth & Development
- Transportation & Connectivity
- Streets & Sidewalks
- Greenways
- Transit and Paratransit Service
- Infrastructure and Utilities
- The Arts & Culture
- Public Spaces
- Urban Design
- Historic Preservation
- Regional Transportation
- Regional Collaboration, Coordination & Communication
- Economic Development

- Economic Diversity & Jobs
- Real Estate & Public Benefits

FY23 Council Priority:

- Improve and Expand Core Services

Housing & Community Development

The Housing and Community Development Committee will:

- 1) Review policy updates and make policy recommendations that enhance the quality of life in Asheville and the livability of neighborhoods on all matters relating to the creation and maintenance of housing within the City, including public housing and affordable private housing;
- 2) Review policy matters relating to solving homelessness and the provision of services to unhoused individuals within the City; and
- 3) Oversee the City's investments of Federal Housing and Urban Development (HUD) Funding Programs to address a wide range of community development needs.

Policy Topics Covered:

- Housing Affordability & Supply
- Housing Incentives
- Homelessness
- HUD - CDBG and HOME Investments

FY23 Council Priorities:

- Homelessness Strategies
- Equitable and Affordable Housing and Stability

Policy, Finance and Human Resources

The Policy, Finance, and Human Resources Committee will hear and review policy updates on:

- 1) Governance related matters and the policy development process;
- 2) City Council's Rules of Procedures, establishment of the Council Retreat Committee, and Council Committees;
- 3) The annual budget process, capital improvement programming and debt, financial reporting, annual audit, and fees; and
- 4) Policies related to Human Resources, including personnel and compensation.

Policy Topics Covered:

- Citywide policy initiatives
- Council Rules of Procedure
- Purview and Structure of Council Committee(s)
- Financial well being
- Capital Improvement Program (CIP) and Debt
- Budget Process
- Annual Audit
- Land Use Incentive Grants
- Human Resource Policies, including employee compensation

FY23 Council Priority:

- Improve and Expand Core Services

Boards and Commissions Committee

The Boards and Commissions Committee will:

- 1) Review applications to boards and commissions and recommend appointments to City Council;
- 2) Provide guidance on establishing new boards and commissions;
- 3) Review amendments to board and commission establishing resolutions/ordinances;
- 4) Develop process timelines for appointments as needed; and
- 5) Review and make recommendations on board and commission related policies and evaluations.

Policy Topics Covered:

- Appointment process for boards and commissions
- Board and commission rules and procedure(s)

Council Priorities:

- All

Ms. Woods said the next steps include (1) Potential new Council Committee structure to go into effect January 2023 - Mayor to appoint Council members to Council Committees after election; and (2) Ongoing - annual review of Council Committees following City Council Retreat.

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 Mosley moved to approve the revised City Council Committees. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 336

B. BOARDS & COMMISSIONS

Regarding the Audit Committee, there were no eligible applications. Therefore, City Council instructed the City Clerk to readvertise for the vacancies.

Regarding the Homeless Initiative Advisory Committee (HIAC), the following individuals applied for the vacancies: Patrick Carey, Elena Mansour, William Hanson, Cristy Streeter, Luke Rose and Jason Picking. At the request of the Chair of HIAC, it was the consensus of the Boards & Commissions Committee to postpone appointment as they are trying to recruit someone from one of the missing sectors.

Regarding the Human Relations Commission, there were no eligible applications. Therefore, City Council instructed the City Clerk to readvertise for the vacancies.

Regarding the Multimodal Transportation Commission (MMTC), the following individuals applied for the vacancy: Joseph Chesler, Elyse Marder, Abigail Griffin and Jack Ingelman. At the request of the staff of MMtC and Chair of the MMtC, it was the consensus of the Boards & Commissions Committee and the consensus of City Council to postpone the appointment until January so the full MMTC can make a recommendation.

RESOLUTION NO. 22-251 - RESOLUTION APPOINTING A MEMBER TO THE NOISE ADVISORY BOARD

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

Anoop Kirshnan (industrial/construction representative) was removed as a member from the Noise Advisory Board due to lack of attendance, thus leaving an unexpired term until November 1, 2024.

The following eligible individual applied for the vacancy: David Ledger.

The staff of the Noise Advisory Board recommend, and the Boards & Commissions Committee concur, to appoint David Ledger.

Vice-Mayor Smith moved to appoint David Ledger as a member of the Noise Advisory Board (industrial/construction representative), to serve the unexpired term of Anoop Kirshnan, term to expire November 1, 2024, or until David Ledger's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 343

RESOLUTION NO. 22-252 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Public Art & Cultural Commission.

Jasmine Washington has resigned as a member of the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2023.

The following individuals applied for the vacancy: Carlos Fernandez, Kurk Perschke, Parker Browne, Pat Kappes and Thomas McLaughlin.

The Public Art & Cultural Commission recommended, and the Boards & Commissions Committee concurred, to appoint Pat Kappes.

Vice-Mayor Smith moved to appoint Pat Kappes as a member of the Public Art & Cultural Commission, to serve the unexpired term of Jasmine Washington, term to expire June 30, 2023, or until Pat Kappes' successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 344

MOTION CONFIRMING NEIGHBORHOOD APPOINTMENTS TO THE REPARATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of confirming neighborhood appointments to the Reparations Commission.

Angela Young and Aleesha Ballard (both public housing community appointments) have resigned as members of the Reparations Commission

The Housing Authority of the City of Asheville staff recommended the appointment of Eric Robinson and Tamara Miller to replace Ms. Young and Ms. Ballard.

The Boards & Commissions Committee concurred in the Housing Authority's recommendations to appoint Eric Robinson and Tamara Miller.

Vice-Mayor Smith moved to confirm appointment of Eric Robinson and Tamara Miller as members of the Reparations Commission in the public housing community sector, until the dissolution of the Commission. This motion was seconded by Councilwoman Kilgore and carried unanimously.

HUMAN RELATIONS COMMISSION

Vice-Mayor Smith said that at the November 15 Boards & Commissions Committee meeting, they voted 2-1 to recommend reduction of the membership of the Human Relations Commission from 15 to 9 members, as requested by the Human Relations Commission. Those currently serving will continue to serve until the end of their terms. Councilwoman Roney noted that she voted at the Committee meeting to reduce the membership from 15 to 11 members because we have such a long list of folks that we could to bring their lived and professional experience to the table.

Regarding the residency requirement for Commission members, it was the consensus of Council that this item be added to a future City Council agenda along with information regarding past City residence history of current members living outside the City limits.

It was the consensus of Council to direct staff to bring an ordinance amendment and requested information to the Policy, Finance & Human Resources Commission prior to the full City Council.

C. RESOLUTION NO. 22-241 - RESOLUTION OF APPRECIATION TO GWEN WISLER

Mayor Manheimer read the resolution.

Resolution No. 22-241 - was adopted by acclamation.

Mayor Manheimer presented Councilwoman Wisler with her appreciation resolution, plaque, name plates and City pen. She then thanked Councilwoman Wisler for her service to Asheville.

Councilwoman Wisler said that "it has been an honor to serve the City. I am proud of all of the Council's work during my tenure. I am humbled every day by the tenacity, creativity and resourcefulness of our staff. You strive to meet and exceed Asheville's expectations and all of our wants and our needs, while working within very difficult constraints of state laws and our own resources. Thank you. I will miss working with you. Thank you Asheville. You stretch staff and electeds, and you make us better for it. Finally, I want to thank all the folks who love and support the council members, especially my husband Lee. You didn't sign up for the untaken vacations, the interrupted meals, the 'just 3 more minutes' calls, and the 'sorry I ran over the time' excuses. But I appreciate your service and your sacrifice. Thank you."

RESOLUTION BOOK NO. 43 - PAGE 312

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to City Council on various issues, some being, are not limited to: concerns of pickleball courts at Montford Park; elections; support for live music at Hazel Robinson Amphitheatre; and need to provide property managers of shopping centers along Tunnel Road with protocols for camping behind their properties, clean-up, etc.

Mayor Manheimer asked City Attorney Branham to provide Council with information on the Hazel Robinson Amphitheatre; and suggested that complaints regarding pickleball at Montford Park be discussed with the City's Parks & Recreation Director.

Closed Session

At 7:31 p.m., Councilwoman Roney moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Wisler carried unanimously.

At 8:15 p.m., Councilwoman Turner moved to come out of closed session. This motion was seconded by Councilwoman Mosley and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:15 p.m.

CITY CLERK

MAYOR

