

Tuesday – January 12, 2021 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sheneika Smith; Councilwoman Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Gwen C. Wisler; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JANUARY 12, 2021, AS “CITY EMPLOYEE HEROES DAY”

Mayor Manheimer read the proclamation proclaiming January 12, 2021, as "City Employee Heroes Day" in the City of Asheville. She said that many of the City of Asheville's employees were identified as frontline and onsite workers, required to work in City buildings and directly in the community. These frontline and onsite workers were asked to continue working on site and in the field in order to provide ongoing service to our community. These employees accepted the increased risks from their jobs and showed up daily to provide critical services to our community. These employees demonstrated their commitment to public service. The City of Asheville recognizes the significant work and sacrifices of our frontline and onsite employees and are especially grateful for their service to the residents of Asheville. On behalf of City Council, she thanked our frontline and onsite City of Asheville employees who have continued to serve the City throughout the COVID-19 pandemic.

City Manager Campbell thanked City Council for recognizing all of our City employees, but especially our frontline workers. She was thankful and appreciative to all our employees for serving our City. In addition, on the Harrah's Cherokee Center - Asheville Marquee they will scroll all City employees' names this week who have been working through this pandemic.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 8, 2020

B. MOTION ADOPTING THE FISCAL YEAR 2021-22 CITY COUNCIL BUDGET CALENDAR

Action Requested: Motion to adopt the Fiscal Year 2021-2022 (FY22) Budget Calendar.

Background:

- As part of the Fiscal Year 2021-2022 Operating and Capital Budget development process staff is proposing a budget schedule.

- In addition to meeting the statutory requirement that the City Council adopt a balanced budget before July 1, 2021, the FY22 budget process is intended to more clearly identify the links between service, program and project investments and community interests.
- Staff have already begun work to develop estimates for ongoing cost to deliver existing programs and services, needed capital infrastructure and facility investments, and major revenue sources.
- Unlike previous years, the process will include a higher level of community engagement as well as consultations with City Council beginning at a retreat and continuing through work sessions with a focus on
 - Integrating with ongoing public engagement efforts building on the 30/60/90 day plan now called Advancing Racial Equity in Asheville.
 - Reviewing key services to identify customer impact.
 - Establishing clear goals to measure desired community outcomes.
- The process culminates with the following actions as required by state law:
 - Formal presentation of the City Manager's Proposed Budget on May 11, 2021.
 - A Public Hearing on the Proposed Budget on May 25, 2021.
 - Budget adoption June 8, 2021.

Council Goal(s):

- A Financially Resilient City
- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Provides City Council, staff, and the community with a calendar of upcoming dates related to development of the FY22 budget.

Con(s):

- None.

Fiscal Impact:

- None.

Motion:

- Motion to adopt the Fiscal Year 2021-2022 Budget Calendar.

C. RESOLUTION NO. 21-1 - RESOLUTION RATIFYING AN AMENDED SERVICES CONTRACT WITH GRIFFIN WASTE SERVICES FOR RENTAL AND MAINTENANCE OF PORTABLE TOILETS AND HANDWASHING STATIONS FOR PUBLIC USE

Action Requested: Adoption of a resolution ratifying a \$45,000 amendment to the services contract with FusionSite Asheville, LLC (hereinafter referred to as "Griffin Waste Services") and authorizing the City Manager's execution of the amended services contract in the new total amount of \$199,000 for rental and maintenance of portable toilets and handwashing stations for public use.

Background:

- Due to the COVID-19 pandemic and resulting closure of public and private buildings in March 2020, portable restrooms and handwashing stations were deployed for public use as an emergency response as per direction from the City-County Emergency Operations Center.

- Griffin Waste Services in Asheville was an existing provider of services to City facilities prior to the pandemic and the only contractor identified in the region with the capacity to fulfill the services required.
- As authorized by the City Manager, a contract was established with Griffin Waste Services in June 2020 for an amount not to exceed \$89,000 for rental, routine cleaning, and daily maintenance of the units.
- On September 8, 2020, City Council adopted resolution 20-157 authorizing the City Manager to execute an amended services contract with Griffin Waste Services increasing the total by \$65,000, from \$89,000 to \$154,000, allowing the vendor to perform the work through December 2020.
- The need for portable restrooms and handwashing stations is expected to continue until the COVID-19 emergency declaration is canceled.
- An amended contract with Griffin Waste Services to increase the total by \$45,000, from \$154,000 to \$199,000, will allow the vendor to perform the work through March 2021.

Vendor Outreach Efforts:

- At the start of the pandemic, staff searched for all providers throughout Western North Carolina, Greensboro, NC, Charlotte, NC, and Greenville-Spartanburg, SC, and engaged in a search for national providers including options to lease or purchase equipment.
- Griffin Waste Services, recently merged with Able Rent-a-Jon, was the only local vendor with available capacity.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment
- Emergency Response

Committee(s):

- None

Pro(s):

- Supports basic public health needs during a Pandemic

Con(s):

- None

Fiscal Impact:

- Funding for this contract amendment of \$45,000 is coming from Coronavirus Relief Funds (CRF). If operations are continued beyond March 2021, another funding source will need to be identified.

Motion:

- Move to adopt a resolution ratifying the City Manager's execution of an amended services contract with Griffin Waste Services in the amount of \$199,000 for rental and maintenance of portable toilets and handwashing stations for public use.

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- D. ORDINANCE NO. 4849 - ORDINANCE REAFFIRMING AND EXTENDING ORDINANCE NO. 4801, ALLOWING THE CITY MANAGER TO TEMPORARILY SUSPEND COLLECTION OF CERTAIN FEES AND CHARGES DURING THE COVID-19 PANDEMIC**

Action Requested: Adopt an ordinance reaffirming and ratifying the authority delegated to the City Manager under Ordinance No. 4801 to waive or suspend collection of fees on a case-by-case basis in order to address the economic fallout of the COVID-19 pandemic.

Background:

- Many Asheville businesses are either closed or operating in a limited capacity due to the COVID-19 pandemic, creating substantial economic challenges for owners, employees, and customers.
- Some businesses have requested temporary relief from City fees and charges and loan payments in an effort to help reduce their expenses.
- City Council initially delegated authority to the City Manager to defer and/or waive fees in the City's Fees and Charges Manual as well as loan payments owed to the City as necessary to address the economic harms caused by the COVID-19 pandemic on May 12, 2020.
- Because the initial delegation of authority referred to fees and charges appearing in the Fiscal Year 2019-20 Fees and Charges Manual, City staff recommends that Council adopt an Ordinance reaffirming and ratifying its intention that the fee-waiver authority provided for in Ordinance No. 4801 should continue for the duration of the locally declared COVID-19 state of emergency.
- Permit fees typically waived or suspended due to the COVID-19 pandemic include temporary uses, outdoor dining, a-frame signage, push carts, and associated trade permits.

Council Goal(s):

- A thriving local economy.
- A Financially Resilient City.

Committee(s):

- None

Pro(s):

- Facilitates business operations that are able to continue during the COVID-19 pandemic.
- Reduces operating costs for businesses during the COVID-19 pandemic.

Con(s):

- Loss or deferment of revenue to the City.

Fiscal Impact:

- Permits associated with the AVL Shares Space program would not be necessary but for the COVID-19 pandemic. Waiving these fees does not result in actual revenue loss.
- Waiver or suspension of fees for outdoor dining, a-frame signage, and push cart permits is approximately \$13,000 in deferred or lost revenue.
- Parking fees, which were included in the Council action on May 12, 2020, have already been reinstated, thus there is no ongoing revenue loss in the Parking Fund.
- Transit fares continue to be suspended at an estimated monthly revenue loss of approximately \$58,000. CARES Act revenue will likely be used to offset a portion of this revenue loss.
- The deferral of loan payments does have a slight impact on cash flow in the Housing Trust Fund but no overall financial impact as the amounts will ultimately be repaid as part of the final payment on notes outstanding.

Motion:

- Motion to adopt an ordinance reaffirming and ratifying the authority delegated to the City Manager under Ordinance No. 4801 to waive or suspend collection of fees and loan payments on a case-by-case basis in order to address the economic fallout of the COVID-19 pandemic.

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E. RESOLUTION NO. 21-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE TRANSIT SOFTWARE CONTRACT WITH SWIFTLY INC.

Action Requested: Adoption of a resolution authorizing the City Manager to amend the agreement with Swiftly, Inc. in order to increase the Year 3 contract amount by \$11,339 for a total cost through Year 3 of \$122,082 and to increase the total contract amount by \$1.00 for a total contract amount of \$179,923.10 through Year 4.

Background:

- City Council approved Resolution No. 20-198 on November 10, 2020, authorizing the City Manager to amend the Swiftly, Inc. agreement in order to increase the contract amount through Year 3 to \$110,743 resulting in an increase to the total contract amount to \$179,922.10.
- Swiftly, Inc. provides real-time passenger information services.
- The overall contract for the cumulative amount of four years has only changed by \$1.00. The annual contract amounts are as follows:
 - Year 1 - FY 2019 = \$38,180.00
 - Year 2 - FY 2020 = \$30,999.00
 - Year 3 - FY 2021 = \$52,902.00
 - Year 4 - FY 2022 = \$57,842.10
- The total amount of the contract changed from \$179,922.10 to \$179,923.10.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- Provides the corrected amount needed through Year 3 of the agreement.
- Provides the corrected total contract amount through Year 4 of the agreement.

Con(s):

- None.

Fiscal Impact:

- Funding for Year 3 of the agreement is included in the adopted Fiscal Year 2020-21 Transit Services operating budget and Funding for Year 4 will be included in the recommended Fiscal Year 2021-22 Transit Services operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the agreement with Swiftly, Inc. in order to increase the Year 3 contract amount by \$11,339 for a total cost through Year 3 of \$122,082 and to increase the total contract amount by \$1.00 for a total contract amount of \$179,923.10 through Year 4.

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F. RESOLUTION NO. 21-3 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CAROLINA SPECIALTIES OF HENDERSONVILLE FOR THE JAKE RUSHER PARK IMPROVEMENT PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the construction contract with Carolina Specialties Construction of Hendersonville for the Jake Rusher Park Project.

Background:

- Extensive unsuitable soils, unexpected buried building debris, and pervasive groundwater were encountered during the installation of the stormwater system at Jake Rusher Park.
- Geotechnical analysis was performed on the site prior to construction.
- Summer rainfall events elevated the groundwater table and had a significant impact on the soil conditions encountered while burying the storm pipe.
- Changed site conditions resulted in excavations that filled with water which was not expected based upon the geotech analysis.
- Dealing with these unexpected site conditions required changes in the pipe installation methodology. A stone base and drains were required to provide a suitable substrate on which to install the pipe.
- Old boilers were also found buried on the site. This equipment was a remnant of a previous site use.
- This was an unexpected discovery but the debris had to be removed in order to complete the work on this site.
- There was no expectation that this type of debris would have been left buried from a previous use.
- These changes resulted in prices that exceeded the originally approved contract and contingency of \$1,072,801 by \$110,000.
- The original contracted completion date was October 2020. Due to the challenges described in this staff report and other weather related delays, the project will now be completed in the spring of 2021.

Vendor Outreach Efforts:

- This is a change to an existing contract.

Council Goal(s):

- A well planned and livable community.

Committee(s):

- None.

Pro(s):

- Provide needed infrastructure improvements for this South Asheville park which are scheduled for completion in the spring of 2021.

Con(s):

- Unexpected increase in the project cost.
- Unexpected extension of the project schedule.

Fiscal Impact:

- Funding for this contract amendment will come from the Capital Improvement Program (CIP) contingency budget that was previously approved as part of the Fiscal Year 2020-21 Adopted Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the executed construction contract with Carolina Specialties Construction, LLC, in the amount of \$110,000 for the Jake Rusher Park Improvements project; with further authorization for the City Manager to execute any change orders that may arise during the remainder of the project up to the amount of \$20,000 for total construction contract amount not to exceed \$1,202,801.

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G. RESOLUTION NO. 21-4 - RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF A CONTRACT WITH WESTERN CAROLINA RESCUE MINISTRIES INC. TO EXTEND PROVISION OF PURPLE EMERGENCY SHELTER

RESOLUTION NO. 21-5 - RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF A COST-SHARING AGREEMENT WITH BUNCOMBE COUNTY FOR CODE PURPLE EMERGENCY SHELTER

ORDINANCE NO. 4850 - BUDGET AMENDMENT TO PROVIDE CODE PURPLE EMERGENCY SHELTER

Action(s) Requested: Adoption of: 1) a resolution ratifying the City Manager's execution of a contract with Western Carolina Rescue Ministries, Inc. in the amount of \$80,000 to extend provision of Code Purple emergency shelter; 2) a resolution ratifying the City Manager's execution of a cost-sharing agreement with Buncombe County for Code Purple emergency shelter; and 3) approval of a budget amendment in the City's Special Revenue Fund in the amount of \$80,000 to establish a project budget for this contract to be funded with \$40,000 from Buncombe County and \$40,000 from pay-go funding previously approved to support affordable housing.

Background:

- Code Purple is a longstanding practice where homeless shelter providers exceed regular capacity and waive regular rules on nights when the temperature or windchill are at/below 32 degrees in order to ensure survival of people experiencing homelessness.
- Code Purple is a community-led initiative that has primarily been coordinated by agencies in the Homeless Coalition.
- COVID-19 has created many challenges for homeless service providers and therefore no emergency shelters were able to participate in Code Purple this winter at their facilities.
- Western Carolina Rescue Ministries, Inc. agreed to operate Code Purple in an off-site location.
- In order to meet these extraordinary circumstances, on December 1, 2020, the City of Asheville entered into an agreement with Western Carolina Rescue Ministries, Inc. to provide up to 50 Code Purple beds at First Congregational United Church of Christ for the month of December.
- Funding for this first month of operations came from Coronavirus Relief Funding (CRF) previously approved by the City Council.
- City staff have been in discussions with Buncombe County and other non-profit organizations to discuss cost-sharing for the extension of the Code Purple shelter.

- Buncombe County has agreed to provide up to \$40,000 of funding to assist in keeping the shelter operational this winter.
- The additional funding of \$40,000 needed for the contract will come from previously budgeted affordable housing pay-go funding in the City's Capital Improvement Program (CIP).
- Operational costs will be reimbursed at a flat rate of \$2,130.00 for each night Code Purple occurs. The contract provides funding for up to 37 nights, in an amount not to exceed \$80,000.00, and may be extended if additional need and additional funds are identified.
- A new agreement is required to meet this critical need for the duration of winter.

Council Goal(s):

- A Well-Planned and Livable Community
- A Connected and Engaged Community
- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Continues the essential operation of Code Purple
- Supports survival for vulnerable community members
- Addresses public health and safety

Con(s):

- Requires the reallocation of a portion of the City's affordable housing CIP budget.
- Additional funding will be needed if Code Purple exceeds 37 nights.
- Staff is talking to other agencies to obtain additional funding if needed.

Fiscal Impact:

- As noted above, December costs were funded with Coronavirus Relief Funding (CRF).
- The City-funded portion of the estimated cost after December will be funded by reallocating pay-go funding previously planned to support affordable housing to meet potential shelter costs for 37 nights.
- Beyond that, additional funding and partners are required.

Motion(s):

- Motion to adopt (1) a resolution ratifying the City Manager's executed agreement with Western Carolina Rescue Ministries, Inc. in the amount of \$80,000 for the ongoing provision of Code Purple emergency shelter; (2) a resolution ratifying the City Manager's execution of a cost-sharing agreement with Buncombe County for Code Purple emergency shelter; and (3) approval of a budget amendment in the City's Special Revenue Fund in the amount of \$80,000 to establish a project budget for this contract to be funded with \$40,000 from Buncombe County and \$40,000 from pay-go funding previously approved to support affordable housing.

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RESOLUTION NO. 21-5 - RESOLUTION BOOK NO. 42 - PAGE 81
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H. RESOLUTION NO. 21-6 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NATURAL RESOURCES DEFENSE COUNCIL FOR THE PURPOSE OF ADDRESSING THE CITY'S

FOOD POLICY ACTION PLAN THROUGH INCREASED FOOD WASTE REDUCTION EDUCATION IN THE CITY OF ASHEVILLE

ORDINANCE NO. 4851 - BUDGET AMENDMENT FROM THE NATIONAL RESOURCES DEFENSE COUNCIL TO ADDRESS FOOD WASTE REDUCTION EDUCATION

Action Requested: Adoption of a resolution authorizing the City Manager to accept funding in the amount of \$16,100 from Natural Resource Defense Council (NRDC) for the Office of Sustainability's food policy and waste reduction work, and a budget amendment in the amount of \$16,100 to appropriate the funding in the City's Office of Sustainability budget.

Background:

- In November 2017, Asheville City Council approved the Municipal Food Policy Goals and Action Plan by adopting [Resolution 17-257](#).
- The adopted plan includes six focus areas. This project will address the "Resource Stewardship" focus area which prioritizes city-wide waste reduction.
- Within the resource stewardship focus area, the plan outlines a need to create an actionable plan for city food waste recovery, composting, and redistribution.
- Project efforts will include:
 - Public Food Waste Reduction statement
 - Snapshot food waste audits at city facilities
 - Community compost drop off pilot program
 - Public outreach and education campaign, with a goal of reducing food waste within the Asheville community.
- Through a competitive process, NRDC has selected the City of Asheville's Office of Sustainability to participate in a Southeast regional cohort with Atlanta, Memphis, Nashville, and Orlando to develop food waste reduction initiatives.
- The City of Asheville's Office of Sustainability will pilot four strategies to increase food waste reduction and educate residents on opportunities for decreasing residential and commercial food waste.
- Grant funds will be utilized to engage the community through outreach, education, and program opportunity strategies.
- NRDC Grant recipients are not required to provide a cash match.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment
- A connected and engaged community

Committee(s):

- Although the grant was not routed through the Sustainability Advisory Committee, members of the committee are working with staff to help implement the grant.

Pro(s):

- Helps support City's Food Policy Action Plan [Resolution 17-257](#) while leveraging NRDC funding
- Addresses [Resolution 14-27](#) Asheville's Waste Reduction Goal
- Engage with regional partner cities to connect, collaborate, and share best practices

Con(s):

- None

Fiscal Impact:

- None; there is no required City match

Motion:

- Motion to approve a resolution authorizing the City Manager to accept funding from the Natural Resource Defense Council, and a budget amendment in the amount of \$16,100 to appropriate the funding in the City's Sustainability Fund.

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Greenleaf Clarke explained why they were opposed to the adoption of the December 8, 2020, minutes; the adoption of the Fiscal Year 2020-21 City Council budget calendar; and the adoption of the amended contract with Griffin Waste Services.

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 Smith moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

City Manager Campbell said that she will have two updates for her report - capital project update, and status of relief for non-payment utility shutoffs.

Capital Project Update

Capital Projects Director Jade Dundas provided a capital project update. Key takeaways of this update include (1) There is a lot of work planned, also a lot that needs to be done; (2) New project requirements are making projects more expensive; (3) There are many competing demands on City funds; (4) Funds and funding sources are limited; and (5) New budget requests will consider resource needs over a 5 -10 year period. He then reviewed the project details of project construction, project development and types of projects.

Using pictures, Mr. Dundas showed some projects completed - the Haywood Street Sidewalk Replacement and Streetscape Project; River Arts District; Essie's Bridge Greenway Connector; Reed Creek Greenway Connector, Grove's Vision Marker, Shiloh Recreation Center Sport Court, Richmond Hill, ART Transit Station Remodel and PV Installation. Old Toll Slide, Charlotte Street Road Diet, 2020 Resurfacing; Kenilworth Road/Rosefield Drive Culvert Replacement, Shelburn Roof Repairs, Bus Shelters and Traffic Calming; and North Fork Dam.

2021 look ahead include (1) Sidewalks - Onteora, Overlook Road, Airport Road and Gerber Road; (2) Greenways - Nastybranch (former Townbranch) and French Broad River West; (3) Parks - Dr. Wesley Grant Center, Memorial Stadium Turf Replacement, Weaver Park Bridge Replacement, and Pack Square Fountains; (4) Affordable Housing - continued site development and construction - 319 Biltmore; (5) Public Works - road resurfacing, sidewalk maintenance, and stormwater system maintenance; (6) Building Construction - City Hall elevator modernization, City Hall belfry repair, Public Works roof replacement, Shiloh HVAC upgrade, and Broadway public safety station; and (7) Water - annual main replacement and plant renewal.

In the future you can expect (1) community input and participation; (2) construction contract approval requests; (3) design contract approval requests; and (4) Capital Improvement Plan budget development. In addition, he noted that there is the Capital Projects Dashboard on the City's website.

Update on Status of Relief for Non-Payment Utility Shutoffs

Water Resources Director David Melton provided an update on the status of relief for non-payment utility shut-offs. They are in compliance with the Governor's Executive Order and provided a timeline of implementation. He noted there is an extension of relief for non-payment utility shutoffs.

Mr. Melton said that the City of Asheville remains dedicated to ensuring that all water customers have access to clean drinking water and are able to practice good hygiene by washing their hands frequently. The City of Asheville has followed Governor Roy Cooper's Executive Orders, but exercised more leniency. The City extended the Executive Order expiration time-lines to facilitate communication with customers.

The timeline is as follows: (1) March 13, 2020 — In light of the pandemic, the City of Asheville suspended non-payment utility shut-offs; (2) March 31, 2020 — NC Gov. Executive Order 124 officially suspends utility non-payment shut-offs; (3) July 28, 2020 — NC Gov. Executive Order regarding utility non-payment shut-offs expires; (4) On August 18 — The City of Asheville resumes utility non-payment shut-offs for customers that entered in arrears after that date; (5) The City also took the proactive step to protect approximately 4,400 customer accounts that were delinquent between March 13, 2020 and August 18, 2020 in accordance with the Governor's Executive Order; and (6) These accounts will remain protected until February 18, 2021. He said all customers that were in arrears between March 13, 2020 and mid-August 2020 have their accounts protected until February 18, 2021, in accordance with the NC Gov. Executive Order. Public outreach through the City's CAPE Department and Water Resources Customer Service Division continues to encourage customers in this protected group to take advantage of payment plans and other options to move their accounts out of arrears before February 2021. Payment plans are a standard option offered by the City and is available to all customers.

Regarding the moratorium extension (1) Understanding the continuing economic hardships caused by the COVID-19 pandemic, the City of Asheville is discontinuing non-payment shut-offs for utility bills that have become delinquent after August 18, 2020, until February 18, 2021; (2) This pause will give customers relief during the new mandated restrictions and provide the opportunity to map out the pathway moving forward; and (3) We understand that many of our residents continue to experience economic fallout from the pandemic, and we look forward to helping everyone who has been financially challenged due to the pandemic to the extent possible.

Regarding next steps (1) once the automatic 6-month extension expires on February 18, all customers will be eligible to be cut; (2) this will also apply to customers whose accounts became delinquent during January to February 2021 pause in non-payment disconnects; and (3) after February 18, we will reassess and determine if additional action or time is needed.

Since the City also collects MSD fees on the City's water bill, in response to Councilwoman Wisler, Mr. Melton said that MSD is being amenable to all our suggestions for relief.

In response to Councilwoman Kilgore, Mr. Melton said that last week there are approximately 34 accounts off for non-payment and the staff will need to see if the residences are still occupied because some are noted as move-outs.

Councilwoman Roney was still concerned about what will happen on February 18 and urged Council to lead this pathway forward and not wait. In response, City Manager Campbell said that they are looking at resources that might be available to address the debt that people are encumbering now, not just extend and delay shutoffs, because the debt will remain.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET

Streets Division Manager Chad Bandy said that this is a public hearing to consider permanently closing a portion of right-of-way known as Velvet Street. This public hearing was advertised on December 18 and 25, 2020, and January 1 and 8, 2021.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Fifty-Five South Market, LLC has petitioned for this closure. They are the owners of the property known as 55 S. Market St., PIN# 9648-59-0637.
- The right-of-way is a former City of Asheville street.
- This closure will not impede any future use of this right-of-way.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. This area will be used as the means of egress from the building to the public sidewalk as required by fire code.
- This closure allows for the life safety stairs to the public way to remain as constructed.
- A resolution to set this public hearing was adopted on December 8, 2020, and signs were placed at two locations along Velvet Street.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 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 5:50 p.m.

Mayor Manheimer announced that there was one advanced live call-ins for this public hearing item; however, that person did not join into the meeting. When Councilwoman Roney

asked if staff could contact the person who signed up in advance to speak, staff said that they have reached out to the caller and the caller has not responded.

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 Kilgore moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

B. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON STREET

Streets Division Manager Chad Bandy said that this is a public hearing to consider permanently closing a portion of right-of-way at the intersection of Courtland Avenue and Houston Street. This public hearing was advertised on December 18 and 25, 2020, and January 1 and 8, 2021.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Youngblood and Sarah Haske have petitioned to close this right-of-way.
- They are the owners of 137 Houston Street, PIN #s 9639-90-3085 and 9639-90-3979.
- The Haskes have agreed to grant the City of Asheville an 11.5-foot easement from the new right-of-way line into the property.
- This easement will be for future sidewalk, water, and stormwater projects.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. Current plan is to recombine the two properties. Future use would be to add an auxiliary dwelling unit; however, no plans prepared at this time.
- This closure will allow for the recombination of parcels while removing the excess unused portion of right-of-way from the parcels.
- On December 8, 2020, a resolution of intent to hold this public hearing was passed and the portion of right-of-way was prominently posted in two locations along this right-of-way.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: unanimously supported the closure of the right-of-way with the condition of an 11.5' easement remaining for future City of Asheville use.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- 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.

Mr. Youngblood Haske, petitioner, explained why he was asking for this closure and asked Council to support his request to close. He said that since his neighbor moved in next door in 2017, they have experienced his unusual and aggressive behavior in a manner where he lurks in and destroys this very City right-of-way as a means to torment and harass them. He said they feel that if the closure is approved, they will be able to better define their property and avoid ongoing issues with their neighbor. He said no other property owner will be affected by this closure.

Mayor Manheimer opened the public hearing at 5:59 p.m.

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

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 Turner moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Streets Division Manager Chad Bandy said that this is a public hearing to consider permanently closing a portion of an unopened right-of-way known as Trade Street. This public hearing was advertised on December 18 and 25, 2020, and January 1 and 8, 2021.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Meinch Construction, Inc. has petitioned to close this right-of-way. They are the owners of 99999 Trade St, PIN # 9638-98-2756. Joining this petition are Butler and Celeste Wiltse. They are the owners of 28 Trade St., PIN # 9638-98-3860.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.
- This closure allows for the development of 99999 Trade St by providing more room for construction by adjusting the property lines.
- The right-of-way is needed to provide the required screening in the back of the property for 4 residential units that will front on Roberts Street.
- A resolution to set this public hearing was adopted on December 8, 2020, and signs were placed at two locations along Trade Street.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: Supported closing the right-of-way by unanimous vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.

- 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 6:02 p.m.

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

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 Mosley moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

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

Councilwoman Wisler moved to continue this public hearing until March 23, 2021. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

E. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 32.2 ACRES OF PROPERTY LOCATED AT 99999 SAND HILL ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO COMMERCIAL EXPANSION/CONDITIONAL ZONE FOR AN APPROXIMATELY 130,000 SQUARE FOOT WAREHOUSE AND DISTRIBUTION FACILITY AND SURFACE PARKING AND VEHICLE STORAGE AREAS, ALONG WITH A CHANGE IN THE FUTURE LAND USE MAP FROM URBAN CENTER TO EMPLOYMENT/ANCHOR INSTITUTION CENTER

When Mayor Manheimer said that no Traffic Impact Analysis (TIA) has been reviewed by the City, Councilwoman Turner and Councilwoman Wisler said they would be okay in moving into the public hearing phase; however, they want to make sure that as soon as the TIA and recommendation from the N.C. Dept. of Transportation (NCDOT) is available, that it is provided to City Council. Councilwoman Turner felt that when the application is reviewed by City Council, it should have the TIA included.

Principal Planner Shannon Tuch said that the TIA has been completed and sent to the NCDOT; however, staff has not heard the results. She did note that in the B.1 conditions, there is a condition that the applicant will be required to complete any recommendations identified through the TIA review process. She did note that most likely, those recommendations will be off-site and affect the roads around the project.

Ms. Tuch said that this is the consideration of an ordinance to conditionally zone 32.2 acres of property located at 99999 Sand Hill Road from Commercial Industrial District to Commercial Expansion/Conditional Zone for an approximately 130,000 square foot warehouse and distribution facility and surface parking and vehicle storage areas, along with a change in the

Future Land Use Map from Urban Center to Employment/Anchor Institution Center. This public hearing was advertised on January 1 and 8, 2021.

Project Location and Contacts:

- The project site consists of a portion of a larger 45.4 acre parcel located at 99999 Sand Hill Road (PIN 9617-43-0440).
- Owner: Enka Partners of Asheville.

Summary of Petition:

- The applicant is proposing to build an approximately 130,000 square foot single-story warehouse building with an overall height of 48 feet.
- The application is for a rezoning via conditional zoning due to the size of the building, and includes a site plan and conditions proposed by the developer.
- 926,807 square feet or 21.3 acres (61% of the site) is covered with an impervious surface.
- The project includes 34.87 acres of disturbance with 3.17 acres of that disturbance occurring off-site for the purpose of constructing the access road and an above ground detention basin
- The site will obtain access via a new road construction off of Enka Heritage Way, which will connect to Smokey Park Highway (US 19/23) via a newly constructed bridge.
- A traffic impact analysis is required with the N.C. Dept. of Transportation to review and approve.
- The Enka Heritage Trail greenway and easement is planned to run along the west side of the property as identified on the landscape plan.
- Hominy Creek and tributaries are nearby, but off-site of the project area.
- 278 employee surface parking spaces are provided (including seven ADA spaces) as permitted by the City's Unified Development Ordinance (UDO).
- 696 van storage spaces are also shown and are classified as outdoor vehicle storage.
- Sidewalks and/or striped pedestrian pathways connect the parking areas to the building; additional sidewalk is provided along the access drives and around the building and range in size from four feet to 12 feet wide.
- A wider 18 foot pedestrian/loading zone is located in front of the building.
- An existing historic clock tower is currently protected under Ordinance No. 3921 (2010) and is shown on the site plan and B1 conditions to be protected and preserved.
- If approved, the new ordinance will supplant the 2010 Ordinance.
- While historic, the tower is not a designated landmark or identified as a contributing structure to a registered historic district.
- Other key site features include:
 - Permanent and construction easements for a segment of the Enka Heritage Trail Greenway.
 - 15 percent of the site is set aside as open space.
 - 10 to 11 percent of the site will be reforested to meet tree canopy requirements, the remaining nine to 10 percent will be provided through a fee-in-lieu.
 - A portion of a new road (Enka Heritage Way) will be constructed as part of this project and maintained by NCDOT, connecting Smokey Park Highway (US 19/23) to Sand Hill Road.
- The project does not comply with the zoning standards in the following ways:
 - Commercial Expansion requires 10 foot wide sidewalks throughout; the proposed plan provides a range of sidewalk widths from four to 12 feet wide.
 - Commercial Expansion requires operable pedestrian entrances every 75' along the primary facade; operable entrances will be provided as shown on the approved building elevations.
 - Parking lot islands must maintain an average width of 10 feet; most islands will average nine feet wide as shown on the approved site plans.

- Outdoor site lighting shall maintain a Backlight-Uplight-Glare (“BUG”) rating of B3-U0-G3; approximately two thirds of onsite pole luminaires will be type 5 (360 degree) lamps which have a BUG rating of B4-U0-G2.

Comprehensive Plan Consistency:

- This proposal is consistent with the *Living Asheville Comprehensive Plan* themes of a “Livable Built Environment” and “Resilient Economy” by aligning with the following goals:
 - Encourage Responsible Growth by directing growth in designated growth areas that provide access to housing, transportation, goods and services, and employment opportunities.
 - Promote Great Architecture and Urban Design to Enhance Placemaking by encouraging the preservation of the historic Enka community clock tower.
 - Make Streets More Walkable, Comfortable and Connected by preserving the opportunity for future greenway construction.
 - Facilitate Real Estate Development that Maximizes Public Benefit by locating an employment opportunity in areas slated for future growth and in proximity to transportation and recreation facilities.

The growth scenario maps all identify the areas around the intersection with Sand Hill Road and Smokey Park Highway as employment/anchor institution centers suitable for higher density/intensity development.

Compatibility Analysis:

- The proposed zoning and land use is compatible with the surrounding zoning and uses.
- South of the subject property is industrial (IND) zoned property that supports an active manufacturing plant; to the west is additional IND zoned property that supports the AB Tech Community College; to the east is a mix of industrial and warehouse uses located in Buncombe County and zoned Employment (EMP); and to the north across Smokey Park Highway is a mix of highway oriented commercial businesses zoned Highway Business (HB).
- The proposed development’s warehouse and distribution use contributes to the employment center that already exists in this location and is well located for access to transportation corridors.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee (TRC) - November 16, 2020 - approved with conditions
- Planning & Zoning Commission (PZC) - December 2 and 17, 2020 - recommend approval

Fiscal Impact:

- The proposed road improvements are not in the City's jurisdiction and will not be city maintained, while other service costs and are expected to be offset by anticipated property tax revenue (approximately \$130,000 annually, based on an initial investment of \$30 M). This project also supports the Asheville economy by providing approximately 115 full time, 50 part time, and 190 delivery service driver jobs (drivers are third party contractors).

Ms. Tuch said that on the Site Plan, it shows 278 employee parking spaces, 696 van storage spaces, landscaping (parking lot, building impact), 21.3 acres (61%) of impervious surfaces, bioretention cells in parking lot + 2.3 acre pond, sidewalks (4-12’ wide, throughout site), tree preservation (reforest 10% + fee-in-lieu), open space, historic historic clock tower preserved

and protected, greenway easements (to be coordinated with Buncombe County), access via new road construction, and bike lanes.

The conditions, in general (1) one-story warehouse and distribution facility (a) approximately 130,000 square feet; (b) 278 employee parking spaces; (c) 696 van parking/storage spaces; (d) 31.7 acres of disturbance; and (e) landscape, open space and tree preservation requirements met; and (2) two access points from Enka Heritage Way (a) a Traffic Impact Analysis required and reviewed by the N.C. Dept. of Transportation - any recommendations must be met; and (b) the new roadway and bridge will be maintained by the N.C. Dept. of Transportation.

Modifications/exemptions from the conditions include (1) sidewalk width (varies 4-12' throughout); (2) tree island width (9' minimum); (3) spacing of pedestrian entrances (further than 75 feet apart); and (4) backlight rating exceeded (4 instead of 3) on most parking lot lights.

In response to Councilwoman Wisler, Ms. Tuch provided information on why this area would have been identified as a future urban center, noting that there is tech and industrial property around it.

When Councilwoman Roney asked about the annual property tax, Ms. Tuch said that the estimated amount is approximately \$130,000, which will more than offset the City's serve needs to this property.

Mr. Brian Hall, Director of Development of Samet Corporation, said that jobs range in scale beginning at a minimum of \$15.00/hour. There will be 115 full-time employees, 50 part-time employees and 190 service delivery drivers or independent delivery contractors, for a total of 355 jobs. Full-time employees begin benefits the first day hired and they include medical, dental and vision. This is a brownfields site and they are complying with the brownfields program. They have a work plan to be able to accommodate their proposed project into the N.C. Dept. of Environmental Quality for approval in accordance with the brownfields agreement. That involves creating, developing and constructing this site to protect against future environmental issues as well as allowing the site to move forward from its past of environmental contamination. Scopes of work include mitigation systems and barriers to protect the building. In the vehicle storage area, in addition to the bioretention cells and the landscaping islands and the trees, they have included in their plan an electrical conduit underneath that entire outdoor store area to allow a charging station at each one of the van parking spaces. In the future, as the electric vehicles are manufactured and available, the expectation is for that entire fleet of delivery service vehicles to be electric and to be able to be plugged in. They are investing roughly \$3.5 Million now on that electrical conduit to be able to accommodate those electric vehicles as they become available. As part of the project on the construction side, they will adhere to the construction pollution prevention plans on site, including erosion control and stormwater quantity and quality retention on site. In addition to the commitment to the greenway and preservation of the historic clock tower, they will be happy to reforest and replant 10% of trees on the site that doesn't really have any. Regarding the TIA, that was completed three weeks ago and submitted to the NCDOT. The NCDOT said they would respond by January 19. He noted that they have committed upfront that any recommendation from the NCDOT for traffic mitigation will be incorporated into their plan.

Mayor Manheimer opened the public hearing at 6:41 p.m.

From advanced live call-ins, 3 individuals spoke in support of this project.

In response to Councilwoman Roney, Mayor Manheimer said that at the January 26 meeting when this vote will be taken, there will be an opportunity for Council to deliberate, but there will be no future public comment. However, she did note that the public is able to submit

written comments on any public hearings 24 hours after the hearings and City Council will be provided with those comments.

In response to Councilwoman Turner, Mr. Hall said that the electric delivery vehicles should be available in 24-36 months and once those have been acquired, they want to immediately switch over to all electric service vans. Regarding solar, their plans include construction of the building roof to be capable of holding solar panels. But since the electrical service for the building and vehicles is a complex electric system, they also anticipate 24-36 months to have the solar panels installed.

When Councilwoman Turner asked about the traffic impact, Mr. Hall said that the facility would receive approximately 16 truckloads a day, which would be 16 truck movements in and out a day to supply to the facility. They often come in during the evenings hours to restock. The products in the building are then loaded on the delivery service vehicles, generally in the morning, and then dispersed throughout the day. Often, there is a second shift later in the day, based on customer demand.

Mayor Manheimer wondered if there has been an analysis done on the number of miles driven by consumers to pick up their goods vs. having the delivery truck deliver the goods.

When Councilwoman Turner and Councilwoman Roney expressed concern about losing land that could be used for affordable housing, Mr. Hall stated that the brownfields agreement in place for that site specifically states that residential is not allowed based on its previous contamination. In addition, Assistant City Manager Cathy Ball noted that the property is deed restricted against residential.

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 Kilgore moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

F. PUBLIC HEARING ON PROPOSED CIVIL SERVICE BOARD SUBSTANTIVE RULES

Interim Human Resources Director Shannon Barrett said that this public hearing on the Civil Service Board Substantive Rules was advertised on January 1 and 8, 2021.

Action Requested: Public hearing on Approval of Civil Service Board Substantive Rules

Background:

- The Asheville Civil Service Act provides that the Civil Service Board (“CSB”) “shall make . . . substantive rules for promoting efficiency in the classified service of the City.”
- The act further provides that the City Council, after giving members of the classified service and citizens of Asheville an opportunity to be heard at a public hearing, shall act upon the proposed rules and amendments, which become effective upon approval by a majority vote of the Council.
- On December 3, 2020, the CSB voted to approve substantive rules clarifying important aspects of the City’s personnel administration and the Board’s jurisdiction, including definitions of terms (such as demotion, discharge, due process, and suspension), important to the City’s personnel administration and the Board’s standard of review for grievance hearings.

Pro(s):

- Will provide employees, the City, and members of the Board with clarity about the types of employment actions falling under the Board's jurisdiction, as well as the standards the Board uses when determining whether a complaint of employment action is justified.

Con(s):

- None

Fiscal Impact:

- None

Deputy City Attorney John Maddux said that the Civil Service Act passed in 1953 and it applies only to the City of Asheville. Two it has two main functions (1) review promotional criteria in Police & Fire Departments and (2) hear certain employee grievances. The Civil Service Act was revised in 2009 that required that the Civil Service Board pass substantive rules, subject to amendment and adoption by City Council. Procedural rules were adopted in 2013 and a subcommittee was formed in 2014; however, rules were not finalized. The lack of substantive rules is not an issue for day-to-day administration since employees operate under City Manager administrative and departmental rules. Clarification is needed for how the Civil Service Board will resolve issues in grievance hearings - to define common terms and clarify hearing standards. In 2020 the Civil Service Board and City staff collaborated on development of substantive rules (1) engaged proactively with employee associations; and (2) agreement that engagement should value accountability and respect for employees' due process rights.

Ms. Barrett reviewed the following definitions (1) Classified Service - city personnel as defined in the Civil Service Act, which includes personnel below the Assistant Department Director level; (2) Demotion - involuntary and permanent reassignment into a position in a lower pay grade; (3) Discharge - involuntary and permanent separation from employment with the City due to violation of a City policy or unsatisfactory work performance; (4) Entitled - an absolute right to a promotion or a raise in pay automatically due to employee based on specific criteria, i.e., time in service, educational attainment, etc.; (5) Suspension - involuntary and temporary unpaid leave of more than 14 calendar days; (6) Transfer - involuntary and temporary reassignment into a position in a different City department; (7) Due Process - notice of allocations and an opportunity to be heard by a department director prior to a decision, and if the employee utilizes a disciplinary matrix, discipline that accords with that matrix; and (8) Probationary Employees - newly hired, rehired, promoted, or voluntary transferred employees are probationary employees for 365 calendar days.

Mr. Maddux said that regarding grievance hearing standards - justified means (1) two part test (a) employee received due process, and (2) employee violated a City or departmental policy, rule or code of conduct, according to abuse of discretion standards; and (2) abuse of discretion - a decision that is clearly unreasonable, erroneous, or arbitrary.

Councilwoman Wisler, liaison to the Civil Service Board for seven years, felt this is a long-time coming and thanked City staff for their hard work on bringing this forward.

Mr. Maddux responded to Councilwoman Kilgore regarding the probation period of 365 calendar days.

Mr. Maddux responded to Councilwoman Roney who asked if this item was reviewed by a City Council Committee or were there opportunities for the public to engage in this process. In addition, she asked the reason for the dissenting vote by the one Civil Service Board member. Mr. Maddux did not want to speak for the dissenting Civil Service Board member; however, he felt that the member felt this took away too much of the Board's discretion and put it in the hands of department directors. Staff felt that this is putting more discretion in the department directors who

actually oversee the employee, but there is still a role for the Civil Service Board. Regarding public engagement, employee associations for police officers and firefighters were engaged, as well as working with the City's HR department on behalf of all employees. City Attorney Branham noted that for some time we have been working closely with a lot of neighborhood advocacy groups as well as a number of individuals regarding global efforts to deal with several aspects of employee accountability, in particular the Asheville Police Department. The mutual goal has been to improve the City's ability to hold employees accountable when warranted, while still protecting the due process rights of employees. This effort has been one aspect of that broader initiative, and multiple public advocacy groups have been a part of these discussions.

Councilwoman Roney requested information on engagement of community partners who have been at the table regarding the Civil Service Board, with Councilwoman Turner suggesting some analysis of what we have and what this changes.

Councilwoman Wisler noted that she talked with a representative of the racial justice coalition about the changes.

Mr. Maddux noted that he received an email from a community member and he provided a very extensive response, asking him to contact him if he had questions. He felt the process was transparent in that there were several Civil Service Board meetings. Councilwoman Turner noted that the community member did state that he felt the changes were moving in the right direction.

Vice-Mayor Smith felt that we need to reach out to people who have the specific skill set and a deeper level with those who are familiar with due process or legal definition.

Mayor Manheimer felt that these rules are more about process and are administratively oriented since these are internally process rules.

Mayor Manheimer opened the public hearing at 7:53 p.m.

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

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 Wisler moved to recess this item until January 26, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Vice-Mayor Smith said that the Boards & Commissions Committee voted 2-1 (her being the dissenting vote) to reappoint Joyce Brown, Patricia Griffin and James Carter to the Asheville City Board of Education. However, she moved to direct the City Clerk's Office to advertise for the three seats and accept applications (current members included in this process), with the Boards & Commissions Committee to review applications at their February 9 meeting, at which time they will determine if essay questions and interviews should be a part of the appointment process. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

There was a brief discussion and instruction to set up a meeting with the City Council, Buncombe County Board of Commissioners and Asheville City Board of Education in order to discuss the process for an appointed vs. an elected School Board and to broach the idea of going to the legislature to make that change. Councilwoman Roney noted that we must make our three appointments by April 1.

Regarding the Audit Committee, no one from the City of Asheville applied for the vacancy, so it was the consensus of Council to re-advertise.

Regarding the Asheville Area Riverfront Redevelopment Commission, no one applied for the vacancy, so it was the consensus of Council to re-advertise.

RESOLUTION NO. 21-7 - RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

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

Sage Turner has resigned, thus leaving an unexpired term until September 1, 2022.

The following individuals applied for the vacancy: Rodrigo Afanador, Damita Jo Wilder, Eric Howell, Michael G. Waddle, Joshua Katz, ZaKiya Bell-Rogers, Henry Sannyasa, Cyd Jagers, Chris Woodward, DeLores Venable, Jessica Montanez, Shannon M. Watkins, Barbara Ann Philip and Chris Day.

The Affordable Housing Advisory Committee Board chair recommended Chris Day. The Boards & Commissions Committee recommended appointing Barbara Ann Philip.

Vice-Mayor Smith moved to appoint Barbara Ann Philip as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Ms. Turner, term to expire September 1, 2022, or until her successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 83

RESOLUTION NO. 21-8 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the African American Heritage Commission.

S. Antanette Mosley has resigned, thus leaving an unexpired term until July 1, 2022.

The following individuals applied for the vacancy: Thomas Ryan, Dewayne McAfee and Beverly Miller.

The African American Heritage Commission and the Boards & Commissions Committee recommended appointing Beverly Miller.

Vice-Mayor Smith moved to appoint Beverly Miller as a member of the African American Heritage Commission, to serve the unexpired term of Ms. Mosley, term to expire July 1, 2022, or until her successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 84

RESOLUTION NO. 21-9 - RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Alcoholic Beverage Control (ABC) Board.

The terms of Robin Cape and John Menkes expired on November 13, 2020. In addition, Januarie West has resigned, thus leaving an unexpired term until November 13, 2021.

The following individuals applied for the vacancy: Sharon West, Robin Cape, Meaghan Austin, James J. Spencer, Keaton Edwards, David Angelus, Gregory Hill, Bill Kopp, Harry Michael Lanning, George Tsiros, Jeff Irvin, Nian W. Ivery and Johnnie N. Grant.

On December 8, 2020, it was the recommendation of the Boards & Commissions Committee and consensus of City Council to re-advertise for these seats.

The ABC Board recommends reappointment of Robin Cape, and recommended Sharon West, George Tsiros, Jeff Irvin or David Angelus. Boards & Commissions Committee recommended reappointing Robin Cape; and appointing Sharon West and Nian W. Avery.

Vice-Mayor Smith moved to (1) reappoint Robin Cape as a member to the ABC Board, to serve a three-year term, term to expire November 13, 2023, or until her successor has been appointed; (2) appoint Sharon West as a member of the ABC Board, to serve a three-year term, term to expire November 13, 2023, or until her successor has been appointed; and (3) appoint Nian W. Avery to serve the unexpired term of Ms. Januarie West, term to expire November 13, 2021, or until her successor has been appointed. This motion was seconded by Councilwoman Roney and carried on a 6-1 roll call vote, with Councilwoman Wisler voting “no”.

RESOLUTION BOOK NO. 42 – PAGE 85

RESOLUTION NO. 21-10 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

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

The terms of Phillip Hardin (Regular member), Paul Wilczynski (Regular member), John Michael Kledis (Alternate member) and Suzanne Godsey (Alternate member) expire on January 21, 2021. In addition, due to a discrepancy between the Unified Development Ordinance and Session Laws, City Council should appoint another Alternate member. (Buncombe County now appoints only one Regular and one Alternate member - not two Alternate members).

No individuals applied for the vacancies.

Boards & Commissions Committee recommended reappointing Paul Wilczynsky (Regular Member), Suzanne Godsey (Regular Member) and John Michael Kledis (Alternate Member). In addition, it was their consensus to re-advertise for the remaining two Alternate seats.

Vice-Mayor Smith moved to (1) reappoint Paul Wilczynsky (Regular member) to the Board of Adjustment to serve an additional three-year term, term to expire January 21, 2024, or until his successor has been appointed; (2) appoint Suzanne Godsey (Regular member) to serve

an additional three-year term, term to expire January 21, 2024, or until her successor has been appointed; (3) reappoint John Michael Kledis (Alternate member) to serve a three-year term, term to expire January 21, 2024, or until his successor has been appointed; and (4) re-advertise for the two remaining Alternate seats. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 86

RESOLUTION NO. 21-11 - RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

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

Pamela Winkler has resigned, thus leaving an unexpired term until December 31, 2021. In addition, the terms of Andrew Fletcher, Kimberly Hunter and Steven Lee Johnson expired on December 31, 2020.

The following individuals applied for the vacancy: Joy Wilson, Tal Frankfurt, Douglas Buchalter, Guillermo Rodriguez, Clair Greear and Ricardo Seijp.

The Downtown Commission and the Boards & Commissions Committee recommended rappointing Andrew Fletcher, Kimberly Hunter and Steven Lee Johnson and appointing Guillermo Rodriguez.

Vice-Mayor Smith moved to (1) reappoint Andrew Fletcher, Kimberly Hunter and Steven Lee Johnson to the Downtown Commission, to each serve an additional three-year term respectively, terms to expire December 31, 2023, or until their successors have been appointed; and (2) appoint Guillermo Rodriguez as a member of the Downtown Commission, to serve the unexpired term of Ms. Winkler, term to expire December 31, 2021, or until his successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 87

RESOLUTION NO. 21-12 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

Zakiya Bell-Rogers, Nicole Townsend and Daniele Martin have resigned as members of the Human Relations Commission, thus leaving unexpired terms until June 1, 2021.

The following individuals applied for the vacancy: Suzy Chandler, Bennie Lee Miller, Alexandra DiSclarfani, Britni Worley, Ricky McGrath, Emma Nichole Worthy, Melanie Noyes, Tim Collins and Daniel Young.

The Human Relations Commission and the Boards & Commissions Committee recommended appointing Daniel Young, Susy Chandler and Melanie Noyes.

In response to Councilwoman Turner, Councilwoman Roney, newly appointed liaison to the Human Relations Commission, said that she does not have any information on the reasons

for the three vacancies; however, the City Clerk's Office does send outgoing members with an exit interview form, which are then sent to City Council.

Vice-Mayor Smith moved to (1) appoint Daniel Young as a member of the Human Relations Commission to serve the unexpired term of Ms. Bell-Rogers, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until his successor has been appointed; (2) appoint Susy Chandler as a member of the Human Relations Commission to serve the unexpired term of Ms. Townsend, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until her successor has been appointed; and (3) appoint Melanie Noyes as a member of the Human Relations Commission to serve the unexpired term of Ms. Martin, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until her successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 88

RESOLUTION NO. 21-13 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Metropolitan Sewerage District Board of Directors.

The term of Gwen Wisler expires on January 19, 2021.

No individual applied for the vacancy.

Boards & Commissions Committee recommended reappointing Gwen Wisler.

Vice-Mayor Smith moved to reappoint Gwen Wisler as a member of the Metropolitan Sewerage District Board of Directors, to serve an additional three-year term, term to expire January 19, 2024, or until her successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 89

RESOLUTION NO. 21-14 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

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

The term of Rich Lee (at-large representative) expired on July 1, 2020. Michael Stratton, currently a bike/ped task force member, will be filling the at-large seat until July 1, 2023. Therefore, there is a vacancy for Mr. Stratton's vacant bike/ped task force seat until July 1, 2021.

The following individuals applied for the vacancy: Sandy Aldridge, Kristen Goldsmith, Marty Shults, Joseph Chester, Maggie Ullman, Bill Loftis, Christine Harris and Micah McLain.

On December 8, 2020, it was the recommendation of the Multimodal Transportation Commission and consensus of Council to readvertise for the at-large seat.

The Multimodal Transportation Commission recommended, and the Boards & Commissions Committee concurred to appoint Michael Stratton as the at-large representative, and Maggie Ullman to serve as the bike/ped task force member.

Vice-Mayor Smith moved to (1) appoint Michael Stratton (at-large representative) as a member of the Multimodal Transportation Commission, to serve a three-year term to expire July 1, 2023, or until his successor has been appointed and (2) appoint Maggie Ullman (bike/ped task force representative) to serve the unexpired term of Mr. Stratton, term to expire July 1, 2021, and then a full three-year term, term to expire July 1, 2024, or until her successor is appointed. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 90

RESOLUTION NO. 21-15 - RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

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

The term of Philip Lenowitz (28804 representative) expired on July 1, 2020. In addition, Diane Dankert (at-large representative) has resigned, thus leaving an unexpired term until July 1, 2023.

The following individuals applied for the vacancy: Damita Jo Wilder (requested her name be removed from consideration), Bonnie Snyder Hanrick, Peter Abzug, Wendy Haner and Sandra K. Smith.

On December 8, 2020, it was the consensus of Council to re-advertise for the seat, since no one was eligible for the 28804 zip code.

The Neighborhood Advisory Committee, and the Boards & Commissions Committee recommended appointing Wendy Haner (28804 representative) and Peter Abzug (at-large representative).

Vice-Mayor Smith moved to (1) appoint Wendy Haner (28804 representative) as a member of the Neighborhood Advisory Commission to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed; and (2) appoint Peter Abzug (at-large representative) as a member of the Neighborhood Advisory Committee, to serve the unexpired term of Ms. Dankert, term to expire July 1, 2023, or until his successor has been appointed. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 91

RESOLUTION NO. 21-16 - RESOLUTION APPOINTING A MEMBER TO THE PLANNING & ZONING COMMISSION

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

Sandra Kilgore has resigned, thus leaving an unexpired term until August 14, 2023.

The following individuals applied for the vacancy: Sherrye Coggiola, Kimberly Levi, Roosevelt Harvin, Robert Frances Hoke, Ricardo Seijo and Sara Wilcox.

The Planning & Zoning Commission recommended (in order) Robert Frances Hoke, Ricardo Seijo or Sherry Coggiola. The Boards & Commissions Committee recommended appointing Robert Frances Hoke.

Vice-Mayor Smith moved to appoint Robert Frances Hoke as a member of the Planning & Zoning Commission, to serve the unexpired term of Ms. Kilgore, term to expire August 14, 2023, or until his successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 92

RESOLUTION NO. 21-17- RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Sustainable Advisory Committee on Energy & the Environment (SACEE).

The terms of Geoffrey Habron, Renee Mazurek and John Noor, as members of SACEE, expired on December 31, 2020.

The following individuals applied for the vacancy: Kim Austin, Steven Baron, Lynn Hurley, Carlisle Rankin Harper, Ben Prater, Kathryn Ancaya, Tim Ormond and Kelsey Wood.

The SACEE Board recommended and the Boards & Commissions Committee recommended appointing Tim Ormond, Steven Baron and Kim Austin.

Vice-Mayor Smith moved to appoint Tim Ormond, Steven Baron and Kim Austin as members of SACEE, to each serve a three-year term respectively, terms to expire December 31, 2023, or until their successors have been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 93

RESOLUTION NO. 21-18 - RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Urban Forestry Commission.

The terms of Cecil Bothwell, Sharon Sumrall and Perrin de Jong as members of the Urban Forestry Commission, expired on December 31, 2020.

The following individuals applied for the vacancy: Catherine Murphy, Deborah Margaritov and Zoe A. Hoyle.

The Urban Forestry Commission chair and the Boards & Commissions Committee recommended reappointing Cecil Bothwell, Sharon Sumrall and Perrin de Jong.

Vice-Mayor Smith moved to (1) reappoint Cecil Bothwell and Sharon Sumrall as members of the Urban Forestry Commission, to each serve an additional three-year term, terms to expire December 31, 2023, or until their successors have been appointed; and (2) reappoint Perrin de Jong to serve a three-year term , term to expire December 31, 2023, or until his

successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 – PAGE 94

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 7 individuals spoke to Council, including, but not limited to the following comments: need for racial justice and removing Vance Monument is only a start; prioritize reparations in the Fiscal Year 2021-22 budget; defund the police by at least 50%; shut down tourism industry to help with COVID-19 safety; terminate Griffin Waste Services contract and reopen and maintain the public restrooms we already have; not enough resources available for the homeless; fund more Asheville survival programs; problems with homeless downtown; appoint a City Council liaison to the Citizens Police Advisory Committee that will work to have the community and the Asheville Police Department work together; and the City is doing little to address violent crime, drugs and the homeless.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:38 p.m.

CITY CLERK

MAYOR