

Tuesday – September 22, 2020- 5:00 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

### **PLEDGE OF ALLEGIANCE**

Mayor Manheimer led City Council in the Pledge of Allegiance.

### **I. PROCLAMATIONS:**

#### **A. ANNOUNCEMENT OF NEW COUNCILWOMAN S. ANTANETTE MOSLEY**

Mayor Manheimer announced that Buncombe County Chief District Court Judge J. Calvin Hill administered the oath to S. Antanette Mosley earlier in the day. On behalf of City Council, she welcomed Councilwoman Mosley to the Asheville City Council.

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

#### **A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 8, 2020**

#### **B. RESOLUTION NO. 20-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CDM SMITH INC. TO INCREASE THE WATER SYSTEM DISTRIBUTION PROJECT - PHASE 2 - PROFESSIONAL SERVICES CONTRACT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a change order with CDM Smith Inc. in the amount of \$699,514 to increase the Water System Distribution Project 2 – Professional Services Contract from a total amount of \$884,124 to \$1,583,638.

#### **Background:**

- On February 27, 2018, City Council adopted a resolution to authorize the City Manager to execute a professional services contract with CDM Smith, Inc. for the Water System Distribution Project 2.
- The original total contract was for a not-to-exceed amount of \$884,124 and the project work included: a survey, a hydraulic analysis, engineering design, construction administration, and other related professional services for approximately 10,600 linear feet of 24" potable water transmission main and all associated appurtenances along Patton Avenue from Craven Street to Haywood Road.
- The original transmission main alignment along Patton Avenue assumed construction would be within the travel lanes and therefore the survey and preliminary design was performed for the new water transmission main to be located within the NCDOT right-of-way only.
- On April 8, 2019, the preliminary plan was submitted for the required NCDOT Encroachment Agreement, which would allow the new water transmission main to be

located within the NCDOT right-of-way; however this Encroachment Agreement was denied by NCDOT in accordance with its policy to not allow utilities to be placed under the roadway. Within the past five years, NCDOT has increased its enforcement of this policy.

- The Water Resources Department appealed the decision to deny the NCDOT Encroachment Agreement via the hardship appeal process procedure provided by NCDOT. The hardship appeal was based on impacts to private property and additional project cost; however the appeal was also denied.
- Because of the denial of the NCDOT Encroachment Agreement and subsequent appeal, the proposed water transmission main alignment had to be changed to be outside the NCDOT right-of-way to be installed within private property throughout the project corridor.
- This change in alignment of the 24" water transmission line created the requirement for an additional survey to be performed and a new design drawing to be developed which added a significant cost increase to the professional services contract.
- Also moving the new water transmission main onto private property creates the need to obtain 37 permanent and temporary construction easements for the installation of the proposed transmission main which requires additional funds to be added to the project for easement acquisition specialists, preparation of easement plats and documents, appraisals and purchase of the necessary easements. These efforts and associated costs were not considered in the original contract scope since the plan did not impact private property.
- Over the course of the design phase, CDM Smith also discovered three (3) North Carolina Department of Environmental Quality – Division of Waste Management (DWM) sites located adjacent to the new alignment requiring the additional services for assessment of potential impacts from residual contamination associated with the three sites.
- Water Resources Staff requested that the consultant provide an amended scope with the additional tasks and cost outlined. The proposed change order request is based on the amended scope.
- It is anticipated that the final project design and easement acquisition will take approximately 9 months being completed by July 2021. Following completion of the design phase, construction of the project is projected to begin in September 2021 with an 18 month duration.

**Vendor Outreach Efforts:**

- Not applicable, change to an existing contract

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None.

**Pro(s):**

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

**Con(s):**

- None

**Fiscal Impact:**

- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund in the Small Waterline Replacement Projects.

**Motion:**

- Move to adopt a resolution authorizing the City Manager to execute a change order with CDM Smith Inc. in the amount \$699,514 to increase the Water System Distribution Project 2 – Professional Services Contract from a total in the amount of \$884,124 to \$1,583,638.

**RESOLUTION BOOK NO. 41 - PAGE 435**

**C. RESOLUTION NO. 20-161 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH T&K UTILITIES INC. FOR THE WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECT AREA 5 PART 1 PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a construction agreement with T&K Utilities, Inc., for the Water System Neighborhood Enhancement Project Area 5 Part 1 Project.

**Background:**

- On July 28, 2020, the Water Resources Department (WRD) issued an Advertisement for Bids for the Water System Neighborhood Enhancement Project Area 5 Part 1 Project.
- The scope of work for this project includes the installation of approximately 12,100 LF of 6-inch, 5,000 LF of 8-inch, and 1,200 LF of 12-inch ductile iron water line along with related appurtenances and materials required to complete the work located along various streets within the following areas:
  - Muirfield Subdivision
  - Mills Gap Road
  - Swannanoa River Road
  - S. Tunnel Road
  - Brookwood Road
  - Brevard Road
  - Hazel Mill Road
  - Joe Jenkins Road
- This proposed project has been determined to be a critical installation that will increase the water systems reliability by replacing undersized and older waterlines that have high failure rates and also by providing improved water pressure and flow characteristics for domestic service and fire fighting capabilities.
- Companies responding were:
  - T&K Utilities, Inc.; Asheville, NC – Bid: \$3,810,200
  - Patton Construction Group; Asheville, NC – Bid: \$3,992,500
  - T.P. Howard’s Plumbing Company, Inc.; Fairview, NC – Bid: \$4,050,000
  - Cooper Construction Company, Inc.; Hendersonville, NC – Bid: \$4,053,202
  - Buckeye Bridge, LLC; Canton, NC – Bid: \$4,180,455.30
  - NHM Constructors, LLC; Asheville, NC – Bid: \$4,714,706
  - Teraflex Group, LLC; Williston, ND – Bid: \$4,723,114.20
  - Thomas Construction Company, Inc.; Johnson City, TN – Bid: \$5,838,960
- Following a review of the bids by City Staff and WK Dickson & Co., Inc., the project engineers; T&K Utilities, Inc. was selected as the lowest responsible, responsive bidder.
- The WRD requests authorization to contract with T&K Utilities, Inc. for the bid amount of \$3,810,200 plus a 10% contingency in the amount of \$381,020 for a total project budget in the amount of \$4,191,220.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women owned businesses through the 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.
- MWBE owned businesses are being utilized as subcontractors for traffic control and asphalt paving by prime contractors.

**Council Goal(s):**

- A Financially Resilient City and a Clean and Healthy Environment.

**Committee(s):**

- Not Applicable.

**Pro(s):**

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City’s water system through Capital Improvement Projects to provide safe and reliable service.

**Con(s):**

- None.

**Fiscal Impact:**

- Funds needed for this construction agreement are already budgeted in the “Small Waterline Replacement Projects” within the Water Resources Capital Improvement Fund.

**Motion:**

- Move to adopt a resolution authorizing the City Manager to execute a construction agreement with T&K Utilities, Inc., for the Water System Neighborhood Enhancement Project Area 5 Part 1 Project.

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**D. RESOLUTION NO. 20-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT FOR AUTOMATIC AID SERVICE WITH REEM’S CREEK FIRE DEPARTMENT**

**Action Requested:** Adoption of the renewal of the automatic aid agreement between the City of Asheville and Reems Creek Fire Department.

**Background:**

- In August 2013, City Council approved a resolution authorizing a multi-year agreement with Reem’s Creek Fire Department for automatic aid service
- The City of Asheville has a need to strengthen its standard of response and cover in the Beaverdam Valley and the Reem’s Creek Fire Department is the most appropriate organization to provide the service
- The initial agreement costs were \$82,656 and as stipulated in the agreement, the costs are to be adjusted every year based on the consumer price index
- After seven years of positive consumer price index increases, the renewal for the FY20-21 services cost and are budgeted at \$91,733.36
- The term of the renewal agreement will end June 30, 2021

**Vendor Outreach Efforts:**

- No other vendors are able to provide this service
- There are no Minority & Women-Owned Business Enterprise (MWBE) firms able to provide this service

**Council Goal(s):**

- Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- Allows standard of cover to be met greater than 90% of the time.

**Con(s):**

- Fiscal impact.

**Fiscal Impact:**

- Execution of the agreement renewal is budgeted at and costs \$91,733.36.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to enter into a renewal agreement for automatic aid service between the City of Asheville and Reems Creek Fire Department.

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**E. RESOLUTION NO. 20-163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2020 CONTRACT WITH THE N.C. DEPT. OF PUBLIC SAFETY FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE SERVICES**

**Action Requested:** Adoption of 2020 Contract Agreement for the State Regional Hazardous Materials Response Team Number Six (6).

**Background:**

- North Carolina is divided into seven geographical regions for the purpose of hazardous material emergency response.
- The North Carolina Department of Public Safety contracts with municipalities across North Carolina to respond into the geographical regions and provide technician level hazardous materials emergency response.
- The region's six areas encompass the westernmost twenty counties.
- The City of Asheville has been a regional hazardous materials provider since Fiscal Year 1994-1995.
- The State of North Carolina provides funding that fully supports the operational costs of the program.
- The City receives \$69,000 annually for administration, equipment, training, medical surveillance, and workman's compensation.
- The truck and equipment provided to the City by the State for use on State and local hazmat missions are valued at \$1.5 million.
- The City is reimbursed at 100% of the costs expended when the team is deployed for a state mission.
- City Council approved an extension of the current agreement due to circumstances surrounding COVID-19, the North Carolina Department of Public Safety Division of Emergency Management wanted to activate the fifth-year extension clause of the

agreement for four months with the City of Asheville for Hazardous Materials Emergency Response Services from July 1, 2020 through October 31, 2020.

- The new agreement is for November 1, 2020 - June 30, 2024.

**Vendor Outreach Efforts:**

- Contract is with the State of North Carolina Department of Public Safety Division of Emergency Management.

**Council Goal(s):**

- Smart City

**Committee(s):**

- None

**Pro(s):**

- The State of North Carolina provides the hazardous materials response truck, all response equipment and provides for administrative costs of operating the team.
- In addition, the state funds extensive training for members of the Asheville Fire Department to enable us to competently handle hazardous materials emergencies.
- The City of Asheville has full use of the truck and all specialty equipment within the City of Asheville.
- Without the state hazardous materials contract, Asheville taxpayers would need to provide much of the resources necessary to properly respond to hazardous materials emergencies within Asheville.
- With the contract, we have the advantage of the equipment and resources being funded at the state level, rather than at the local level.
- During the twenty nine years that the City has provided regional hazardous materials response services, the City has not experienced difficulties or disadvantages with the program. This program is also consistent with the City's Strategic Operating Plan in partnership.
- Firefighter and citizen safety will be enhanced.

**Con(s):**

- None have been identified or known at this time

**Fiscal Impact:**

- The City receives a \$69,000 reimbursement annually for training, equipment, medical surveillance, and worker's compensation.

**Motion:**

- Move to adopt a resolution authorizing the City Manager to enter into the four year contract agreement with the North Carolina Department of Public Safety to provide regional hazardous materials emergency response for region 6.

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**F. RESOLUTION NO. 20-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CAROLINA SPECIALITIES CONSTRUCTION LLC, FOR THE EXPANSION OF THE SKYLAND FIRE DEPARTMENT LOCATED AT 9 MILLER ROAD SOUTH TO ACCOMMODATE OPERATIONAL NEEDS FOR FIRE STATION #4**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Carolina Specialities Construction, LLC. in the amount of \$524,516 to renovate a building for

Fire Station #4; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$68,187 (13%).

**Background:**

- AFD Station #4 was built in the mid 1990's as a 6,800 sq. ft. building that is attached to the end of the existing Skyland Fire Department building at 9 Miller Road.
- At the time, the City owned portion of the station was not fully built-out for the fire department, and until recently, AFD shared the space with an Asheville Police substation. As a result, the City of Asheville Fire Department occupied shared living quarters with the Skyland Fire Department.
- The Skyland Fire Department has identified a need for the space that AFD currently occupies and has requested that the City vacate the shared space.
- This project will renovate the existing City owned space to create living quarters and dedicated operations space for Fire and allows the City to completely vacate the Skyland portion of the building.
- The project will include interior renovations, building envelope repairs, and high efficiency mechanical systems.
- Skyland Fire & Rescue has asked AFD to vacate their portion of the facility by May 1, 2021.
- Bids were advertised on August 12, 2020. The City received and opened seven bids on September 3, 2020. The names of the contractors and bid amounts (with selected alternates) are listed below:
  - B.A.M. Construction, Inc., *Claremont, NC* \$543,710.00
  - Carolina Specialties Construction, LLC., *Hendersonville, NC* \$524,516.00
  - First Victory, Inc., *Brevard, NC* \$535,742.48
  - H&M Constructors, *Asheville, NC* \$552,900.00
  - J. Bartholomew Construction, LLC., *Hendersonville, NC* \$642,190.00
  - Patton Construction Group, Inc., *Asheville, NC* \$592,860.00
  - Simpson Young Construction, LLC., *Arden, NC* \$559,693.55
- Carolina Specialties Construction, LLC. was the lowest responsible responsive bidder.
- This project will start immediately with a target substantial completion date of April 1, 2021.
- The property and the building are owned by Skyland Volunteer Fire Department.
- *The City is in year 25 of a 99 year lease of \$1 per year agreement. The agreement allows for Skyland FD to sell the property. If they do so, the agreement states that the City shall receive the fair market value of the City's portion of the building structure. These improvements are considered "the City's portion" of the building.*

**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. None of the general contractors that bid on the project were WMBE.
- Carolina Specialties Construction will subcontract with AOA Signs, Inc. which is a Woman-Owned business located in Yadkinville, NC.

**Council Goal(s):**

- A well-planned and livable community
- A thriving local economy
- A clean and healthy environment

**Committee(s):**

- None

**Pro(s):**

- A better workplace/living environment for Asheville Fire Fighters.
- The work will not impact the current operations at the station.
- High Efficiency HVAC System Upgrade (*In collaboration with the Office of Sustainability*)
- Seven bids were received and all were close to the construction cost estimate.

**Con(s):**

- Although this project will bring the facility into full operation, it will still be undersized in comparison to contemporary fire stations.

**Fiscal Impact:**

- Funding for this contract is already included in the adopted Capital Improvement Program budget.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Carolina Specialities Construction, LLC. in the amount of \$524,516 for the Fire Station #4 Renovation project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$68,187 (13%).

**RESOLUTION BOOK NO. 41 - PAGE 439**

**G. RESOLUTION NO. 20-165 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH CAVANAUGH AND ASSOCIATES TO DEVELOP, FACILITATE AND COMPLETE THE REQUEST FOR PROPOSALS PROCESS FOR SELECTION OF ADVANCED METERING INFRASTRUCTURE SYSTEM**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a supplemental agreement to the master agreement in the amount of \$175,520 with Cavanaugh and Associates to develop, facilitate, and complete the RFP process for the selection of a new Advanced Metering Infrastructure (AMI) system and third-party contract manufacturer and installer.

**Background:**

- The City's customer water metering system consists of approximately 60,000 meters which are read mainly using drive-by Automated Meter Reading (AMR) radio technology.
- The City installed its current metering system from 2009-2012. The Automated Meter Reading equipment is reaching the end of its lifecycle and is beginning to fail.
- Advancements in metering technology have greatly increased this lifecycle and increased warranty periods.
- This issue requires staff to begin the process of implementing a long-term strategy for meter asset management.
- During FY19, Meter Services collaborated with the Customer Service, GIS, IT, and Administrative management staff to form a Customer Metering Task Force. The task force developed a customer metering strategic plan with technical support from Cavanaugh and Associates.
- A business-case recommendation was developed for the City of Asheville.
- This recommendation includes a wholesale replacement of all 2" and smaller water meters with new meter assemblies, implementing a fixed-base network meter reading system, AMI and retrofit meters 3" and larger to the AMI reading system.



- The recommended mechanism for product selection and installation is utilization of a third-party contract manufacturer and installer, procured via Request for Qualifications & Proposal (RFP) process.

**Vendor Outreach Efforts:**

- Through a qualifications-based selection process beginning in February 2020, the City of Asheville selected nine consulting firms to provide on-call professional services for an array of different types of water system projects.
- Cavanaugh and Associates was one of the selected firms due to their expertise in areas of non-revenue water, metering systems, etc.
- The City of Asheville entered into a master agreement with Cavanaugh and Associates on August 31, 2020 for on-call professional services valid for three years with the option to renew for two additional years.
- If approved, the proposed services described here within will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for General Projects was the best method to deliver this project and Cavanaugh and Associates was the most qualified of the on-call firms.
- Based on the current master agreement, no additional vendor outreach was performed.

**Council Goal(s):**

- A Financially Resilient City

**Committee(s):**

- None.

**Pro(s):**

- This project will be the initial step in updating metering and reading infrastructure that is reaching the end of its useful life cycle.
- The project will result in improvements to efficiency of operations, through significant reduction in the number of trucks on the road to read meters.
- This reduction will also decrease the City's carbon footprint associated with Metering Services operations.
- This project will ultimately result in water customers having access to more timely data and provide customers with the ability to monitor and better manage their water usage.
- This project will provide the framework for monthly billing processes.

**Con(s):**

- Failure to approve resolution will result in a delay in the process of exchanging equipment that has reached the end of its life.

**Fiscal Impact:**

- The Water Resources Department currently has the funds needed for this agreement budgeted in the "AMR Replacement Project" in the Capital Improvement Program Fund.
- Total agreement cost of \$175,520.

**Motion:**

- Move to adopt a resolution authorizing the City Manager to execute a supplemental agreement in the amount of \$175,520 with Cavanaugh and Associates to develop, facilitate, and complete the RFP process for selection of a new AMI system and third-party contract installer.

**H. RESOLUTION NO. 20-166 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM YEAR 2 2021 BIKESAFE GRANT**

**ORDINANCE NO. 4826 - BUDGET AMENDMENT FROM THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM YEAR 2 2021 BIKESAFE GRANT**

**Action Requested:** Adoption of a resolution authorizing the Mayor to apply for and accept a grant, in the amount of \$5,000, for the North Carolina Governor's Highway Safety Program, BikeSafe 2021 Grant, Year 2; and adopt the associated budget amendment, in the amount of \$5,000.

**Background:**

- The Bike/Safe NC program is a partnership with the Governor's Highway Safety Program and the North Carolina State Highway Patrol that is aimed at reducing motorcycle fatalities.
- Grant funds will be used to promote awareness by contacting motorcycle dealers, clubs and associations to discuss current highway safety activities, training opportunities and to provide legal updates.
- The Asheville Police Department will act as fiduciary for the program.
- The total of the grant is \$5,000 and does not require local matching funds.

**Council Goal(s):**

- A Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

- Grant funds are used to pay for travel and training.
- Potential reduction of statewide and regional motorcycle fatalities.

**Con(s):**

- Funding is evaluated annually and is only available for a one-year period.

**Fiscal Impact:**

- There is no local match required.

**Motion:**

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

**RESOLUTION BOOK NO. 41 - PAGE 441  
ORDINANCE BOOK NO. 33 - PAGE 138**

**I. RESOLUTION NO. 20-167 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FIRE PREVENTION & SAFETY PROGRAM**

**ORDINANCE NO. 4827- BUDGET AMENDMENT FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FIRE PREVENTION & SAFETY PROGRAM**

**Action Requested:** Adoption of a resolution for City Council to authorize the City Manager to accept grant funds from the Federal Emergency Management Agency (FEMA) for the Fire Prevention & Safety Grant and a budget amendment in the City's Special Revenue Fund in the amount of \$45,029 utilizing the \$42,884 in grant funds and \$2,145 in matching funds.

**Background:**

- In March 2020, the Asheville Fire Department applied for FEMA's Fire Prevention & Safety Grant for specialized equipment for fire investigators.
- In September 2020, the Department was awarded \$42,884 for this added safety equipment to outfit its investigators.
- The equipment to be purchased includes specialized Personal Protective Equipment, reliable lighting, documentation tools (such as software), and excavation tools.
- Additionally, the funds will be used for supplies that have the ability to decontaminate the equipment and tools without the fire investigator having to call a suppression company on scene.
- FEMA is requiring a match by the City of \$2,145.
- The Department requests City Council to approve acceptance of the grant award and allow for a budget amendment to assign the grant funds in the City's Special Revenue Fund.

**Vendor Outreach Efforts:**

- N/A

**Council Goal(s):**

- Smart City

**Committee(s):**

- None

**Pro(s):**

- The grant increases firefighter safety.
- The grant enables investigators to effectively manage a multi-day fire scene without having to take a suppression company out of service to provide support.

**Con(s):**

- The City's total match over the two year period of performance is \$2,145.

**Fiscal Impact:**

- To receive the funds the City has a one-time match of \$2,145 which will be taken from the adopted Fire Department FY 2020-21 operating budget.

**Motion:**

- Motion to adopt a resolution for City Council to authorize the City Manager to accept grant funds from the Federal Emergency Management Agency (FEMA) for the Fire Prevention & Safety Grant and a budget amendment in the City's Special Revenue Fund in the amount of \$45,028 utilizing the \$42,884 in grant funds and \$2,145 in matching funds.

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**J. RESOLUTION NO. 20-168 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH SYNERGY SPORTS CHARLOTTE LLC FOR THE PROCUREMENT AND INSTALLATION OF PLAYGROUND MULCH**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Synergy Sports Charlotte, LLC for the purchase and installation of playground mulch in the amount of \$132,930.00 and to further authorize change orders up to the contingency amount of \$13,293 (10%) for playground mulch and installation.

**Background:**

- Bid packet for Playground Mulch and Installation went out and closed on Thursday, June 4, 2020.
- This contract will provide bi-annual safety applications for playground mulch at 10 playground sites across the City for FY 21. The following locations are included:
  - Carrier Park Playground
  - Jake Rusher Park Playground
  - Kenilworth Playground
  - Malvern Hills Playground
  - Murphy Oakley Playground
  - Recreation Park Playground
  - Stephens-Lee Center Playground
  - Linwood Crump Shiloh Playground
  - Walton Street Playground
  - Weaver Playground
- Companies responding were:
  - Synergy Sports Charlotte LLC, Charlotte, NC - Bid \$132,900
  - On Point, Etowah, NC - Bid \$138,596.50
  - Bliss Products and Services, Lithia Springs, GA - Bid \$157,500
  - Mulch Solutions, LLC, Indian Trail, NC - Bid \$151,200
  - BH Graning Landscapes, Inc., Sylva, NC - Bid \$164,776.50
  - Natural Choice Contracting, West Youngsville, NC - Bid \$ \$151,200
  - Power Mulch Inc, Smithfield, NC - Bid \$143,073
  - Cason Companies Inc, East Flat Rock, NC - Bid \$141,750
- Following review of bids by City staff, Synergy Sports Charlotte LLC was selected as the lowest responsible, responsive bidder.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority and women owned business enterprises (MWBE) through solicitation processes which include posting on the State's Interactive Purchasing System, targeted outreach with the City's Business Inclusion Manager. One Women Owned Business submitted a bid, but was not the lowest bid.

**Council Goal(s):**

- A Well-Planned and Liveable Community

**Pro(s):**

- Ensures compliance with playground safety standards for mulch.

**Con(s):**

- None

**Fiscal Impact:**

- Funding for this purchase has been previously approved and is available for expenditure in the Asset Management Contracted Services line item.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Synergy Sports Charlotte, LLC in the amount of \$132,930.00 and to further authorize change orders up to the contingency amount of \$13,293 (10%) for playground mulch and installation.

**RESOLUTION BOOK NO. 41 - PAGE 443**

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

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

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

**III. PRESENTATIONS & REPORTS:**

**A. MANAGER'S REPORT - 30/60/90 DAY WORK PLAN**

City Manager Campbell gave the following presentation overview (1) On June 9, staff presented a 30/60/90 Day Work Plan and over the past several meetings have updated Council and the community on our work; (2) The 30/60/90 Day Work Plan was developed in response to numerous requests from the Black Asheville Demands coalition to address specific racial justice and economic inclusion issues; (3) The Work Plan reflects when we would **start** working on these requests; and (4) This evenings presentation will focus on the community engagement efforts to Reimagine Public Safety in Asheville;

Key takeaways include (1) This effort is much more than a budget exercise; the community is beginning to establish a long term vision for how we collaborate to address public safety in Asheville; (2) This year's immediate adjustments reflect initial steps to begin to reallocate some functional responsibilities out of Police and into other departments or partner agencies; (3) Recommendations designed to: (a) Increase public outreach and engagement at the neighborhood level; (b) Strengthen support and/or development of neighborhood organizations; (c) Collaboratively work with communities to identify and solve community problems; (d) Improve quality of data collected related to public safety and enhance public access to that data; (e) Address changes to policies and training for Police in order to lessen impacts on key group; and (f) Be implemented quickly; and (4) Other budgetary adjustments will likely be made this fiscal year from APDs budget if other programs and initiatives are identified and are ready to be piloted or fully implemented.

She thanked the many community partners including Alpha Kappa Alpha Sorority, Beloved Asheville, Burton Street Community Association, Buncombe Co. Communications & Public Engagement, Cenzontle Language Justice Cooperative, Delta Sigma Theta Sorority, Do the Write Thing / Asheville City Schools DropOut Prevention, Downtown Businesses, East End / Valley Street Neighborhood, Housing Authority City of Asheville, Interdenominational Ministerial Alliance. Links Incorporated, My Daddy Taught Me That, Shiloh Community Association, Southside Community, WRES 100.7 FM and Word on the Street. She also thanked the several City departments, including Communications and Public Engagement; Equity and Inclusion;

Information and Technology; Parks and Recreation; Police; Human Resources; Finance and Budget; Community and Economic Development; and City of Asheville Youth Leadership Academy (CAYLA).

She reiterated the reimagining public safety in Asheville goal: *Determine how the City of Asheville structures department responsibilities and community partnerships in a way that promotes racial equity and economic inclusion.*

She reviewed the public engagement process of (1) Step 1 (complete): Get feedback on an approach from key focus groups; (2) Step 2 (complete): Host Community Meetings; and (3) Step 3: (in process): Report, Recommendations and Implementation.

She then thanked the selected facilitators of Shemekka Ebony Coleman, Glenn Thomas and Christine Edwards.

Regarding the public engagement process, (1) The goal of the project was to provide a venue for feedback about public safety priorities in Asheville, NC through virtual meetings and an online survey developed by the City of Asheville; (2) Feedback from the community engagement process was used to make current and future budgetary recommendations; and (3) Through 6 virtual listening sessions, several one-on-one meetings and 2 in-person engagements, Asheville residents and stakeholders from relevant populations highlighted the strengths, vision, challenges and opportunities in regards to public safety in Asheville; specifically community policing efforts. She reviewed the reimagining engagement meetings and noted that there were 461 people who engaged virtually.

Regarding the reimagining public safety questionnaires, (1) Responses are still being analyzed and work is being done to make sure there are no duplicate responses or data discrepancies due to technical difficulties that could have impacted numbers reported; (2) With a commitment to transparency, all responses for the open ended questions were posted to the website on Friday; and (3) The responses to the multiple choice questions will be posted in the next two weeks once the deeper analysis of the data, which includes researching duplicates and discrepancies, can be completed.

Highlights from the engagement process resulted in (1) What does safety mean to you? Freedom, Equal access to resources, Racial equity, Ownership of space, Representation, and Mutual respect; and (2) Which areas are a priority and which should be reallocated? Violent Crime, De-escalation Training, Increase in community engagement, increase budgetary transparency, Increased Collaboration between APD and Mental Health Providers, Nuisance crimes reallocated, and Crowd Control. Themes (in no particular order and based on first impressions) were APD has an important role in public safety; Defund and Divest from APD; Address Homeless Issues; Better coordination and distribution of social service responsibilities; Police Training; Access to Affordable Housing; and Economic Opportunity.

She then reviewed the focus areas for the budget adjustments and impacts:

1. Nuisance Response
  - a. Animal Control and Noise Ordinance enforcement move to Development Services Department

*Impact - Reallocation of non-violent calls for services to another department and out of APD*

2. Data Management and Transparency

- a. Position(s) in the IT department

*Impact - Improved Public Safety data analysis; more transparency in reporting data; improved access to data by the public; and enhanced information and coordination between neighborhood and Police to prevent and/or respond to crime.*

- b. One time payment for internet connection in Housing Authority

*Impact - Improved connections for tenants/students; Enhance collaboration with Housing Authority and Asheville City Schools; and Advances Equity and Inclusion to address the achievement gap*

3. Community Engagement and Outreach

- a. Additional position(s) in the Communications and Public Engagement office
- b. Additional position in Parks and Recreation

*Impact - Better serve communities and neighborhoods to help problem solve and address community issues; provide outreach to communities and neighborhoods; and enhance park security, patrol and problem solve.*

4. Homeless Outreach

- a. Additional support for homeless outreach and referral services

*Impact - Work with partner agencies to provide referral services and outreach; focus on Pritchard Park area; and free up other resources to do outreach in other parts of the City.*

Police Chief David Zack then highlighted the Police Reforms and Policy focus area for the budget adjustments and impacts:

5. Police Reforms and Policy (no additional funding at this time)

- a. Written consent for pedestrians
- b. Minor modifications to Choke Hold Policy
- c. Study innovative crowd management tactics
- d. Changes to use of force and use of force reporting

*Impact - Revisit the proposal to expand written consent to pedestrians; ensure consistency with State Task Force language; ensure consistency with nationwide best practices; and increase public accountability and transparency in use of force incidents.*

- e. Review of APD policies by 2 local attorneys, who are not city affiliated. Review will include participation from representatives of marginalized communities, including BIPOC and varying age groups. Group to present any concerns and recommendations.
- f. Review all policies that aren't currently on the APD website to see if they contain any information requiring them to remain confidential, or if they can be made public.

*Impact - Create an opportunity for public involvement in policy creation; more transparency in reporting data to the public; and provide the public with more accessibility to policies and procedures impacting law enforcement interactions with the community.*

- g. Establishing a policy for officer interaction with Transgender, Gender-Variant, and Nonbinary Individuals.

*Impact - Outreach and collaboration with 4 local LGBTQ+ organizations for input on a draft policy; alignment with the National Center for Transgender Equality; and ensure inclusivity within marginalized communities .*

- h. Drug Suppression Unit (DSU) will be eliminated.

*Impact - Less emphasis on enforcement of low level drug crimes; greater focus on violent and property crime; and better provide law enforcement with the ability to focus on the root of rising violent crime and property crime incidents.*

- i. Establishment of a Citizen Review Board

*Impact - Increases transparency within the department; and provides additional community oversight.*

City Attorney Branham said that they have ongoing conversations with police unions. The local chapter of the North Carolina Police Benevolent Association has expressed their willingness to participate in an ongoing effort to arrive at a mutually agreeable consensus that will allow communities to institute a citizen review board. He received a letter today from the President of the local chapter of the North Carolina Police Benevolent Association expressing his continued intent to keep his efforts going with the final goal of having a consensus piece of legislation that we can mutually take to our legislators to provide municipalities across the state with these powers.

- 6. Training and Recruitment *(No additional funding at this time.)*
  - a. Implement Verbal Defense & Influence (de-escalation) training
  - b. Implement training around how to more safely restrain people who are resisting arrest

*Impact - Intended outcomes: Better communication under pressure; reduced incidents of conflict; reduced incident of violence; improved customer satisfaction; lower rates of complaints; and improved morale. Provide law enforcement with additional tools to address individuals resisting arrest.*

- c. Officer Wellness & Health Program
- d. Working on a recruitment strategy to increase black, latinx and other people of color officers



- e. Outward Bound
- f. Racial Equity Initiative (REI) Training

*Impact - Create a healthy work environment; create a workforce that mirrors the makeup of the community we serve; create opportunities for APD and youth in the community to build relationships and trust; and Increased understanding and ability for officers to address racism in the organization and the community.*

City Manager Campbell said the next steps (initiatives to be pursued include (1) Continue community engagement conversations starting in Nov. and develop strategies to: Consolidate 911 emergency call center to more efficiently respond and deploy resources for emergency response calls; Create with community partners a collaborative rapid response team model to respond to mental health, drugs and alcohol, homeless, domestic violence and similar types of calls with goal of having Police no longer being the first or only responder; Develop new model(s) for School Resource Officers to further support student mentoring and other identified needs in schools; Develop with tenants and Housing Authority staff new model(s) to enhance safety in Housing Authority communities; and Identify other training or police reform initiatives to be investigated or implemented; and (2) Make additional budgetary adjustments this fiscal year from APD's budget if other programs and initiatives are identified and are ready to be piloted and/or fully implemented.

City Manager Campbell and Police Chief Zack responded to various questions/comments from Council, some being, but are not limited to: explanation of how 911 calls are currently handled and how the 911 emergency call center telecommunicators and dispatchers will be trained for triage when consolidated; is there a way to incorporate some version of the REI training into the basic law enforcement program; will the Park Warden position be armed; how does the Inclusive Engagement and Leadership Manager in the Office of Equity & Inclusion differ from the Neighborhood & Community Engagement Manager in the Community & Public Engagement Office differ; what does elimination of the Drug Suppression Unit mean; and concern that during the reimagining public safety engagement meetings, we might not have reached individuals that are most directly impacted through police contact.

Councilman Haynes supported written consent for pedestrians without further discussion.

#### **IV. PUBLIC HEARINGS:**

##### **A. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF AN UNOPENED RIGHT-OF-WAY KNOWN AS GAYLE STREET**

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Gayle Street. This public hearing was advertised on August 28, September 4, 11 and 18, 2020.

##### **Background:**

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- James Sandusky Paris and Carson Kinlaw Delinger have petitioned for this closure. They are owners of the property known as 99999 Morse Drive (Pin # 9627-22-9286).
- The unopened portion of right-of-way extends into the subject property.
- Upon closure, if granted, the unopened right-of-way will become part of the above property.

- The plan is for the property to be subdivided.
- The closure aides in meeting required setbacks.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

**Council Goal(s):**

- A well-planned and livable community

**Committee(s):**

- Multimodal Transportation Committee - June 24, 2020 - Recommended closing the right-of-way by unanimous vote

**Pro(s):**

- The closure would allow for more efficient use of the existing adjacent property.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

**Con(s):**

- None noted.

**Fiscal Impact:**

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

Mayor Manheimer opened the public hearing at 6:14 p.m.

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

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until October 13, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

**B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4785) FOR PROPERTIES LOCATED AT 172 ASHELAND AVENUE, 185 AND 99999 COXE AVENUE AND 5 FEDERAL ALALEY, FOR CHANGES TO A MIXED USE DEVELOPMENT ZONED CENTRAL BUSINESS DISTRICT-EXPANSION/ CONDITIONAL ZONE**

Principal Planner Shannon Tuch said that this is the consideration of an amendment to a previously approved conditional zoning (Ordinance No. 4785) for properties located at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley for changes to a mixed-use development zoned Central Business District-Expansion/Conditional Zone. This public hearing was advertised on September 11 and 18, 2020.

**Project Location and Contacts:**

- The project site consists of four parcels with a combined area of approximately 4.43 acres, located at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley (PINs 9648.37-2643, 9648.38-0052, 9648.37-1928 and 9648.37-2825) that are owned by Asheland Properties LLC and South Slope Holdings LLC.
- Petitioner: Tribute Investment & Development Inc; Contact: Warren Sugg

### Summary of Petition:

- The project was approved by City Council on December 10, 2019, under ordinance no. 4785 and is zoned Central Business District Conditional Zone (CBD-CZ).
- As detailed in the current ordinance, the development was approved for a mixed-use project with frontage on Coxe Avenue, Asheland Avenue and Federal Alley with residential and commercial uses throughout multiple buildings, a parking structure integrated into the development and urban open space in the form of a series of public and private interior courtyard spaces connecting the frontages and running through the site from east to west.
- The requested amendment primarily impacts the use and design of the northernmost building on Asheland Avenue and the use and design of the structure along Federal Alley. There are no changes to the Coxe Avenue buildings, interior courtyards or streetscape.
- The Asheland Avenue change proposes a residential building instead of the previous design that was intended for office use and the revision eliminates the residential liner building that was previously shown along Federal Alley.
- The changes to the buildings on Federal Alley and Asheland Avenue still comply with City of Asheville Unified Development Ordinance (UDO) standards such as: fenestration and expanses of solid wall and providing pedestrian entrances along street frontages. Since Federal Alley is not a key pedestrian street, the liner building in the previous design is not expressly required.
- The applicant has clarified that the land needed to construct the six-foot sidewalk connection from Federal Alley to Coxe Avenue is subject to the acquisition of land currently owned by the State. The process to acquire the land is currently underway but not yet complete and the construction of this offsite improvement is subject to completion of the acquisition.
- The ordinance includes a number of site specific conditions that are still applicable (B.1 conditions).
- This amendment does not conflict with those conditions, except that the approval was linked to the previous site plan and renderings; therefore, removing the liner building and altering the facades along Federal Alley and Asheland necessitate an amendment to the previously approved conditional zoning approval.
- The summary of changes is as follows:
  - Slight reduction in residential units (*from 488 down to 474*)
  - While the number of residential units is reduced there will be no reduction to the number of affordable units; the applicant will still provide the originally approved amount of affordable units (10 percent of 488 units, which is 48 affordable units)
  - Reduction in commercial programming (*from 86,000 square feet down to 44,199 square feet due to a reduction in the large office component in the original plan*)
  - Parking garage footprint remains the same but scale reduced (*from 973 spaces down to six levels and approximately 574 spaces*)
  - Federal Alley liner building eliminated with those residential units now relocated to the Asheland Avenue north building
  - Parking garage pulls up to front directly on Federal Alley and has been designed to include 18 foot deep “stalls” along the ground level that can be activated with a variety of temporary “pop-up” uses
  - Asheland Avenue north building was previously a 30,000-square foot, four story office building; now five stories and all residential use with significant aesthetic changes to facade due to the new use
  - Asheland Avenue south building was previously seven stories (two commercial ground levels with five residential levels above); now six stories (one level of commercial eliminated)
  - Rooftop patio previously on north end of Asheland Avenue building eliminated

- The Downtown Commission considered this request at their meeting on July 10, 2020, and voted unanimously to support the proposed change but with the following suggestions:
  - Revise the design of the north building on Asheland to differentiate and minimize the massing of the building, perhaps using the location of the vehicular entry as a "break" point (*the applicant agreed to and made the changes*)
  - Consider adding ground-level commercial space to the north building on Asheland (*the applicant prefers to maintain residential units on the ground floor*)
  - Minimize 24-hour parking deck lighting (*the applicant is agreeable to this suggestion*)
  - Consider adding amenities / facilities for year-round market stalls on Federal Alley (*the applicant is agreeable to this suggestion but the details remain an ongoing discussion*)
- The Planning and Zoning Commission reviewed the request at their meeting on August 5, 2020, ultimately voting at the September 2, 2020 meeting and unanimously recommended support.
  - Public comments were received and there were primarily concerns that relocating residential units to Asheland Avenue (in place of the office component) would add cut-through traffic to the South French Broad residential neighborhood via Morgan Street; a desire for retail spaces along the ground level along Asheland Avenue to provide more places for residents of the adjacent neighborhood to visit by foot and concerns that the reduction in parking spaces within the garage structure will result in overflow parking on-street in the South French Broad residential neighborhood. Additional comments received were not specific to the amendment.
- The project location is within Census Tract 9, an Opportunity Zone area. City resolution no. 18-269 states that Council commits to work with investors and the resolution offers guidance on projects within these areas to promote equitable growth, avoid displacement of low income or residents of color and avoid the loss of community assets or land.

**Comprehensive Plan Consistency:**

- As previously stated in the 2019 staff report, this development has been evaluated for consistency with the Living Asheville Comprehensive Plan and determined to be aligned in multiple ways. This amendment does not alter the alignment of this mixed-use project with the Living Asheville plan.

**Compatibility Analysis:**

- With the proposed amendment, the development remains compatible with the surrounding area by including market rate and affordable units in close proximity to downtown.
- Regarding the design change to the building on Asheland Avenue, the applicant responded to the requests from both staff and the Downtown Commission to include modifications to the facade to attempt to minimize the massing with several sections of color differentiation.
- The B.1 conditions that were agreed to during the previous review for pedestrian safety and traffic improvements are still in place to further minimize potential impacts.
- Since the number of residential units and office component have decreased with this amendment, staff does not believe that shifting the location of the uses within the development should have any greater traffic impact and notes that off-street parking is not required in the zoning district.
- Further, the proposed number of parking spaces is just under the minimum that would be required for the development if located elsewhere. The location of the project in an urban setting, close to downtown and availability of transit, support the amount of parking

provided in this project.

**Council Goal(s):**

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

**Committee(s):**

- Technical Review Committee (TRC) - June 2020 - approved with conditions
- Downtown Commission (DTC) - July 10, 2020 - recommended unanimous approval with suggested conditions
- Planning & Zoning Commission - August 5 & September 2, 2020 - recommended approval 7-0

**Staff Recommendation:**

- Staff recommends approval of this amendment as the project includes market rate and affordable units in a location that is proximate to downtown and still includes a mix of uses to activate this area of the city.
- Staff finds that while the residential liner building was preferable, the changes to the Federal Alley parking structure still provide a mechanism for activation at the street level, as well as a creative design that allows for the redistribution of residential units to Asheland Avenue.
- As noted above, the applicant has made efforts to break up the visual massing of the building along Asheland Avenue and the redistribution of uses throughout the site is acceptable.
- Conditions from the original approval for traffic mitigation and affordable housing are unchanged with this amendment.
- Staff does have some concern regarding the unsettled land acquisition that would provide safe pedestrian connectivity offsite to Coxe Avenue.

At the request of Mayor Manheimer, Councilman Young moved to recuse Mayor Manheimer from participating in this matter due to a conflict of interest. This motion was seconded by Councilwoman Mayfield and carried unanimously on a roll call vote. At this time, Mayor Manheimer turned over the gavel to Vice-Mayor Wisler to preside over this topic.

Mr. Chris Day with Civil Design Concepts provided Council with several design changes, noting that their priority was residential.

Mr. Brian Cook, architect, walked through some of the visual changes.

Mr. Wyatt Steven, attorney for the developer Matt Maynard, stressed that the project includes at least 48 of the residential units to be dedicated to affordability at 80% AMI for at least 20 years and at least 10 of the affordable units will accept housing vouchers. He hoped that other developers will be able to accept housing vouchers as well. He provided Council with a letter from President Mark Maynard Sr. of Tribute Properties that stated they will make the following commitment for this development: "Following the model of the Lee Walker Heights Development, we will make a good faith effort to follow, and we will expect our subcontractors to follow, the principles set forth in the Federal Procurement Regulations of 24 CFR 85.36 (e) regarding contracting with small and minority firms, women's business enterprise and labor surplus area firms as modified as follows: (1) we will take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, including the use of local Black owned businesses and Black employees when qualified and available; and (2) Affirmative steps will include (a) placing qualified small and minority businesses and women's business enterprises on solicitation lists; (b) assuring that small and minority

businesses, and women's business enterprises are solicited whenever they are potential sources; (c) conducting job fairs in minority neighborhoods; and (d) working with the YMI, Mountain BizWorks and other local non-profit agencies that serve the minority communities in Asheville." He said that as they go forward and begin hiring and subcontracting, they will welcome engagement with the Office of Equity & Inclusion as well.

Councilwoman Mayfield felt that the contracting proposal made by Mr. Maynard could possibly be some criteria that we use in other big projects, e.g., hotel developments.

Vice-Mayor Wisler opened the public hearing at 6:51 p.m.

Vice-Mayor Wisler announced that there were no advanced live call-ins for this public hearing.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Smith moved to recess this item until October 13, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mosley and carried on a 6-0 roll call vote, with Mayor Manheimer being recused.

At this time, Vice-Mayor Wisler handed the gavel over to Mayor Manheimer to continue presiding over the meeting.

## **V. NEW BUSINESS:**

### **A. RESOLUTION NO. 20-169 - RESOLUTION APPROVING A \$1.1 MILLION HOUSING TRUST FUND LOAN TO THE JUNA GROUP**

Community Development Programs Director Paul D'Angela said that this is a request by The Juna Group Inc. to utilize a Housing Trust Fund Loan of \$1.1M to construct 11 affordable single family homes on property located at Alice Clement Lane in the Oakley area.

#### **Background:**

- Al Clement d/b/a, the Juna Group Inc., an African American Developer, has proposed the development of 11 single family homes available to be sold to individuals and families at or below 100% of the Area Median Income (AMI) on a 1.1 acre parcel (each home .10 acre) to be constructed on "Alice Clement Lane", currently known as Shakedown Street, (PIN #9657-88-4092) in the City of Asheville, directly off Broadview Street. All 11 homes are intended to be at least 3 bedrooms, 2 full baths and approximately 1300 sq. ft.
- Beginning in 2017, Al Clement purchased 4.8 acres, with 2.6 of the acres buildable.
  - Plans were submitted to the City of Asheville to develop 19 lots on the 2.6 acres.
  - Approval was received June, 2018, and in July, 2018, construction began on infrastructure.
  - The Infrastructure and eight of the homes are either complete or will be completed soon.
  - The developer is requesting Housing Trust Fund dollars for the remaining eleven homes.
- The Juna Group Inc. consists of Al Clement, owner, and his brother David Clement, Project Manager.

#### **Proposal:**

- The developer seeks a loan of \$1,100,000 from the City's Housing Trust Fund (HTF). The Juna Group Inc. needs this funding, \$100,000 per home, to complete Phase 2 of 5 homes and Phase 3 of 6 homes for a total of 11 single family homes.
- The Juna Group Inc. is committing the property, the remaining 11 lots of 1.1 acres, (valued at \$770,000) as equity.
- The Juna Group Inc. proposes to borrow \$1.1M over a period not to exceed 2 years at 1% annual interest rate, with no payments due until the full payment is due, maximum 2 years.
- Units will be made available to qualified affordable individuals and families with a sale price of approximately \$275,000, a sales figure that can work with a 100% AMI family.
- However, the developer with assistance from City staff, will attempt to find buyers below 100% AMI, down to 80% AMI, that can qualify for these 11 homes with the help of Down Payment Assistance Programs.
- The developer is committed to finding individuals and families, in partnership with the City and other agencies like Habitat for Humanity and affordable housing lenders, between 80%-100% to purchase these homes.
- The homes will come with a deed restriction of affordability for 10 years, meaning if the home is sold within that time period, the owner will sell it to another income qualified family at or below 100% AMI.
- The City will work in partnership to help find buyers that qualify and a sales figure that works.
- The developer has requested that if a qualified individual or family between 80% - 100% AMI can not be found within 6 months of the issuance of the Certificate of Occupancy, the developer can move to find an individual or family at or below 120% of AMI to purchase the home. Staff is committed to assisting in the marketing effort of the home and finding a qualified buyer between 80%-100% AMI.

**Council Goal(s):**

- Quality Affordable Housing
- An Equitable and Diverse Community

**Committee(s):**

- HCD - August 18, 2020 - Unanimously approved

**Pro(s):**

- The project produces 11 homes for individuals and families at between 80% - 100% AMI at a location near the City's core, with good access to transit and essential services.
- The developer has successfully completed Phase 1 of Alice Clement Lane and demonstrated capacity with both Community Development and Development Services.
- Working with the Juna Group Inc. shows the City of Asheville's commitment to working with other developers, including for-profit developers, to be a part of the solution to affordable housing, both rental and homeownership.
- Affordable homes sold to individuals or families between 80% - 100% AMI at a sales price that better aligns with the incomes and wages produced in Asheville allows residents to have an opportunity to build wealth with homeownership.
- HTF loans for homeownership allow the funds to be paid back much quicker, at either the sale of the home, or a limited time period like 2 years.
- An affordability period of 10 years helps protect the City's investment in affordable housing.

**Con(s):**

- Loan amount per unit is above the Housing Trust Policy's recommendation of \$20,000 per unit.
- The affordability period is just 10 years.

**Fiscal Impact:**

- The project would require \$1,100,000 from the City's HTF.

Mr. D'Angelo said that after doing some research, it shows only 40 homes for sale in the City of Asheville under \$275,000, with an average & median price above \$550,000 for all 303 listings. Outside of Habitat, who builds maybe 15 to 18 homes a year, Mountain Housing Opportunities who helps with DPA, maybe 24 homes a year, and now the CLT, we have no solution on the table for homeownership. We need more local, infill developers to help us out. This is hard to make the numbers work. This will help expand the pool of developers. The Juna Group is a local and infill developer.

Mr. Al Clement, developer, thanked City Council for their support so far. He explained how home ownership can be a powerful tool to lift people up. He will continue to work with Mr. D'Angelo to get the \$275,000 down, but noted that as soon as someone moves in, they will already have equity in the home. He has reached out to the Asheville-Buncombe Community Land Trust, OnTrack Financial and Habitat for Homes to help find people who may qualify for these homes, along with banks who are familiar with down payment assistance programs.

Councilwoman Mayfield suggested Mr. Clement also reach out to the Housing Authority who has a home ownership program.

Vice-Mayor Wisler supported home ownership, but could not support the project without a guarantee of lower than 100% AMI. She was troubled by the idea of allowing the option for 120% since that does not fit in our Affordable Housing Policy. She was also troubled by the fact that the collateral is less than the loan value. And mostly she was concerned about the 10 year affordability.

Mr. D'Angelo said that he spoke with Mr. Clement and they agreed not to put anything in any of the loan documents about the 120% AMI request after 6 months. He said he has been speaking to Mr. Clement for 14 months and he has been committed to trying to be part of the solution on affordable housing. He could not tell you how hard affordable housing is, let alone affordable for homeownership. The number of units currently for sale speak for themselves. We are making great headway in rental, with over 420 units he believed over the past 18 months. We still need many more. But regarding homeownership, we need to think creatively and effectively to get more homes for sale and he thought this is a very good start. He also believed we can protect our investment with oversight.

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

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

Councilwoman Mayfield moved to approve The Juna Group Inc. request for a \$1.1M in Housing Trust Fund to construct 11 affordable single family homes at the property located at Alice Clement Lane in the City of Asheville to be sold to individuals and families at or below 100% AMI. This motion was seconded by Councilwoman Smith and carried on a roll call vote of 6-1, with Vice-Mayor Wisler voting "no."

**RESOLUTION BOOK NO. 41 – PAGE 444**

**B. BOARDS & COMMISSIONS**



Regarding the Human Relations Commission, the following individuals applied for the vacancy: Susy Chandler, Melissa Ray, Sam Franklin, Bernie Lee Miller, Veronica Colt, Alexandra DiSclarfani, Britni Worley, Ricky McGrath, Emma Nichole Worthy and Will Overfelt. The Human Relations Commission recommended postponing any appointments until they have an opportunity to hold interviews at their October meeting. It was the consensus of the Boards & Commissions Committee and City Council to postpone these appointments until after the Human Relations Commission forward their recommendation.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Sandy Aldridge, John Bausone, Marty Shults, Michael G. Waddle and Lydia Buehrer. The Multimodal Transportation Commission recommended readvertising and postponing any appointments until they have an opportunity to review the applications at their October meeting. It was the consensus of the Boards & Commissions Committee and City Council to postpone these appointments until after the Multimodal Transportation Commission forward their recommendation.

Regarding the Neighborhood Advisory Committee, the individuals applied for the vacancy: Lee Arevian, Bobbette K. Mays, Diane Dankert, Greta Bush and Damita Jo Wilder. The Neighborhood Advisory Committee recommended readvertising for these seats. It was the consensus of the Boards & Commissions Committee and City Council to readvertise the Neighborhood Advisory Commission seats.

#### **RESOLUTION NO. 20-170 - RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE**

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

The terms of Dewanna Little, Parker Smith, Randall Barnett, Barry Bialik and Leslie Hennessee's expired on September 1, 2020.

The following individuals applied for the vacancy: Paul Holstein, Brian Methvin, Shannon Watkins, Michael Figura, T. Cory Lewis, Tyson Bowman, Thomas A. Christ, Drew Crawford, Rodrigo Afanador, Damita Jo Wilder, Eric Howell, Michael G. Waddle, Joshua Katz, ZaKiya Bell-Rogers, Henry Sannyasa, Scott Adams, Cyd Jagers, Chris Woodward and DeLores Venable.

Boards & Commissions Committee recommended reappointing Dewanna Little, Parker Smith and Barry Bialik; and appointing Brian Methvin and Scott Adams.

Vice-Mayor Wisler moved to (1) reappoint Dewanna Little, Parker Smith and Barry Bialik as members to the Affordable Housing Advisory Committee to each serve an additional three-year term respectively, terms to expire September 1, 2023, or until their successor have been appointed; and (2) appoint Brian Methvin and Scott Adams as members of the Affordable Housing Advisory Committee, to serve a three-year term respectively, terms to expire September 1, 2023, or until their successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

#### **RESOLUTION BOOK NO. 41 – PAGE 445**

#### **RESOLUTION NO. 20-171 - RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Citizens-Police Advisory Committee.

Kaaren McNulty (south representative) has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2020. In addition Shana McDowell (at-large representative) has resigned, thus leaving an unexpired term until June 30, 2022. In addition, the terms of Blake Marcus (north representative) and Jerry Kivett (central representative) expired on June 30, 2020.

The following individuals applied for the vacancy: Cathy Banks, Tracey DeBruhl, David Angelus, Barbara Wright, Anthony Coggiola, Mary Ammerman, Tim Kelley, Damita Jo Wilder and Michael E. Beech.

The Boards & Commissions Committee recommended appointing Damita Jo Wilder as the south representative, Barbara Wright as the central representative, and Michael Beech as the at-large representative. In addition, the Committee recommended reappointing Blake Marcus as the north representative.

Vice-Mayor Wisler moved to appoint (1) Damita Jo Wilder (south representative) as a member of the Citizens-Police Advisory Committee to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed; (2) Michael Beech (at-large representative) as a member of the Citizens-Police Advisory Committee to serve the unexpired term of Ms. McDowell, term to expire June 30, 2022, or until his has been appointed; (3) Barbara Wright (central representative) as a member of the Citizens-Police Advisory Committee to serve a three-year term, term to expire June 30, 2023; and (4) reappoint Blake Marcus (north representative) to serve a three-year term, term to expire June 30, 2023, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

#### **RESOLUTION BOOK NO. 41 – PAGE 446**

#### **RESOLUTION NO. 20-172 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Civic Center Commission.

The terms of Corey Atkins and Yvonne Cook-Riley expired on June 30, 2020.

The following individuals applied for the vacancy: Lee Arevian, John W. Ellis, Steven M. Howard, Tony Micocci, Mukunda Pacifici, Sandy Aldridge, Nicole Lee and Josh Batenhorst.

Boards & Commissions Committee recommended reappointing Corey Atkins and appointing Nicole Lee.

Vice-Mayor Wisler moved to (1) reappoint Corey Atkins to serve an additional three-year term as a member of the Civic Center Commission, term to expire June 30, 2023, or until his successor has been appointed; and (2) appoint Nicole Lee as a member of the Civic Center Commission, to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

#### **RESOLUTION BOOK NO. 41 – PAGE 447**

**RESOLUTION NO. 20-173 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

Craig Cline and Gordon McKinney have resigned, thus leaving two unexpired terms until July 1, 2022. In addition, Ed Flowers has resigned, thus leaving an unexpired term until July 1, 2021.

The following individuals applied for the vacancy: Lucy A. Kruesel, J. Wagner and Amanda Vollrath, Sara Gardner, Maggie Brousaides, Sioux Oliva and James Vaughn.

The Boards & Commissions Committee recommended appointing James Vaughn, Sara Gardner and Maggie Brousaides..

Vice-Mayor Wisler moved to (1) appoint James Vaughn the unexpired term of Mr. Cline, term to expire July 1, 2022, or until his successor has been appointed; (2) appoint Sara Gardner to serve the unexpired term of Mr. McKinney, term to expire July 1, 2022, or until her successor has been appointed; and appoint Maggie Brousaides to serve the unexpired term of Mr. Flowers, term to expire July 1, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 41 – PAGE 448**

**RESOLUTION NO. 20-174- RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION**

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

The terms of Jasmine Washington, Andrew Fletcher, Jay Fields, Katie Cornell, Valeria Watson and Pete Perez expired on June 30, 2020.

The following individuals applied for the vacancy: Anne Manner-Mclarty, Marsha Almodovar, Daniele Martin, Nathaniel Wyrick, Christian ODonnell, Hilary Chiz and Michael G. Waddle.

Boards & Commissions Committee recommended reappointing Jasmine Washington, Andrew Fletcher, Katie Cornell, Valeria Watson and Pete Perez; and re-advertising for the last vacant seat.

Vice-Mayor Wisler moved to (1) reappoint Jasmine Washington, Andrew Fletcher, Katie Cornell, Valeria Watson and Pete Perez as members to the Public Art & Cultural Commission to each serve a three-year term respectively, terms to expire June 30, 2023, or until their successor have been appointed; and (2) readvertise for the last vacant seat. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 41 – PAGE 449**

**RESOLUTION NO. 20-175 - RESOLUTION APPOINTING A MEMBER TO THE WNC AIR QUALITY BOARD**

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the WNC Air Quality Board.

The term of Dean Kahl expired on July 1, 2020.

On August 25, 2020, the Boards & Commissions Committee recommended re-advertising for the vacant seat.

The following individuals applied for the vacancy: Garry Whisnant., Robert H. Lane, Evan Couzzo and Drew Ball.

The Boards & Commissions Committee recommended appointing Evan Couzzo.

Vice-Mayor Wisler moved to appoint Evan Couzzo as a member of the WNC Air Quality Board to serve a six-year term, term to expire July 1, 2026, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

#### **RESOLUTION BOOK NO. 41 – PAGE 450**

#### **VI. UNFINISHED BUSINESS:**

##### **A. ORDINANCE NO. 4828 - ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT FOR FIVE MONTHS DUE TO DELAYS ASSOCIATED WITH THE COVID-19 PANDEMIC**

Mayor Manheimer said that this public hearing was held on September 8, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After receiving additional written public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to adopt an ordinance to extend the temporary moratorium on hotel development approvals within the City of Asheville, including “Hotel, extended stay”, “Hotel, large” and “Hotel, small” as defined in Section 7-2-5 of the city’s Unified Development Ordinance, for five months so that it expires no later than February 23, 2021. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

#### **ORDINANCE BOOK NO. 33 - PAGE 140**

##### **B. ORDINANCE NO. 4829 - BUDGET AMENDMENT REGARDING THE FISCAL YEAR 2020-21 ANNUAL OPERATING BUDGET**

City Manager Campbell said Assistant Finance Director of Finance Budget & Forecasting Tony McDowell will provide you with an overview of the budget process; give a brief financial update; present the FY 2020-21 Manager’s recommended budget amendment (reimagining public safety; and investment recommendations); and explain the next steps for the FY 2021-22 budget process.

Mr. McDowell said that this is the consideration of an ordinance amending the FY 2020-21 annual budget to provide City departments with a full year of operational funding.

**Background:**

- On July 30, 2020, City Council adopted the Fiscal Year (FY) 2020-21 annual budget ordinance with each department receiving funding in its budget for operations through the end of September, with the remaining budget being held in reserve in non-departmental.
- Over the last two months, the City Manager's Office has completed a community engagement process to evaluate investments in the Asheville Police Department, other City departments, and various community programs.
- Influenced by the input from the community engagement process, staff is recommending the amendment to the FY 2020-21 budget ordinance.
- The budget amendment includes the reallocation and reinvestment of approximately \$770,000 from the Proposed FY 2020-21 Police Department budget that was presented to City Council in May 2020.
- Specific prioritized recommendations are based on the initial review of the survey results, other communications and engagement efforts (open data initiative), and on what we can do and do well right now.
- Focus areas for initial reinvestment/reallocation are outlined below.
  - a. Nuisance Response:
    - i. Move Animal Control and Noise Ordinance enforcement to the Development Services Department (DSD).
  - b. Data Management and Transparency:
    - i. Additional position(s) in the Information Technology Services (ITS) department for improved Public Safety data analysis, reporting, and public access; and
    - ii. One time payment to support a collaborative effort between City, Asheville City Schools and the Housing Authority to enhance broadband access for residents and students.
  - c. Community Engagement and Outreach:
    - i. Additional position(s) in the Communications and Public Engagement (CAPE) Department to better serve communities and neighborhoods to help solve problems and address community issues in coordination with all City departments and other partners.
    - ii. Additional position in Parks and Recreation to provide outreach to communities and neighborhoods to enhance park security, patrol and community concerns.
  - d. Homeless Outreach
    - i. Additional support to outside agencies for homeless outreach to focus on the Pritchard Park area and to free up other resources to perform homeless outreach in other parts of the City.
- To fund these FY 2020-21 budget investments, the following divestments from APD are proposed:
  - a. 4 Animal Control positions (reassigned to DSD) - \$220,000
  - b. 1 Assistant to the Chief position (funding reassigned to CAPE; individual moving into another position) - \$110,000
  - c. 2 Park Warden positions (1 position reassigned to Parks and Recreation and 1 vacant) - \$90,000
  - d. 6 Telecommunicator positions (all currently vacant; funding being reassigned to ITS and DSD) - \$300,000
  - e. Salary savings from sworn police officer positions (resignations between July and September - one-time) - \$50,000
  - f. Total of approximately \$770,000

**Council Goal(s):**

- A Financially Resilient City

**Pro(s):**

- Provides departments with full annual funding for fiscal year 2020-21.
- Incorporates community input based on the initial review of survey results, other communications, and engagement efforts.
- Demonstrates first steps in ongoing efforts to Reimagine Public Safety within the city.

**Cons:**

- None

**Fiscal Impact:**

- There is no change to the overall total General Fund budget that City Council adopted on July 30, 2020.

He said preliminary year-end results are (1) sales tax revenue losses were unprecedented but not as bad as expected; (2) Coronavirus Relief Funding helped offset expenses; and (3) Fund Balance usage less than originally estimated - final numbers after the financial audit is completed in October. The financial summary is (1) economic outlook remains uncertain; (2) no budget additions recommended at this point; (3) continuation of soft hiring freeze through the first half of fiscal year; and (4) update Council after completion of annual audit.

Potential recommendations for FY 2021-22 (1) work with Buncombe County to consolidate the 911 emergency call center to more efficiently respond and deploy resources; (2) create a collaborative rapid response team for mental health, drugs and alcohol, homeless, and domestic violence calls; (3) develop new model(s) for School Resource Officers to support student mentoring and other identified needs in schools; and (4) work with tenants and Housing Authority staff on new model(s) to enhance safety in Housing Authority communities.

He said key takeaways are (1) FY 2019-20 financial results are better than expected but ongoing uncertainty; (2) budget amendment includes the initial reallocation and reinvestment of approximately \$770,000 from the Police Department budget; and (3) budget recommendations are only the beginning of the effort to reimagine the delivery of public safety services in Asheville.

Councilman Haynes said it has been brought to his attention that for a cost of \$33,615 a year we can bring the 35 firefighters that are currently being paid less than a living wage, based on their 56 hour work week, up to a living wage. While the City continues to argue that their hourly wage should be based on a 40 hour week, he disagreed and felt that while we wait on the compensation study to further address this issue, this should be taken as a good first step.

City Manager Campbell said there is consistent dialogue about hourly pay for firefighters because they have a different work schedule than the majority of employees. Firefighters do not make an equivalent of \$31,200 which would be on an hourly rate of 40 hours at \$15.00 an hour. They actually make more than that. We recommend that Council wait until the compensation and classification study is completed because there may be additional adjustments that we would like to make to firefighter's pay and several other classifications of jobs in our organization. We have taken this under consideration on whether we should make a recommendation now to adjust only firefighters when we have a number of other employees, e.g., public works and street maintenance employees whose jobs may not appear to be as unsafe or challenging as

firefighters, but there are a number of positions where salaries need to be adjusted. She implored Council not to pick out one sector and say let's do it for them and not others - we need to do it holistically. She recommended waiting for the study until we can figure out a more strategic way to adjust as many City employees pay as possible.

Human Resources Director Peggy Rowe explained that the actual number to bring those employees to \$15.00 is more complicated than that because of the way they are scheduled for 24 hour shifts. It would actually be an additional \$10,000 per employee to calculate their time based on 2,912 hours (which is how you account for their 24 hour shifts). That would put them each at \$10,000 more annually. She believed it was 70 employees that fall into that category. And, that doesn't account for any overtime. Additionally, if you calculate those entry level firefighters, which is the group you are talking about, at 2,912, then you also have to account for the firefighters and the senior firefighters and all up the line - all the additional employees who work that 2,912 hour shift. Respectfully she suggested staff bring the specific numbers back to Council and try to walk you through the significant impact that it will have on the City budget - not just for those 70 firefighters, but for the senior firefighters and engineers and other employees who work that same shift, if we change how we calculate those hours. She respectfully asked Council to defer any vote until we give you as much detail as you would like on what the actual impacts would be and why this is more significant than just raising a few employees to that hourly rate.

Councilwoman Mayfield said that we are hearing different information and suggested a small meeting with perhaps Councilman Haynes, some firefighters, the City Manager and the Human Resources Director so we can all agree on the numbers and the impact of those numbers. Mayor Manheimer agreed with the small meeting and then the Finance & Human Resources Committee can review the numbers.

Vice-Mayor Wisler confirmed that City staff and Council is willing and committed to making changes to the current year's budget as soon as new initiatives are identified and vetted.

Councilwoman Mayfield said we are hearing from people with various opinions who are unhappy with this budget. Some think these or any cuts are wrongheaded given that we are losing officers and that we've seen an increase in violent crime this year. They worry that any cuts at all will decrease public safety. Others think this is insufficient to meet our commitment to reimagine policing and shift resources from the police to other programs that will better serve public safety and particularly the homeless, the mentally ill, and black and brown people who are disproportionately impacted. Still others won't be happy until they see a 50% cut, period. To the first group, she didn't believe any changes we are making today - nor does she believe any cuts this council will ever make - will reduce public safety. Government has just a few core duties, and keeping people - all people - safe is one of those. She believed any changes we make today and going forward will only serve to increase public safety for everyone. To the second group, she hears your frustration. Yes, these are not the changes we need to ultimately make to meet our commitment to reimagine the police. These are only the first steps at shifting APD resources in order to better utilize them in other departments and better serve the public. We still have a long way to go. To the third group, we may one day get to this level of cuts and the important investment of that money into other areas that improve safety and quality of life for people. She would love to live in a community where we could do with a much smaller police department and where the public feels safe and protected. We are not there today and it will take significant work to create what's necessary for us to get there. To everyone, as we've said from the beginning of this conversation, we are committed to making these divestments and reinvestments carefully and thoughtfully. She takes seriously our responsibility to make sure we have the structures in place to address the needs of the public that were previously assumed by the police. We have some of that in place now, which is why we can shift: (1) animal control and noise enforcement to Development Services; (2) park wardens to the parks department; (3) communications positions to community engagement; (4) data analysis to our IT department and

(5) homeless outreach to our established partners. That isn't much in terms of money or addressing the concerns of the Black community, but each of these steps should result in improved service to the public. And there is much more work to be done that will produce more and more impactful results in a few months. For example, we are in deep discussions with the county, MAHEC, Homeward Bound and other partners about a new model that will shift response to calls related to addiction, mental health, homelessness, and perhaps other issues from the police to a response team that is better trained and prepared to address those issues. Based on the community engagement, we also hear that people want us to look for other opportunities so that our police can focus on things they are uniquely trained to address – like violent crime and gun violence, which are either equal to or higher than last year and we're only in September. And of course, we also need to move forward with other changes related to training, policing practices, and policies - things that will get at changing the culture of the police department so there is a better understanding of and sensitivity to the challenges our Black and Brown community members face. She didn't believe that the time we had in this process, and definitely the 8 days before the end of the month when the city would come to a screeching halt if we don't adopt this, is enough for this level of change. So voting no tonight is not an option for me and scheduling a special meeting before the end of the month won't change that. The time this change will take will be considered too slow for some of you. But change will come. And what she hears the City Manager saying is that as we identify and choose new programs to move forward with, we will, with the funding coming from APD's budget. Again, everything we do should be aimed at improving public safety for everyone. While she won't be here for the future decisions, she asked the staff, her fellow council members and the public to remain committed to the hard work and difficult conversations required to reimagine policing and to get creative about plowing new ground that takes better care of all of us.

Councilman Young acknowledged this has been a trying year, with most Americans struggling with something in their lives, from the pandemic and people dying from the virus, to losing their jobs, to parents having to homeschool their children, to having our streets mired with protests. He has not encountered many individuals who wish to completely abolish the police and neither does he. He wants to change the way police interact with Blacks and others of color. We have a great City Manager and we have tasked her with a monumental undertaking - one that has never been attempted in this City before. In doing so, there was an understanding that the magic wand to disburse all of our problems would not be presented here tonight. There was also an expectation to divest and invest in a way that would reflect changes in the way the community takes part in policing matters. And, that it would be shown to us all how other organizations are doing these efforts to begin fundamentally changing the way we do policing in Asheville. He knows this is just the beginning. He also stated it's a grave mischaracterization when people think when they call the police there won't be anyone there to answer your call because they have been defunded. That is fear mongering at its worst. That is not what reimagining police is about. Let's not forget the real reason we are here. The real reason we are talking about this is about Black and Brown bodies. Policing in this country is riddled with huge disparities between Black and White residents. Some people believe money is the root of the issue and that shifting funds is the key to the solution. That might be the answer to some of our issues on some levels. However, he didn't believe it will completely change the way that he is policed as a Black man. There is no magic wand for a solution. This process will be ongoing and multi-faceted if we do it right. He is trying to expand his own personal communication with the Police Chief, the officers, union representatives and people in the community. Policing has to change. On another point, he is completely understanding of the difficult tasks we have issued to our City Manager and staff. And, without question when we hired the City Manager, her resume excelled and one would be hard pressed to see that she is here not only to "keep the trains on time" but to also help embed the culture of equity into our City government. The Equity & Inclusion Department was established by former City Manager Gary Jackson and he understood what equity meant to this organization. He said that he has so much respect for the City Manager as a Black woman but he has an obligation to be objective. He felt she has done a tremendous for this City especially in



times of crisis. He commended her work and her ability to “keep the trains on time” during such uncertain times. However, over an extended period of time it has become clear to him that the Department of Equity and Inclusion is not part of this culture in City government, nor is it being supported from a managerial standpoint to help facilitate the culture that brings people in line on the course set out by Council. He pointed out areas in which he felt equity and inclusion is not being supported or included in the fabric of City government. He asked for a few nods from Council members to proceed with the following: (1) Instruct the City Manager to immediately start the process to fill the vacated role of the director of Equity and Inclusion, as opposed to the manager's current course which is to wait on filling this position; (2) Instruct the City Manager to reassess the active roles of equity in city government to improve a culture of equity and inclusion in conjunction with her office; (3) On a council level he asked to have the Governance Committee review the current structure of the Department of Equity and Inclusion and receive a thorough update on all work that is currently being done and what are suggested next steps from the department in furthering this work within city government. (The Equity Department was birthed in the Governance Committee and that is where he believed this should go. He asked for a meeting to be held no later than three weeks from today); (4) Ask the City Attorney's Office to explore options for adding the Office of Equity and Inclusion's Director to the City Councils roster of subordinates whereas this department would then transform fundamentally and will essentially report directly to Council under the direction of the Equity and Inclusion officer. The City Manager would continue to implement equity initiatives in City government through the normal administrative service of the City which is the right of the City Manager. This department's work would now be independent of the City Manager's Office in the day to day and create a checks and balance system whereas both entities would work independently on the day to day, but together both serve Council and the community by responding to Council as the mandated policy head to instruct our City Manager on the best course forward through direct recommendation from the equity department; and (5) Ask this Council to take part in an immediate review of the City Manager, no later than prior to the first meeting in December, to better synergize our relationships, expectations and communication on what is expected on this front and have that review ready for the next incoming Council so that they are fully prepared with a clear understanding of an expected pathway forward on all fronts. The newly seated Council can refer to this review moving forward.

Councilman Haynes said if the original budget had passed as proposed, the APD's budget would have increased by \$4.91 Million over the past five years. Even with the \$700,000 reallocated to mostly other departments, there is still a net increase of over \$4.1 Million over five years. The argument over the ever-increasing police budget has continued over the entirety of my almost-five years on Council. We were told it was vital that we create a costly new Downtown APD Unit while we already employ the highest number of officers per capita in the state. Yet each year in spite of evergrowing objections from the community and some Council members, every APD budget has passed as proposed. Now with the stated goal of seriously addressing Black Asheville Demands of divesting from the police and investing in Black communities, these proposed cuts fall way short and he will not be supporting this budget amendment as proposed.

Councilman Haynes moved to deny the budget amendment because it does not advance our stated goals and instead perpetuates systematic racism when we have a generous call for community healing which includes a demand that 50% of APD's budget won't be invested back into the Black communities. And, it does not meet the goals set forth in the Council's vision plan of an equitable and diverse community, a well planned and livable community, a clean and healthy community, and a connected and engaged community. This motion was seconded by Councilwoman Smith.

At this time, Mayor Manheimer announced a short recess.

From advanced live call-ins, nine individuals spoke to Council, including, but not limited to the following comments: significant rise in the City's population, 911 calls for service, daytime population, etc. in a 10 year timespan; need to continue to invest in our APD and make sure our officers are replaced when there are vacancies and trained; opposed to adoption of this budget amendment; need to dismantle the APD which is a malfunctioning institution; equity should be a part of every aspect; opposition to any budget cuts to the APD; and institute a hard freeze on hiring in the APD.

The motion made by Councilman Haynes to deny the budget amendment and seconded by Councilwoman Smith failed on a 2-5 roll call vote, with Councilman Haynes and Councilwoman Smith voting "yes" and Mayor Manheimer, Vice-Mayor Wisler, Councilwoman Mayfield, Councilwoman Mosley and Councilman Young voting "no."

Vice-Mayor Wisler moved to adopt the budget amendment as presented. This motion was seconded by Councilwoman Mayfield and carried on a 5-2 roll call vote, with Mayor Manheimer, Vice-Mayor Wisler, Councilwoman Mayfield, Councilwoman Mosley and Councilman Young voting "yes" and Councilman Haynes and Councilwoman Smith voting "no."

Mayor Manheimer said that Council too is struggling to find some clarity so we can provide good direction to the City Manager and staff. All of Council has received a lot of emails and there is one common thread - people want to be safe in their community. It is clear that what that means to people is different. As we move this forward and make changes, safety will be her priority in reimagining public safety. There are a lot of exciting opportunities and a lot of community organizations that are anxious to help us out. She is hopeful that we will get to a good place and thanked everyone for their continued support moving forward.

Councilwoman Smith thanked the record number of Blacks who showed up to the public process that often fails. Over time we have heard a lot of information before we even proposed reimagining police about our public engagement processes. They feel they are talking a lot but not being heard and their consideration is not being taken. Tonight some may feel discouraged and still not heard. That is why she could not support the budget amendment. We called the action of the recommendations that were delivered by the City Manager as foundational. She did not feel it is foundational towards investing in a community model. What she did believe, it could have been complementary, to a proposal that will give us a projection of what types of money or the amount of money that could be freed up so that we know that our time invested in this process would actually lead to investment. She believed that we know a lot of the services and programs that can be shifted into community models or a shared model. She would have liked to have seen a dollar amount put towards that so we can be assured that we are being heard and investment is being considered. The pathway forward is not a reform. Reform is deferred maintenance. Reform is what we should already have for basic protection. What we are looking for is something totally different. The pathway forward from this point on should show a dollar amount (not shifting into a non-profit because we already know that non-profit work is not always sufficient enough to serve the community's needs). We are going to look for something that is substantive and something that is worth our time and something that is worth our historic loss and something that is worth this occasion. A lot of the comments made concerning whether to support the Asheville Police Department or to do something different, it actually shows that we live in a tale of two cities. We have some people who feel that their sense of protection comes from the presence of a police officers. But, other people feel that the presence of a police officer gives them the sense of danger and threat. We have to grapple with that and we have to represent everybody for a safe Asheville.

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

From advanced live call-ins, three individuals spoke to Council, including, but not limited to the following comments: process for public input is challenging; need to see timelines and dollar amounts with the reimagining process; reimagining public safety listening sessions were not well organized; and people are afraid of change but it is necessary.

Councilwoman Mayfield thanked City Manager Campbell and City staff for all the work that has gone into this process. In light of the comments heard, she trusted City Manager Campbell explicitly and trusted her to lead our equity efforts in a way to get our City in the way we want to go.

Vice-Mayor Wisler echoed Councilwoman Mayfield and said that she was continued to be amazed at how well and how diligently City Manager Campbell leads the City. She said that she sees City Manager Campbell out in the community a lot and hears the respect from the community.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 9:35 p.m.

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CITY CLERK

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MAYOR