

Tuesday – January 26, 2021 - 3:00 p.m.

Affordable Housing Worksession

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.

City Manager Campbell reviewed the 2019 Affordable Housing Worksession, which set the context and the objectives that staff is wanting to accomplish in this worksession. The City's role in affordable housing is funding, City-owned land, regulatory and convenor/collaborator.

City Manager Campbell said that at this worksession, staff will review (1) affordable housing is complex; (2) the needs are significant; (3) the City's approach (a) continuum of housing; and (b) past success and future work plan; and (4) affirm the direction and priorities.

Community Development Program Manager Paul D'Angelo said that the challenges of affordable housing are (1) most wages, salaries and incomes we produce in our area don't support the average housing costs in Asheville, both rental and homeownership; and (2) a healthy, affordable mixed-income community needs a variety of housing types at a variety of price points, both homeownership and rental, for the variety of incomes and wages produced in Asheville.

Affordable housing is households, both rental and homeownership, should spend no more than 30% of their gross income on housing costs. Renter - this includes rent and utilities. Homeowner - this includes mortgage, insurance and taxes. The most dollars we spend on housing, the less we have to spend on life's other necessities and to support the local economy.

We recognize the challenges in Asheville - cost of capital - financing costs; lack of building efficiencies; availability of buyer financing; cost of materials; lack of industry leadership; lack of density; NIMBYism; local government regulation & fees; land prices/availability; topography challenges; market challenges - supply & demand - quality of life; and lower wages - services & tourism economy.

Using a chart, they showed the Buncombe County available homes by price from November 21, 2014 to July 31, 2019.

In two checks of the For Sale housing market this past fall, there were only 38 (please note only about 25 to 30 of those 38 homes are move-in ready based on Realtor experience) homes on average in the City of Asheville listed for sale under \$275,000, out of approximately 275 listings. That's just 14%. The average For Sale price of the 275 dwellings was approximately \$660,000; the median For Sale price of the 275 dwellings was approximately \$522,000.

Notes from the Bowen Report (Housing Needs Assessment Report) regarding rental-vacancy show (1) vacancy rate/market-rate apartments: tipping up, new construction of multi-family units are bringing the market into better balance; and (2) vacancy rate/affordable

apartments: however, there remains limited availability for lower income households seeking affordable rental housing.

Using a chart, they showed the Buncombe County share of household trends by tenure/income for 2018.

Notes from the Bowen Report regarding rental, (1) 46.1% of renters (17,643 households) are cost burdened - paying over 30% of their income towards housing costs; (2) 19.4% of renters (7,439 households) are severely cost burdened - paying over 50% of their income towards housing costs; (3) since 2014, rent in Asheville has increased by 5.2% annually; and (4) for the average renter, this means if their rent was \$1,000 in 2014, it is now \$1,350.

Notes from the Bowen Report regarding For Sale, (1) among owner households (a) 21.3% of homeowners (14,310 households) are cost burdened - paying over 30% of their income towards housing; and (b) 7.9% (5,283 households) are severely cost burdened - paying over 50% of their income towards housing; and (2) For Sale inventory - currently, the available homes priced under \$200,000 has diminished to just 63 units, down from 460 homes in 2014. Individuals and families earning below \$60,000 have very limited home buying choices in the community. Homeownership is necessary to help build wealth.

They reviewed the Fiscal Year 2020 area median income chart. They explained the subsidy needed.

Mr. D'Angelo said that the key takeaways from this worksession are (1) support the partners already doing the hardest work, the under 60% AMI individuals and families; (2) identify the gaps in the partnerships, funding, programs, incentives, regulations and fill them so municipal resources can go farther for 60% - 80% - 100% AMI; (3) call on for-profit developers and lenders to be a part of the solution; and (4) building community coalition and bring more partners to the table.

It takes partners to invest upfront on the build ... dollars incentivize the developer or invest on the back end ... dollars subsidize the renter or homeowner.

The City's policies include disposition of City-owned land, Housing Trust Fund, Land Use Incentive Grant, Metropolitan Sewerage District Discount, fee rebates/expedited review, HOME Investment Partnership Funds; and \$25 Million in Affordable Housing Bonds. Partners include mission driven developers, tax credit developers, non-profit developers, and for-profit developers.

What's needed in Asheville's housing market is a healthy, equitable inclusive mixed-income community with a variety of housing types at a variety of price points, both homeownership and rental, for the variety of incomes and wages we produce in Asheville. They reviewed statistics from Lee Walker Heights; 360 Hilliard Avenue; Amaranth Apartments; Ironwood Apartments on South Slope; and Asheville Area Habitat for Humanity. To recap the affordable housing work in 2020, there have been 373 units of affordable housing; \$13.02 Million of City investment, leveraged alongside non-profit and private investment; \$34,906 per unit. There have been additional accomplishments, including tax credits (429 homes), community development upgrades, development pipeline, UNC-Chapel Hill/School of Government (5 year investment story); and mapping.

Economic Development Program Director Nikki Reid said that the 2019 policy discussion included (1) establishing a goal of 200 units per year, direct and indirect; (2) needs served - staff recommends focus efforts 80% AMI and below, with emphasis/preference on 60% AMI and acceptance of Housing Choice Vouchers; (3) prioritize leveraged investments (i.e., matching with

County investment, etc.); and (4) prioritize geographic areas/land-banking for access to jobs, services and community amenities.

She then did a walk through of key initiatives for 2021 to include who are the partners, what is the process, what are the resources, what are the intended results, and what is the timeline for policy decisions. She then reviewed upcoming projects and proposals in the pipeline of Council's calendar including 319 Biltmore, Deaverview Purpose Built Community, Talbert Lot - 50 Asheland, Asheland Avenue Proposal; and Neighborhood Lots for Affordable Housing. Mr. D'Angelo spoke about the permanent supportive housing project of Homeward Bound which is 85 units serving individuals at 30% AMI or lower.

Ms. Reid said that regarding City land, she explained the mapping and future policy discussion on land from Urban Renewal, 81-91 Riverside; and S. Charlotte Street (future).

Ms. Reid said that out of the City of Asheville \$25 Million Bond funding, \$15 Million High-Impact investments; \$5 Million Housing Trust Fund; \$3 Million land banking; \$1 Million Community Land Trust; and \$1 Million Down Payment Assistance.

A summary of the success stories include Lee Walker Heights, 360 Hilliard, Amaranth, Ironwood Apartments, Habitat for Humanity, etc. There have been 373 units of affordable housing; and \$13.2 Million of City investment, leveraged alongside nonprofit and private investment.

A summary of the work plan for 2021 includes 219 Biltmore, Deaverview Purpose Built Community, Talbert Lot - 50 Asheland, Asheland Avenue proposal, Neighborhood Lots for Affordable Housing, Homeward Bound, etc. 500+ potential units of affordable housing. \$23 Million + of City investment, leveraged alongside philanthropic, nonprofit and private investment.

Mr. D'Angelo said that the "holistic" affordable housing policy beyond the "Transaction" includes (1) anti-displacement/gentrification; (2) energy efficiency/sustainability; (3) development and design standards; (4) strong compassionate community property management; (5) equity & inclusion; (6) community outreach; and (7) concentration of lower incomes. Being bold is 250 units per year.

City Manager Campbell, along with staff, responded to several questions/comments from Council, some being, but are not limited to: how high does the vacancy rate in market rate areas need to be before we see a decrease in rents; discussion on private developers building apartments that are not affordable; can the City require private developers to accept Housing Choice Vouchers if they receive a City subsidy; if the City is not involved in any kind of incentive, do we have the ability to require the private developer to accept Housing Choice Vouchers; explanation of inclusion zoning and why is it not allowed in North Carolina; could Housing Code Vouchers be included in our incentive based program; what are the current barriers for the City to develop our own affordable housing; when we have partners looking at mixed-use or cooperative land ownership model (retail, mixed lodging, etc.), what creative solutions are there to partner with individuals who could manage the rental side, if the owner wasn't familiar with the management of housing; need to update the Unified Development Ordinance as it is a regulatory tool; confirmation that the Talbert Lot (50 Asheland Avenue) also has the potential for a transportation hub, not only a transit center; have we ever seen a project of permanently affordable structure with no tax credits or other City subsidies; accessibility and/or transportation should to be in the holistic affordable housing policy; need to collaborate with Buncombe County to build strong and accessible communities for long term accessibility; is there a model that points out benefits to agencies when homeless people becoming homeowners; and benefit of Housing and Transportation Index Mapping tool.

City Manager Campbell hoped that we have demonstrated that for a community of this size, we have a number of tools available and we are serious about trying to address this issue. It is a complicated and hard task; however, we have the dedicated staff of the Community & Economic Development Department paying attention to this issue. She said that going forward, we will focus on the 2021 work plan and will be coming back to Council soon with some proposals.

At 4:21 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – January 26, 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:

II. CONSENT AGENDA:

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 12, 2020**
- B. RESOLUTION NO. 21-19 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A TRANSPORTATION PLANNING GRANT FROM THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION FOR A FEASIBILITY STUDY FOR THE REED CREEK GREENWAY**

Action Requested: Adoption of a resolution authorizing the City Manager to apply for a transportation planning grant in the amount of \$40,000 from the French Broad River Metropolitan Planning Organization for the purpose of preparing a feasibility study for the Reed Creek Greenway; and if awarded, to accept the funds and sign all of the necessary agreements, and budget the funds in the Fiscal Year (FY) 2021-22 Transportation Department operating budget.

Background:

- The French Broad River Metropolitan Planning Organization (FBRMPO) published a competitive grant opportunity during late October 2020 for transportation planning grants.
- The grant opportunity provides a total of \$200,000 in funding for member organizations to complete a short-term planning or feasibility study with a focus on improving transportation facilities in or throughout the region.
- Applications were due on December 30, 2020.
- City staff determined that the completion of a feasibility study for the next two sections of

the Reed Creek Greenway would be a good candidate.

- a. First section - Elizabeth Street to the I-240 pedestrian bridge at Hill Street near Isaac Dickson Elementary School.
- b. Second section - W.T. Weaver Boulevard to the intersection of Broadway Avenue and Riverside Drive near UNCA.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None.

Pro(s):

- Provide funding support to complete the next step in the process toward construction of the final two sections of the Reed Creek Greenway.
- Provide preferred alignments, construction feasibility information, and cost estimates.

Con(s):

- None.

Fiscal Impact:

- A 20% local match is required if awarded. The total project cost is expected to be approximately \$50,000, therefore the City's match would be \$10,000 if awarded.
- If awarded, the money for the required match of \$10,000 would be included in the FY 22 Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for a transportation planning grant in the amount of \$40,000 from the French Broad River Metropolitan Planning Organization for the purpose of preparing a feasibility study for the Reed Creek Greenway, and if awarded, to accept the funds and sign all of the necessary agreements, and budget the funds in the FY 2021-22 Transportation Department operating budget.

RESOLUTION BOOK NO. 42 - PAGE 95

C. RESOLUTION NO. 21-20 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BIONOMIC SERVICES INC. FOR THE WATER PRODUCTION RESIDUALS REMOVAL PROJECT AT THE MILLS RIVER, WILLIAM DEBRUHL & NORTH FORK WATER TREATMENT PLANTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order to fund the remaining two-year General Services Agreement with BioNomic Services, Inc. for the Water Treatment Plant Sludge Removal Project.

Background:

- The Water Resources Department (WRD) has historically removed Water Treatment Plant residuals, also known as "sludge" from all three water treatment plants and delivered them to the Metropolitan Sewerage District (MSD) to be treated.
- MSD can no longer treat these residuals from the City of Asheville or any other water treatment facilities due to their new Air Quality Title V and renewed National Pollutant Discharge Elimination System (NPDES) permits.

- The Buncombe County Landfill agreed to take residuals for a period of two years while WRD and the consulting engineering firm GHD vet other treatment and/or disposal options.
- The WRD entered into a contract with BioNomic Services, Inc. for removal for the first year in the amount of \$257,180 with a contingency in the amount of \$38,577 for a project total budget in the amount of \$295,757. Years 2-3 were budgeted at \$200,000 annually.
- Due to the cost of removal, staff has determined that the cost of the residuals removal surpasses the budgeted amount for years 2-3.
- A change order is requested for \$67,388 for year 2, and for \$94,126 for year 3.
- The total change order for years 2-3 is \$161,515.
- This provides a total residuals removal budget of \$561,515 for the remainder of the contract.

Vendor Outreach Efforts:

- This is a change order; therefore, no further vendor outreach efforts were performed.

Council Goal(s):

- A financially Resilient City, A Clean and Healthy Environment

Committee(s):

- None.

Pro(s):

- This change order allows for the continued removal of residuals from each of the three water treatment plants.
- This aligns with the ISO 14001 Environmental Management System and with the city's goal to be environmentally responsible.
- Ability to continue to treat and deliver drinking water to the City of Asheville

Con(s):

- None.

Fiscal Impact:

- The change order will impact the budget for year 2 by \$67,388, and year 3 by \$94,126, for a total increase of \$161,515 over the term of the contract.
- Funding for the change order for years 2 and 3 will be included in upcoming Water Resources Recommended Operating Fund budgets.

Motion:

- Adopt a resolution authorizing the City Manager to execute a change order for \$161,515 to fully fund residuals removal for years 2-3.

RESOLUTION BOOK NO. 42 - PAGE 96

D. RESOLUTION NO. 21-21 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AMENDMENT WITH WPLAW FOUNTAIN DIVISION INC. FOR THE PACK SQUARE SPLASHEVILLE FOUNTAIN RESTORATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the design-build contract with WPLaw Incorporated, Fountains Division, of Lexington, SC, for the Pack Square Park SPLASHEVILLE Fountain Restoration Project.

Background:

- WPLaw Incorporated was selected as the design-build contractor through a Request for Qualifications(RFQ) process which required that teams submitting proposals show a thorough understanding of fountain operation and maintenance and a list of projects which they had previously completed.
- As allowed by State Statute, the City Manager approved the design-build construction method and the initial assessment phase of this project.
- Design-build was recommended as it will provide the most expeditious method of project completion and the best possibility of opening Splashville by Summer 2021.
- The three Pack Square Park Fountains were assessed by WPLaw in Fall 2020 as part of the initial design-build contract.
- In addition to all three fountains being in disrepair, the Mid-Block fountain and the Splasheville fountain are inoperable.
- Due to funding limitations, repairs can only be made on one fountain at this time.
- Parks and Recreation Department staff have prioritized the Splasheville fountain to be restored with the current available funding.
- This fountain has been prioritized because it is a recreational attraction for families and needs to be capable of operating during the 2021summer season.
- Future funding availability will allow for the other fountains to be repaired which may be completed as an amendment to this design-build contract.
- Splasheville repairs include general maintenance items such as pump and controller replacement and full replacement of the jets and lighting.
- The work is estimated to start in April and will take approximately four months to complete.

Vendor Outreach Efforts:

- Outreach for the original contract included staff performing 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.
- No MWBE firms submitted bids with this prime contractor and all work will be self-performed by the prime contractor as a result there are no subcontracting opportunities available.

Council Goal(s):

- A well planned and livable community.

Committee(s):

- Currently the Parks and Recreation Advisory Board is not meeting due to COVID.

Pro(s):

- This contract amendment will restore a highly used downtown amenity to working order.
- The new equipment will provide a more reliable fountain feature.

Con(s):

- Current funding does not allow for the repair of all three fountains

Fiscal Impact:

- Funding for this contract is included in the Pack Square maintenance budget in the Parks and Recreation Department's Adopted General Fund budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the executed design-build contract with WPLaw, Incorporated, in the amount of \$237,835 for the Pack Square Park SPLASHEVILLE Fountain Restoration 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 \$23,800 (10%) for total design build contract amount not to exceed \$261,635.

RESOLUTION BOOK NO. 42 - PAGE 97

E. RESOLUTION NO. 21-22 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD AND SETTING A PUBLIC HEARING ON FEBRUARY 23, 2021

Action Requested: Adoption of a resolution to set a public hearing for February 23, 2021, to permanently close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Spano and Associates Asheville, LLC has petitioned for this closure and they own the property associated with the Edgewood Road South Subdivision project (19-08084PZ) that was approved with conditions by the Technical Review Committee on March 2, 2019.
- The unopened right-of-way formerly connected on the southern side of the unopened portion of Bellevue Road and presently does not connect to any other right-of-way.
- This closure would not impede any future transportation connections nor does it conflict with any utility access.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 10, 2020 - approved unanimously.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt a resolution of intent to set a public hearing on February 23, 2021, to close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road.

RESOLUTION BOOK NO. 42 - PAGE 98

F. RESOLUTION NO. 21-23 - RESOLUTION OF INTENT TO CLOSE AN UNOPENED RIGHT-OF-WAY ALLEY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE, AND SETTING A PUBLIC HEARING ON FEBRUARY 23, 2021

Action Requested: Adoption of a resolution to set a public hearing for February 23, 2021, to permanently close a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Milan Asheville, LLC has petitioned for this closure and they own the property at 324 Biltmore Avenue (PIN # 9648-46-4336).
- This closure request is associated with the Residence Inn (FKA Extended Stay Hotel at Hospital Center) (18-05806PZ) that was approved by City Council on March 12, 2019 under ordinance 4733 and approved with conditions by the Technical Review Committee on January 6, 2020.
- This closure will not impede any future transportation connections nor does it conflict with any utility access.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 10, 2020 - approved unanimously.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to adopt resolution of intent to set a public hearing on February 23, 2021, to close a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive.

RESOLUTION BOOK NO. 42 - PAGE 101

G. RESOLUTION NO. 21-24 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RRI WEST MANAGEMENT INC. AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MODEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING HOMELESSNESS DURING THE COVID-19 PANDEMIC

ORDINANCE NO. 4752 - BUDGET AMENDMENT TO FUND THE CONTRACT EXTENSIONS UTILIZING EXPECTED FEMA REIMBURSEMENT REVENUE

Action(s) Requested: Authorization for City Manager's execution of contract extensions with RRI West Management, LLC, Homeward Bound of Western North Carolina, and Axis Security; and a budget amendment in the Special Revenue Fund, in the amount of \$1,061,000, to fund the contract extensions utilizing expected FEMA reimbursement revenue.

Background:

- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- On October 27, 2020, Council authorized the City Manager to execute extensions of the existing agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for a 90-day period, all of which expire on February 8, 2021.
- Sixty-seven (67) people (couples, families occupying some rooms) are currently in shelter and will continue to achieve the public health objective of prevention of COVID-19 among the community's unsheltered homeless population.
- One hundred thirty-two (132) people have been served to date.
- The incidence of confirmed COVID-19 has not abated, posing ongoing risk to people experiencing unsheltered homelessness.
- To avoid any lapse in service to this population, it is necessary to execute the contract amendments prior to February 8th to continue the agreements.
- A transitional exit strategy for those in the shelter is currently being planned.
- The City has submitted its project application and initial reimbursement request to FEMA on December 17, 2020 for operations from May 11 - August 30.
- The City will submit its second reimbursement request to FEMA in mid-February for the operations period September 1 - December 31.
- FEMA has extended its authorization for non-congregate shelters to be eligible for reimbursement for the duration of the pandemic emergency declaration.
- The existing agreements with the vendors allow for extensions to continue operations, with additional funding not to exceed \$1,061,000 necessary to sustain this operation through the end of the City's fiscal year on June 30, 2021.

Council Goal(s):

- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

Committee(s):

- None

Pro(s):

- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Allows for additional time to effect housing placement for shelter occupants.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.
- 23 people have exited to permanent housing destinations.

Con(s):

- Potential damages incurred at the motel are not eligible for reimbursement from FEMA.

Fiscal Impact:

- The additional contract funding requested from February 8, 2021 through the end of the 2020-21 fiscal year includes:
 - Homeward Bound for essential shelter operations not to exceed \$250,000; for 60 rooms nightly at Red Roof Inn not to exceed \$486,000;
 - For 24/7 security provided by Axis Security not to exceed \$325,000;
 - For a total not to exceed \$1,061,000.
- Staff anticipates full FEMA reimbursement for these expenses and thus no City contribution is currently budgeted.

Motion(s):

- Motion to adopt a resolution to authorize the City Manager’s execution of services contracts with Homeward Bound of Western North Carolina, RRI West Management LLC, and Axis Security for shelter rooms, essential operations, and security commencing on February 8, 2021 through the end of FY 2020-21 or the conclusion of the COVID-19 pandemic emergency declaration, whichever comes first; and a budget amendment in the Special Revenue Fund in the amount of \$1,061,000 to fund the contract extensions utilizing expected FEMA reimbursement revenue.

**RESOLUTION BOOK NO. 42 - PAGE 103
ORDINANCE BOOK NO. 33 - PAGE 202**

Mayor Manheimer announced that there was one advanced live call-ins for the Consent Agenda; however, that person did not join into the meeting. Staff said that they have reached out to the caller and the caller has not responded.

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

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

III. PRESENTATIONS & REPORTS:

A. MANAGER’S REPORT - REIMAGINING PUBLIC SAFETY; OFFICE OF DATA & PERFORMANCE MANAGEMENT; REPARATIONS RESOLUTION UPDATE; VANCE MONUMENT UPDATE

Reimagining Public Safety

City Manager Campbell said that her Manager’s Report will consist of (1) Update on status of positions and funding reallocated from APD during first phase of Reimagining Public Safety efforts; (2) Report from the newly established Office of Data and Performance Management; (3) Update on Implementation of Reparations Resolution; and (4) Update on Vance Monument.

She provided an update on the Phase 1 of Reimagining Public Safety regarding the recommended positions in the Community and Public Engagement Department; Development Services Department; Parks & Recreation Department; and partnership with Homeward Bound.

Regarding the internet access for Asheville Housing Authority residents (1)the City of Asheville, Asheville City Schools, Asheville City Schools Foundation, the Asheville Housing Authority, and Buncombe County have partnered to address the issue of a lack of high speed wireless access for Housing residents, particularly school age children; (2) Through funding by all the partners a project is moving forward to provide all residents with high speed wireless

broadband access; (3) An interlocal agreement has been approved by City Council and the first phase of installation has begun; and (4) The Asheville City Council has approved \$50,000 towards this installation effort.

She said that regarding Reimagining Public Safety Phase 2, we are bringing back re-imagining consultants for the next round of engagement to (1) review what was heard in Round 1; (2) inform what is being done now in response to input from Round 1; and (3) seek community feedback on proposed services, programs and partnerships to be included in the 2021-22 budget that pursue social, racial, economic and environmental justice.

Office of Data & Performance

Office of Data and Performance Manager Eric Jackson said that this new initiative is designed to increase transparency in government and provide data-driven accountability to our community. This is just the latest step in a 10-year effort to build data-driven accountability at the City of Asheville.

Mr. Jackson said that the Office's mission is to empower the community and City staff to use data to improve outcomes, accountability and communication. This is about helping City staff change how they work, not creating a data "service."

He said it is organized as a cross-departmental team managed by IT Services, the team will consist of staff from Budget, Community Engagement, Equity, GIS, and Police, plus three IT open data staff members. Money to fund these positions came from the reallocation of \$770,000 in Asheville Police Department funds approved by Council on September 22, 2020.

Internal outcomes for City staff will include (1) understanding the impacts of services and projects; (2) establishing baselines for improvement and benchmarks to maintain performance; and (3) identifying issues and respond proactively.

External outcomes for the community will include (1) understanding trends in their community; (2) knowledge of whether issues have been identified and addressed; (3) staying informed about issues and services in their community; and (4) understanding timing and strategies of City initiatives.

Regarding community input and engagement, (1) continue to create and evolve transparency tools for community use - Dashboards, open data portal, GIS, SimpliCity; (2) community participation in identifying outcomes and determining how progress will be measured - results-based accountability + Racial Equity Toolkit; and (3) build direct relationships between Office of Data & Performance and community groups - announcements email list; participation in neighborhood meetings.

In its first year, the Office of Data and Performance will (1) hire core staff for Office; (2) build out training program and internal data community; (3) support budget process; (4) Support [Advancing Racial Equity in Asheville](#) initiative; and (5) Build relationships in the community.

Reparations Resolution Update

City Manager Campbell said that the City and County have conducted meetings with other communities implementing reparations initiatives as well as other technical experts. Staff will report back to City Council and community in thirty days (late February) with a recommended structure for the Reparations Commission and next steps.

Vance Monument Update

City Manager Campbell said that City Council directed her to work with Buncombe County to develop an execution plan to include ideas for funding. Staff is in the process of collecting bids and costs to remove the Vance Monument in its entirety, along with providing some options for a temporary use while we are in the process of developing a much longer term permanent reuse of that site. We hope to have that information back to Council in March. The Vance Monument Task Force will complete their work in February and will provide City Council with their final document that summarizes their work.

Councilwoman Roney said that "It stuck with me from your presentation that we tend to blind ourselves. So, this isn't specifically about the presentation so much as where we go next. To get in the right relationship with each other, for our community health and well-being, our organization's going to have to acknowledge the harm that has been caused by the City of Asheville on the journey to get to where we are now so we can get where we need to go. Reimagining isn't gonna work if we're only going to continue to imagine how our organization continues to hold the most power and resources. An authentic effort might look like inviting a shared vision with meaningful action in a way that welcomes participation and resource mapping. I have heard and agree that this might look like a participatory budgeting program, funding engagement ambassadors, and investment in neighborhood plans. So, my questions are: Are we going to get out of our own way so our community partners have space, time, and resources to realize a City we all want to live in? Where is our potential for contracting outside of our organization? And are we going to build trust by offering trust? I'm not expecting answers to those questions tonight, I just think they have to be on the table because of the urgent requests from our community."

City Manager Campbell said that she was looking forward to those discussions and following up because if we are headed in the wrong direction, we want to know that.

Councilwoman Kilgore felt it was important that we not only address the cost of removal, but also address the cost of replacement of what will go in its place and how much that will cost. On the Haywood Street site (across from Harrah's Cherokee Center - Asheville), the cost to plan that out is \$13-14 Million. If we look at the cost to re-do the Vance Monument area we are looking at millions of dollars. It is the City's responsibility to be fiscally responsible so we need to take on things we need to take on, especially in light of the climate we find ourselves in now. There is no need to add additional costs on our plate when it's not necessary. If you go to the community and acknowledge that reparations is a big issue, the monies you could allocate for them could be used for reparations. We need to look at things that are important and things that we will benefit from, rather than things we would like to see. If we are really concerned about the community and the community's needs, then we need to make more prudent decisions that impact an entire community. She gets somewhat offended when other people dictate how people should feel and making decisions for the Black community. Blacks in the community can make their own decisions. She then read an article that she wrote to give people insight why she feels the way she does about the Vance Monument. The article is entitled "CAN REPURPOSING THE VANCE MONUMENT HELP HEAL THE DIVIDE IN ASHEVILLE? The first Obelisks recorded dates back to the 11th Century B.C. and symbolized the Sun God RA. That makes it 35,000 years old. It symbolized the concept of duality and balance. It represented good energy and dispelled negative forces. It is an art structure which is known all over the world. Thousands are located throughout the cities all over the United States. Among the most notable representations of this are the Washington Monument in Washington DC, Cleopatra's Needle in New York's Central Park, and the Newkirk Monument in Philadelphia. That being said, those monuments will always have a place in history. The Obelisk itself does not represent the confederacy. Please note, many of the confederate statues removed thus far have been statues in the image of the confederate soldiers and not stand alone Obelisk. It is art, it is a historic monument that has had

many uplifting meanings throughout history. Asheville is known to be a city of the Arts, and the monument represents one of Asheville's oldest art structures in Downtown Asheville. Many people in the community have strong feelings about our ancestors being sold and killed in a public space. Truth be told, our ancestors were sold and killed in many public places, as well as backyard barns all throughout the country. Do we hide our truth, or do we embrace it as our part of our history and use it as a reference to become stronger. An alternative is to reclaim the monument in order to recapture the positive, and unifying meaning it was always meant to represent. Over 130 years ago the Confederacy attached themselves to positive symbols that had a presence all over the world. They wanted to give their movement relevance. Another symbol they used was the cross; a symbol that is still being used today by nationalist and white supremacist to intimidate our communities. For decades, our ancestors had to bear witness to the burning crosses left at the scenes of property destruction, public lynchings, and murders of all sorts. Do we then start a movement to destroy crosses, because their meaning has been hijacked in order to terrorize our communities? Removing a monument is an emotional and reactionary response providing an apparent easy answer to a complicated issue. We need to be mindful of how we show up. The African American community is on the radar and decisions that we make in this community can affect other communities. The one thing about Asheville, we are very fortunate to be very liberal and for that reason we are able to get a lot of things done. What we really need to do is work with that rather than cause issues, where there are no issues. We cannot avoid the hidden phantom side effects of the desecration of the monument, held so dear by so many. Those effects fall squarely on the backs of Blacks like so many lashes from a past so long ago. The scars are hidden beneath the civil courtesy and liberal ideals while the shirts we wear hides the scars and the blood stains. For example, the effects that occur when the landlord decides not to rent to the Black family, or the employer who looks over a qualified Black employee, or the healthcare worker who offers the bare minimum in services to the Black patient. Let's also address the many well intentioned individuals, who fervently support such actions as removing the monument, while never experiencing the consequences of acting in haste. The task force was assembled and commissioned to consider removing the monument borne out of a group call from the George Floyd protest. There are many factors that needed to take place before any actions were implemented. African Americans are not a monolith; just because a group takes a stand on an issue does not mean it is the decision or the desire of the consensus. In fact, many of the Blacks in the community I have spoken with are opposed to removing it because of some of the same reasons stated. She has noticed that many in the Black community don't use emails and a lot don't use social media. So why are we allowing individuals to make decisions for us. If we really want to get a pure consensus on what the Black people really feel we need to take the time and go out and get into the community and speak to the community, to the churches, and see what they do. Do not remove a monument saying this is what the Blacks want and expect us to be okay with it just because you put together a Task Force that basically pretty much outlined what their mission was. My father told me years ago that many Blacks lost their lives building the Biltmore House. The builder of the Biltmore House is the same builder of the Obelisk. With that being said, I think it is safe to assume that our ancestors played a role in it's construction. In 2015 when they were resurfacing the Obelisk, a time capsule was discovered in the base of the monument and it contained the Colored Enterprise newspaper from 1897 and a leather bound bible, I felt proud. We should use the monument as a history. History will not change and you cannot erase history. Asheville's history could be told full circle as we address the dark stains of slavery and the impact of urban renewal and institutional racism in the once robust Black community. Lifting the monument up and using the power of the Obelisk could provide a new narrative and unite us all to create a desired result of unification, equity and inclusion. The Obelisk would provide a platform to begin to have those difficult conversations that bring us together. Asheville as a city, has acknowledged our dark past, and chose not to ignore those injustices and crimes against humanity. Rather than honoring the perpetrators of these crimes, we honor our ancestors, whose memories would otherwise have been lost. It would be a great opportunity to educate our visitors as well as locals in the community. We could call it the "Unity Tower" that is located in "Freedom Park." We could create a legacy that will be a

centerpiece for one of the nation's fastest growing cities. We could become a positive roadmap for other cities all over the country who are dealing with the same issues of division. The Reverend Martin Luther King, Jr inspired the human race to strive for harmony. He realized that no man, woman or child is truly free until all men are free. Working together is the only way to bring about sustainable changes and equality.”

Mayor Manheimer said that Council will next see this on our agenda likely the first meeting in March when the bids come back in on cost removal and other items being explored. The Vance Monument Task Force will also have sent us their final report. When this item comes back before Council for a vote, there will be an opportunity for discussion and public comment. She noted that Council did vote 6-1 for removal; however, as City Manager Campbell pointed out, it was not a vote on a contract for removal.

B. ASHEVILLE SCHOOL BOARD MEMBER SELECTION - LEGISLATIVE PROCESS & INFORMATION

Mayor Manheimer said this will be a brief discussion about the process we use requesting legislation from the state. We are embarking on taking applications for the Asheville School Board and we will be appointing new members by April 1. The question periodically comes up about whether or not we should move from an appointed School Board to an elected School Board. The process for doing that would be that City Council could ask the legislature to please introduce a bill that would change our School Board from an appointed School Board to an elected School Board.

At this time of the year we would also talk about a legislative agenda. In the past we have put together a list of things we asked our legislature to consider. However, due to political differences in the last several years we have had a rocky relationship with our legislature. This does bring up the question on whether or not the Council would like to consider any kind of a legislative agenda for this session. We don't have a lot of time because the legislature just got sworn in and the bill filing deadlines are around the end of February or early March. It's not impossible to get a bill after that date, but the legislators have to make their request to the bill drafting division to draft the bills. One question is would we like to make a request for an elected School Board bill. There also has been a pretty lengthy conversation the last couple of years around to the Tourism Development Authority's room tax allocation. That work continues to happen and she's been in communication with our new State Senator Julie Mayfield to help us. Some other things the City has considered in the past include, whether or not continue to request that cities be authorized to have an option for a referendum to create a transit tax through sales tax. She said the one burning issue that we would need to make a decision on is the question around the School Board. There is some interest in having a joint City Council/School Board/County Commissioner meeting where we would talk about this issue. That would be one way we could have a community conversation around this issue.

Councilwoman Mosley said she has heard from organized groups where the general consensus is that they see this as a political power play designed to limit Black members if we go to an elected School Board.

Councilwoman Turner asked for background information on why this continues to come up so frequently.

Mayor Manheimer said that we can take up some of these legislative issues at the Governance Committee meeting on February 9, but it won't work for the School Board legislation because that will require us to have the joint meeting. As Councilwoman Wilser is liaison to the School Board, she asked that she let them know we are interested in this joint meeting to discuss this topic. She said she would reach out to County Commissioner Chair Brownie Newman and let

him know. It's strange in that City Council appoints the School Board members, but the County Commissioners are actually tasked with managing their capital needs.

There was a brief discussion with staff being requested to arrange a joint meeting with the City Council/School Board/County Commissioners. Mayor Manheimer said that we will have an agenda prepared, with potential topics of the Asheville Primary School, elected vs. appointed School Board, County's capital needs, and the County's vision around access to quality, affordable pre-K update for all pre-schoolers in Buncombe County.

Councilwoman Roney said that she prepared a question and concern document regarding programming, facilities and projections prior to the decision by the School Board on whether or not to liquidate the Asheville Primary School building and property on Haywood Road. She would be happy to share that document with City Council, the County Commissioners and the School Board. We have a lot of community partners that we will need to engage if we are going to realize success around our education system for our children.

In response to Councilwoman Turner, Vice-Mayor Smith said that City Council must make their appointments to the School Board by April 1. The Boards & Commissions Committee will be discussing the process at their February 9 meeting, and will report back to Council at their February 9 formal meeting. Mayor Manheimer also noted that from a logistical standpoint, if there was an elected School Board, it would not be applicable until 2022.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 21-25 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET

Mayor Manheimer said that this public hearing was held on January 12, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Turner moved to permanently close a portion of right-of-way known as Velvet Street. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

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B. RESOLUTION NO. 21-26 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON STREET

Mayor Manheimer said that this public hearing was held on January 12, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

After hearing additional public comment 24 hours after the public hearing, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Turner moved to permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

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C. RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

Mayor Manheimer announced that this resolution has been pulled from consideration in order to address a discrepancy in the property description.

D. ORDINANCE NO. 4753 - 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

Mayor Manheimer said that this public hearing was held on January 12, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Principal Planner Shannon Tuch said that at the applicant's request, the Condition B.1 report has been amended to include "13. Applicant will make good faith efforts to contract with small and minority firms and women's business enterprises, as follows: a. Applicant will take affirmative steps to assure that minority firms and women's business enterprises are used when possible. Affirmative steps will include: i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists; ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; iii. Working with the YMI, Mountain BizWorks and other local non-profit agencies that serve the minority communities in Asheville to promote information about job opportunities."

Councilwoman Roney said that in looking at the available land we have in corridors where we can have a lot of traffic, she has to look at the long-term goals, and not just the short-term benefits. She felt we scrapped the barrel on how this is in line with our stated goals for just 130,000 in taxes. If we take the money now, what is the long-term side effect? For that reason, she didn't see how this conditional zoning gets us to our stated goals. She will be voting against the conditional zoning; however, she does have gratitude for the community agreements that our Council members have worked on for minority and women-owned business efforts.

Councilwoman Kilgore moved to approve this rezoning request with the conditions as shown in the associated site plans and building elevations (Exhibit D) and Exhibit B1 Conditions, along with a change in the Future Land Use Map from Urban Center to Employment/Anchor Institution Center. This motion was seconded by Councilwoman Mosley and carried on a 5-2 roll call vote, with Councilwoman Roney and Councilwoman Turner voting "no."

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E. RESOLUTION NO. 21-27 - RESOLUTION APPROVING CIVIL SERVICE BOARD SUBSTANTIVE RULE

Mayor Manheimer said that this public hearing was held on January 12, 2021, and due to recent legislation regarding remote meetings, the public hearing comment period remained open for 24 hours after the public hearing.

After hearing additional public comment 24 hours after the public hearing, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Roney said what we need is the opportunity to have accountability for the community. She felt this doesn't get us there. She is still worried that we had community partners at the table in the conversation about what we needed to do next for the Civil Service Board but we don't have that yet. She acknowledged that this is the best we can do with a bad situation. However, she still has concerns about why we would still add a rule that is not congruent with every city in the state around the one year probationary period. She understands we are going from a terrible situation to a less terrible situation on the pathway to get what we actually need, which is a Citizen Review Board.

Councilwoman Wisler moved to approve the substantive rule as adopted by the Civil Service Board on December 3, 2020. This motion was seconded by Councilwoman Kilgore and carried on a 4-3 by roll call vote, with Vice-Mayor Smith, Councilwoman Mosley and Councilwoman Roney voting "no."

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VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 20 individuals spoke to Council, including, but not limited to the following comments: litter and trash from Sonic on Tunnel Road at Governor's View Road; issues downtown; homeless issues downtown; need for reparation discussion soon; removal of the Vance Monument; defund the police; tourism during COVID-19 pandemic and need indoor dining restrictions; affordable housing crisis; Civil Service Board should be abolished; removing Vance Monument is a form of reparations; concerns about public comment at School Board meetings; concerns about liquidating Asheville Primary School with no clear transition plan; and the Bluffs at River Bend.

Councilwoman Roney said that she hears the community calling urgently for an LGBTQ inclusive non-discrimination ordinances for protection of human and civil rights. We are working on this and we will need to collaborate with the County and build a coalition across the state. She urged everyone to stay engaged and keep pushing for meaningful action.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:33 p.m.

CITY CLERK

MAYOR