

Tuesday – February 23, 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 FEBRUARY 9, 2021**
  
- B. RESOLUTION NO. 21-36 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE EXTENSION WITH BALSAM GARDENS, LLC, ON A PORTION OF CITY-OWNED REAL PROPERTY OFF OF HARDESTY LANE AT AZALEA PARK**

**Action Requested:** Adoption of a resolution authorizing the City Manager to sign an amendment to the existing lease agreement with Balsam Gardens, LLC to extend the term until March 1, 2022.

#### **Background:**

- Balsam Gardens has leased 11+ acres of farmland from the City for six years to operate an organic farm.
- Balsam Gardens grows organic vegetables and sells to wholesale markets, local grocers, area restaurants and in local farmers markets.
- No retail or U-Pick operations are allowed to occur on this City property.
- This property is located to the rear of Azalea park and is adjacent to the City's beneficial fill site.
- Balsam Gardens has and will continue to honor all stream buffers, conservation easements wetlands and proposed greenway paths that exist at this location.
- Balsam Gardens has participated in a public education program that allows students to tour a working organic farm.
- This agricultural use has had no impact on the recreational use of Azalea Park or the soccer facility.
- Only one year is being requested because the City intends to release a "Request for Proposals" to the community of organic farmers in the area.
- The City intends to advertise this opportunity to businesses who have been under-represented in the past, such as those owned by people of color, and align the lease with the City's goals to advance racial equity.

**Council Goal(s):**

- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- Uses a unique City property to support local farming and food security in the Asheville area.
- Balsam Gardens employs 6 people year round and 30 seasonally.
- These workers make at least \$13 per hour when the average rate is between \$8 and \$10 per hour.
- This is a small business that is 50% woman owned.

**Con(s):**

- The land will be unavailable for City use during the term of the lease.
- Due to the floodplain, City use is limited.

**Fiscal Impact:**

- The City receives approximately \$3,800 per year or \$317 per month.
- This rental rate is based on research done to determine local fair market rate for farmland leases.

**Motion:**

- Motion to approve the resolution authorizing the City Manager to execute an amendment to the lease agreement with Balsam Gardens, LLC.

**RESOLUTION BOOK NO. 42 - PAGE 119**

**C. RESOLUTION NO. 21-37 - RESOLUTION AUTHORIZING THE CITY MANAGER TO USE THE SOLE SOURCE PROCUREMENT METHOD, AND PREFERRED ALTERNATES, FOR THE LISTED PROJECTS IN THE BID SPECIFICATIONS FOR THE BROADWAY PUBLIC SAFETY STATION AND DR. WESLEY GRANT SR. SOUTHSIDE CENTER**

**Action Requested:** Adoption of a resolution authorizing the City Manager to use the sole source procurement method and preferred alternates for the listed products in the bid specifications for the Broadway Public Safety Station and Grant Center.

**Background:**

- Fire Station 13 referred to as the Broadway Public Safety Station (BPSS) and the Grant Center projects are in design and will soon be ready to bid.
- The projects will require specific equipment or systems to be procured with sole source or preferred alternates methods which the bid specifications identify brand names known.
- These methods are in the best interest of the City for the reasons identified below:

**Sole Source Requests**

- These items are to be purchased by the department for installation outside of the construction contract.
- NCGS 143-129 (e) 6 allows for Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.
- Per this statute City Council must approve items requested for sole source purchase.

- Mach Alert Station Alerting (Fire Department) BPSS
  - Mach Alert is the fire station alerting system utilized throughout every fire station to notify firefighters to respond to incidents.
  - The system is integrated within the city's radio system and dispatch center to create a single comprehensive notification system.
  - Asheville Fire Department has been using Mach Alert fire station alerting since 2016.
  - This request is to expand the current fire station alerting system to include Broadway Public Safety Station (BPSS).
  - Changing vendors for fire station alerting system at BPSS would require replacement of the current systems located within each of the fire stations and include replacement of the network infrastructure at the dispatch center.
  
- Verkada Video Security Cameras (IT Department) BPSS and Grant Center
  - Currently installed in a number of locations in City buildings.
  - Saves money through providing cloud-based video storage with no annual subscription fees.
  - In order to have all cameras across the City managed by the same system, we need to continue to deploy this equipment.

**Owner's Preferred Alternates**

- These items will be specified in the construction bid.
- Per NCGS 133-3, bid specifications are required to cite three or more examples of items of equal design or equivalent design.
- Preferred brand alternate: Specifications must identify the performance standards that support the preference.
- Performance standards for the preference must be approved in advance by the owner in an open meeting.
- Any alternate approved by the owner shall be approved only where:
  1. Preferred alternate will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item or items, or both, and
  2. Justification identifying these criteria is made available in writing to the public.
  
- Plymovent exhaust removal system (Fire Department) BPSS
  - Currently installed in all City of Asheville Fire Stations.
  - Required to maintain current operational standard.
  - Vehicle hardware matches this system and standardization is necessary to utilize equipment flexibly between stations.
  
- Schlage Door Hardware (Facilities Maintenance Department) BPSS
  - Currently installed in many City buildings.
  - Required to assist with operations and maintenance for a consistent lock system under a master key system to work across City Buildings.
  
- Yale Lock Hardware (Parks Department) Grant Center
  - Currently installed at the existing Grant Center.
  - Required to maintain consistent operational standards between the existing Grant Center and the new building addition.
  - Yale hardware was installed at this facility before standardizing on Schlage hardware.
  
- JCI HVAC controls (Parks Department) Grant Center
  - Currently installed at the existing Grant Center.

- Required to maintain consistent operational standards between the existing Grant Center and the new building addition.
- SolarEdge Photovoltaic Array inverters & optimizers (Office of Sustainability) BPSS and Grant Center
  - Currently installed at the ART Transit station, and in the process of being installed at 6 additional City buildings.
  - It is required to provide consistency in reporting solar production.

**Vendor Outreach Efforts:**

- N/A

**Council Goal(s):**

- A financially resilient city

**Committee(s):**

- NA

**Pro(s):**

- Provides systems that will continue standardization or compatibility with existing City systems.
- This will result in cost savings through reduced operations and maintenance.

**Con(s):**

- Sole source procurements may reduce competitive pricing.

**Fiscal Impact:**

- None at this time.

**Motion:**

- Motion to adopt a resolution allowing for the sole source procurement of Verkada Video Security Cameras for BPSS and Grant Center, Mach Alert Station Alerting for BPSS and using the Owners Preferred Alternate of Plymovent exhaust removal system and Schlang Door Hardware for BPSS, Yale Lock hardware for Grant Center, JCI HVAC controls for Grant Center and SolarEdge Photovoltaic Array inverters & optimizers for the BPSS and Grant Center.

**RESOLUTION BOOK NO. 42 - PAGE 120**

- D. RESOLUTION NO. 21-38 - RESOLUTION ADOPTING THE INITIAL RESOLUTION FOR THE 2021 LIMITED OBLIGATION REFUNDING BONDS AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO AND CALLING FOR A PUBLIC HEARING ON MARCH 9, 2021**

**RESOLUTION NO. 21-39 - RESOLUTION ADOPTING THE INITIAL RESOLUTION FOR THE 2021 SPECIAL OBLIGATION REFUNDING BONDS DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF SPECIAL OBLIGATION BONDS AND CERTAIN RELATED MATTERS**

**Action Requested:**

- Adoption of Initial Resolution for the proposed Limited Obligation (LOBS) Refunding Bonds
- Adoption of the Initial Resolution for the proposed Special Obligation (SOBS) Refunding Bonds
- Approval to receive public comments for the proposed Limited Obligation (LOBS) Refunding Bonds

**Background:**

- In May, 2018, Council authorized the issuance of a Limited Obligation Bond Anticipation Note in an amount not to exceed \$48 million.
- Since that time, the City has drawn down \$34.9 million on the loan.
- In order to refund the principal, the City intends to issue long-term, fixed-rate LOBS & SOBS Refunding Bonds in late April 2021.
- Projects funded with this debt issuance include TIGER VI construction in the River Arts District, Charlotte Street improvements, and the replacement of lighting at various parks facilities.
- The issuance of the LOBS Refunding Bonds requires a public hearing.

**Council Goal:**

- Financially Resilient City

**Committee(s):**

- None

**Pro(s):**

- Converts Limited Obligation short-term variable-rate debt to Limited Obligation and Special Obligation long-term, fixed-rate refunding bonds.
- Spreads capital costs over a longer term to better match assets' lives.

**Con(s):**

- None

**Fiscal Impact:**

- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt. This increase is included in the City's long-range financial model for issuing and paying-off debt. The final amounts of the new debt service payments will be determined on the bond sale date.

**Motion:**

- Motion to adopt the LOBS and SOBS Refunding Bond Initial Resolutions
- Set a public hearing of March 09, 2021 for the LOBS Refunding bonds
- After receiving public comment regarding the LOBS financing, that Council consider final approvals for the LOBS and SOBS Refunding Bonds on March 23, 2021.

**RESOLUTION NO. 21-38 - RESOLUTION BOOK NO. 42 - PAGE 121**

**RESOLUTION NO. 21-39 - RESOLUTION BOOK NO. 42 - PAGE 126**

- E. RESOLUTION NO. 21-40 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH WESTERN CAROLINA RESCUE MINISTRIES, INC. TO EXTEND PROVISION OF CODE PURPLE EMERGENCY SHELTER**

**ORDINANCE NO. 4854 - BUDGET AMENDMENT USING PAY-GO FUNDING  
PREVIOUSLY APPROVED TO SUPPORT AFFORDABLE HOUSING, TO  
EXTEND PROVISION OF CODE PURPLE EMERGENCY SHELTER**

**Action(s) Requested:** Adoption of: 1) a resolution authorizing the City Manager's execution of a contract amendment with Western Carolina Rescue Ministries, Inc. to add \$50,000 to the existing contract (currently \$80,000, with \$40,000 from the City and \$40,000 from Buncombe County) in order to extend provision of Code Purple emergency shelter; and 2) approval of a budget amendment in the City's Special Revenue Fund in the amount of \$50,000 using 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 administrative agreement with Western Carolina Rescue Ministries, Inc. in which they provided 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.
- On January 12, 2021, City Council ratified a new agreement with Western Carolina Rescue Ministries, Inc. to continue providing Code Purple shelter, with a not-to-exceed amount of \$80,000.
- Funds for this contract were provided by \$40,000 of pay-go funding previously approved to support affordable housing and \$40,000 of funding from Buncombe County for this purpose.
- Additional funding is needed to ensure continuation of Code Purple for the remainder of the winter season.
- This contract amendment will add \$50,000 for a not-to-exceed amount of \$130,000.
- City staff have requested funding from other community partners to support this initiative.
- This amendment will encumber \$50,000 of City funding to ensure no interruption of services while those decisions are pending.

**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):**

- None

**Fiscal Impact:**

- As noted above, December costs were funded with Coronavirus Relief Funding (CRF).
- The City-funded portion of the current contract is \$40,000.
- Buncombe County funded \$40,000 of the origins; \$80,000.
- The contract amendment will encumber an additional \$50,000 of City funding.

**Motion(s):**

- Motion to adopt (1) a resolution authorizing the City Manager's contract amendment with Western Carolina Rescue Ministries, Inc. in the amount of \$130,000 for the ongoing provision of Code Purple emergency shelter; and (2) approval of a budget amendment in the City's Special Revenue Fund in the amount of \$50,000 to add pay-go funding previously approved to support affordable housing.

**RESOLUTION BOOK NO. 42 - PAGE 129  
ORDINANCE BOOK NO. 33 - PAGE 212**

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

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

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

**III. PRESENTATIONS & REPORTS:**

**A. MANAGER'S REPORT - REPARATIONS COMMISSION**

City Manager Campbell provided Council with an update on the Reparations Commission. She said that the key takeaways from this update will be (1) Repair the harm done by decades of discrimination; (2) Create opportunities for community input and dialogue (truth telling and healing); and (3) Strategic focus to define disparities and actions needed to address disparity and begin the process of creating generational wealth.

Her presentation overview will consist of (1) Overview of the Reparations Resolution; (2) Community Reparations Commission Process; and (3) Next Steps.

The reparations definition(s) include: (1) The action of repairing something"; (2) "The making of amends for wrong or injury done"; and (3) "The making of amends for a wrong one has done, by paying money to or otherwise helping those who have been wronged".

Resolution No. 20-128 - Supporting Community Reparations for Black Asheville, adopted on July 14, 2020, reads in part "WHEREAS, Black People have been: (1) denied housing through racist practices; (2) impoverished by discriminatory wages paid in every sector of the local economy; (3) experienced the denial of education through admission, retention and graduation rates; (4) receive inadequate, if not detrimental, health care; and (5) unjustly targeted by law enforcement and criminal justice procedures, incarcerated at disproportionate rates. ... NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Council of the City of Asheville: (1) apologizes and makes amends for its

participation in and sanctioning of the Enslavement of Black People; (2) apologizes and makes amends for its enforcement of segregation and its accompanying discriminatory practices; (3) apologizes and makes amends for carrying out an urban renewal program that destroyed multiple, successful black communities; (4) calls on other organizations and institutions in Asheville that have advanced and benefitted from racial inequity to join the city in its apologies and invites them to address racism within their own structures and programs and to work with the city to more comprehensively address systemic racism; (5) calls on the State of North Carolina and the federal government to initiate policymaking and provide funding for reparations at the state and national levels; (6) directs the City Manager to establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the black community; (7) Fully supports its equity department, staff and its work, and encourages the city manager to utilize their talents when forming policy and programs that will establish the creation of generational wealth and address reparations due in the black community as mentioned above; (8) Seeks to establish within the next year, a new commission empowered to make short, medium and long term recommendations that will make significant progress toward repairing the damage caused by public and private systemic Racism. Other local government community organizations may also be invited to have representation on the Commission. The task of the Community Reparations Commission is to issue a report in a timely manner for consideration by the City and other participating community groups for incorporation into their respective short and long term priorities and plans. Accountability for achieving equity will be enforced in the appropriate offices. The report and the resulting budgetary and programmatic priorities may include but not be limited to increasing minority homeownership and access to other affordable housing, increasing minority business ownership and career opportunities, strategies to grow equity and generational wealth, closing the gaps in health care, education, employment and pay, neighborhood safety and fairness within criminal justice; and (9) calls on the city manager to give, at minimum, a bi-annual update to the city council on the progress of work performed pursuant to this resolution.

She explained the proposed process outline in three phases: PHASE 1: Information Sharing and Truth Telling - May 2021/June 2021; PHASE 2: Formation of the Commission - May 2021/July 2021; and PHASE 3: Finalize and present the report - January 2022/April 2023.

Regarding Phase 1 - Information Sharing and Truth Telling (May 2021 - June 2021) (1) Speaker Series: Recruit local and national speakers to share information followed by a facilitated discussion with the community about the community's: (i) Past - History of Asheville identifying key policies, actions etc. at the federal and state with emphasis on local policies and private practices that created or advanced disparity. Identify locations within the community that were impacted; (ii) Present - Current trends, data and disparity related to the key focus areas to be discussed by the Commission; and (iii) Future - Futurist/visionary to identify potential for Asheville related to the key focus areas, latest efforts and initiatives and trends to help stimulate thought about what changes are needed and are possible.

The desired outcomes in Phase 1 include: (1) Better understanding of policy impacts and where those impacts occurred; (2) Identify and understand current disparities and areas that need focus; (3) Identify barriers to addressing generational wealth; (4) Inspire our community to identify collaborative opportunities to create a more equitable Asheville; and (5) Hear community perspectives about our past, present and future.

Regarding Phase 2 - Formation of the Commission (May 2021 - July 2021) (1) Commission consist of 21-25 total participants (i) 11- 13 Representatives from neighborhoods/areas that were impacted by policies and practices that created disparities (a) Neighborhoods/areas selected will be informed by phase 1; and (ii) 10- 12 Broad Community Sector Representatives (a) Appointed by City Council and County Commission; (2) Charge of the Commission - empowered to make short, medium and long term recommendations that will make



significant progress toward repairing the damage caused by public and private systemic racism; (3) Key Focus Areas: (a) The Commission takes deep dive and discusses areas of disparity; (b) Divides itself into smaller work groups to develop specific strategies to address disparities based on key focus areas. (i) Housing; (ii) Economic Development; (iii) Public Health; (iv) Education; and (v) Public Safety and Justice; (4) The Commission meets monthly or more often as needed to exchange ideas and discuss issues; (5) The work groups would consist of 3-5 people to provide deeper discussion and to develop key strategies for consideration by the larger Commission; and (6) Sub work group meetings should occur once a month or more as needed.

The desired outcomes in Phase 2 include (1) Recruit diverse representation to participate on the Commission i.e. include people from impacted areas with lived experiences coupled with subject matter experts; and (2) Increased awareness of disparities and focus on potential strategies to address issues building on the various perspectives and/or experiences.

Regarding Phase 3 - Finalize and Present the Report (January 2022 - April 2023), the schedule for Commission deliverables are as follows: Short term recommendations: January 2022; Medium term recommendations: July 2022; Long term recommendations: January 2023; and Final report March/April 2023.

The desired outcomes in Phase 3 include (1) Advancement of key strategies in a timely manner; (2) Recommendations aligned with the City and County budget processes and schedules; and (3) Final recommendations to develop funding and implementation strategies

Resources needed include (1) Funding to support Speaker Series; (2) Funding to support Commission Members (travel, meals if in person, possible stipend for participation and other ways to address possible barriers to participation); (3) Funding for facilitators for full Commission and work groups discussions (recruit local facilitators for various work groups); and (4) City and County staff to support Commission and work groups in addition to facilitators.

Next steps include (1) Identify partners and funding opportunities; (2) Recruit speakers and finalize dates; (3) Identify project manager and recruit facilitators; and (4) Continue outreach and dialogue with other communities and content experts for information, lessons learned and possible course adjustments.

Council Members thanked City Manager Campbell for this great start, noting that this is a huge undertaking for our community and we want it to be meaningful.

When Councilwoman Turner asked if the City can do their selection process quicker, City Manager Campbell explained that this is extremely important to the community and she would like it done in a way that we don't rush. In addition, we are in the midst of a budget process and it's taking a tremendous amount of resources, as staff is learning to do things differently.

Councilwoman Roney said that while we are looking at what reparation means, we need to look for opportunities for not creating more harm so that we can start to build the resources, whether its land or money, to resource reparations and not continuing harm. When we talk about truth and reconciliation and repair, she didn't see anything in the presentation yet about how we are going to stop perpetuating harm.

City Manager Campbell responded by saying that this is an underlying value. It is something that we have tried to do all along and sometimes, unfortunately, we do cause harm; however, we are acknowledging that and learning from our mistakes.

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

**A. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD**

Assistant Transportation Director Jessica Morriss said that this is a public hearing to permanently close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road. This public hearing was advertised on January 29, February 5, 12 and 19, 2021.

**Background:**

- City Council passed a resolution January 26, 2021 to set a public hearing for the proposed closure on February 23, 2021. City Council will vote on the proposed closure March 9, 2021.
- 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.
- The length of the proposed closure is approximately 350 feet and the width is 25 feet.
- Signs were placed at two locations along the right-of-way announcing the public hearing and potential closure.

**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.

Mayor Manheimer opened the public hearing at 5:40 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 March 9, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

**B. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE**

Assistant Transportation Director Jessica Morriss said that this is a public hearing to permanently close an unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive. This public hearing was advertised on January 29, February 5, 12 and 19, 2021.

**Action Requested:** Adoption of a resolution to permanently close a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive.

**Background:**

- City Council passed a resolution January 26, 2021 to set a public hearing for the proposed closure on February 23, 2021. City Council will vote on the proposed closure March 9, 2021.
- 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 No. 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.
- The length of the proposed closure is approximately 133 feet and the width is 8 feet.
- Signs were placed at two locations along the right-of-way announcing the public hearing and potential closure.

**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.

Mayor Manheimer opened the public hearing at 5:44 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 March 9, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

**C. PUBLIC HEARING TO CONSIDER THE VOLUNTARY ANNEXATION OF .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD**

Principal Planner Shannon Tuch said that this is the consideration of a public hearing to consider the voluntary annexation of .47 acres off of Oak Hill Circle and Moorecrest Road. This public hearing was advertised on February 12, 2021.

**Background:**

- The property owner, Boomville Properties, LLC, has petitioned the City of Asheville for the annexation of 0.47 acres located at 99999 Moorecrest Road and identified in the Buncombe County tax records as PIN 9629-80-7863.
- The property is currently vacant.
- The property is contiguous to the City of Asheville corporate limits, is described in the ordinance and petitioner's Exhibit A, and qualifies for annexation by petition as set forth in the North Carolina General Statutes 160A-31 and NC General Assembly Session Law 2005-139.
- Resolution 21-29 was adopted on February 9, 2021 setting the public hearing for February 23, 2021.
- Pursuant to NCGS 160A-31, a public hearing must be held prior to adopting an ordinance for voluntary annexation.
- The petitioner has submitted a subdivision application for 12 lots, two of which are located in the subject area that are part of the voluntary annexation petition.
- This application has been suspended pending the outcome of this request.
- The City of Asheville is obligated to provide services to the 10 proposed lots within the City's jurisdiction and, through this annexation, would extend those services to the additional two lots.
- If the City Council decides to proceed with this request, the effective date for annexation would be March 9, 2021.
- The annexation becomes effective immediately once an affirmative vote is reached.
- Should the annexation be approved, there is a 60 day transition period during which the city must assign a zoning designation to the property.
- A separate report recommending a zoning assignment of RM-16 has been submitted.

**Council Goal(s):**

- A well-planned & livable community

**Committee(s):**

- None.

**Pro(s):**

- Provides for the orderly growth of the City and the tax base through the acceptance of appropriate areas into the corporate limits where owners desire annexation.

**Con(s):**

- None.

**Comprehensive Plan Consistency:**

- This proposal is consistent with the Living Asheville Comprehensive Plan in that it: (1) Supports residential infill in areas that can support orderly growth consistent with surrounding neighborhoods; and (2) Supports a sustainable path to balanced budgets.

**Fiscal Impact:**

- This request includes the voluntary annexation of 0.47 acres of property into the City which will provide new property tax revenue with minimal increase to services.
- Two single-family lots are planned for the property that, if approved, would generate approximately \$3,100 in city property tax based on the sale price proposed by the owner/developer.
- City service departments did not identify any service concerns and supported the inclusion of the two parcels with the rest of the development.

In response to Councilwoman Wisler, Ms. Tuch said that the developer wishes to annex his property in that he also owns a parcel to the east and he wants to do a subdivision on the property for 12 single family lots. The way the subdivision is designed, the last two lots would be located in Buncombe County so in order for them to receive the same services, he thought it best to have the entire parcel serviced by the same entity.

In response to Councilwoman Roney regarding any traffic mitigation due to the increased density, Ms. Tuch said that when the development application is submitted, that triggers the City's review from the Technical Review Committee. As the City is aware of the concerns, they have asked the City's Transportation Director and Public Works Director any thoughts to offset or mitigate those concerns.

Ms. Tuch responded to Councilwoman Turner when she asked the difference between an initial zoning and a rezoning.

Mayor Manheimer opened the public hearing at 5:56 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 March 9, 2021, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

**D. PUBLIC HEARING TO CONSIDER THE INITIAL ZONING OF .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT AND TO ASSIGN THE DESIGNATION OF TRADITIONAL NEIGHBORHOOD ON THE CITY'S FUTURE LAND USE MAP**

Principal Planner Shannon Tuch said that this is the consideration of a public hearing to consider the initial zoning of .47 acres off of Oak Hill Circle and Moorecrest Road to RM-16 Residential Multi-Family High Density District and to assign the designation of Traditional Neighborhood on the City's Future Land Use Map. This public hearing was advertised on February 12, 2021.

**Project Location and Contacts:**

- The voluntary annexation petition includes a 0.47 acre portion of property located at 99999 Moorecrest Rd. (PIN 9629-80-7863) and is owned by Boomville Properties, LLC.
- Petitioner: Matthew Dyer.

**Summary of Petition:**

- The subject property is a 0.47 acre portion of a larger 1.33 acre parcel located off of Moorecrest Rd. in west Asheville.
- The majority of the parcel, approximately 0.86 acres, falls within the City's jurisdiction and the property owner has petitioned the City to annex the remaining 0.47 acres (under a separate public hearing to be heard by Council on February 23, 2021).
- The petitioner has also submitted a subdivision application for 12 new single-family home lots with road and utility service that includes the subject property along with a 0.76 acre parcel directly adjacent to the east.
- This application is on hold pending the outcome of this annexation request.
- Having all of the property in one jurisdiction will allow for consistent road, sanitation and public safety service to the new lots/homes.
- The properties have frontage along, and are accessed primarily from Moorecrest Rd. but are also located at the terminus of Oak Hill Circle.
- The 0.86 portion of the property, along with the adjacent 0.76 acre parcel, are currently zoned RM-16 and carry the designation of Traditional Neighborhood as shown on the City's Future Land Use map.
- The proposed initial zoning designation and Future Land Use map designation for the 0.47 acre piece would be consistent with these properties.
- The 0.47 acre property is currently zoned R-3 in Buncombe County, which is a residential zoning district that allows a range of housing types.

**Comprehensive Plan Consistency:**

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the Traditional Neighborhood future land use designation is assigned to more compact and walkable residential areas that provides a range of housing types at a moderate density (4-8 units/acre) with the RM-16 zoning district identified as an appropriate zoning found within Traditional Neighborhood areas.
- This rezoning supports opportunity for infill housing in a moderately dense and strategically located neighborhood, thus aligning with key goals in the Livable Built Environment Plan section.

**Compatibility Analysis:**

- The purpose of the RM-16 zoning is to provide a full range of high density housing types located near employment centers, shopping facilities, roads and other urban infrastructure.
- The proposed RM-16 and Traditional Neighborhood designations are consistent with the portion of the property already located in the City, along with other properties located to the west, east and south of the subject property.
- Properties to the north that are located in Buncombe County are zoned R-3 which, similar to RM-16, is a residential district that allows high density single or multi-family residential.

**Council Goal(s):**

- A well-planned & livable community

**Committee(s):**

- The Planning & Zoning Commission reviewed the request at their February 3, 2021 meeting and voted unanimously (6:0) to approve the request.

**Pro(s):**

- Assigns a designation consistent with the surrounding zoning and uses.
- Supports consistency with the zoning of the parent parcel.
- Allows opportunity for higher density infill housing in a locationally efficient area.

**Con(s):**

- None identified.

Mayor Manheimer opened the public hearing at 5:57 p.m.

Sarah Benoit, resident on Oak Hill Drive, said their neighborhood is not opposed to responsible building; however, Oak Hill Road has existing traffic problems and will look forward to hearing any mitigating measures for a positive project in the future.

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 March 9, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

**V. UNFINISHED BUSINESS:**

**A. ORDINANCE NO. 4855- ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, III, V, VIII, IX AND XVII IN ORDER TO ADOPT NEW STANDARDS REGULATING HOTELS AND ASSOCIATED CHANGES**

Mayor Manheimer said that this public hearing was held on February 9, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

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

Planning & Urban Design Director Todd Okolichany provided Council with a memo to update them on the revisions that Planning & Urban Design staff have made to the hotel development regulations following the public hearing on February 9, 2021. He reminded Council that the Planning and Urban Design staff presented proposed text and map amendments to the Asheville City Council regarding new hotel development regulations following a one and a half year study and public engagement process. Council had some additional concerns regarding the proposal. The following summarizes the revisions staff has made to the proposed regulations in order to address those concerns.

The following changes have been made to the [Public Benefits Table](#):

- Increased the overall required points for hotels by 40-60 points
  - 22% to 40% increase for hotels in urban areas
  - 33% to 150% increase for hotels in suburban areas
  - **Will result in more or higher level public benefits being required**
- Further prioritized affordable housing and reparations options (Group 2)
  - Revised Group 2 to only include affordable housing and reparations options
  - 50% of required points must go toward either affordable housing or reparations
  - **Will ensure that hotel projects will have to either build affordable housing or contribute money toward affordable housing or reparations**
- Removed points for lower monetary contributions toward affordable housing and reparations (\$1,000 and \$2,000 options removed)
  - **Will ensure that hotels contribute a higher amount to affordable housing or**

**reparations**

- For example, a large 100 room hotel in the downtown will have to contribute a minimum of \$4,000 per room (or \$400,000) in addition to other public benefits compared to a minimum of \$1,500 per room (or \$150,000) plus other benefits under staff's previous proposal
- A \$6,000/room option is still available and has been further incentivized
- Moved other equity-related benefits from Group 2 to Group 3
  - Will ensure that affordable housing and reparations benefits are the top priorities
  - Eliminates competition amongst these benefits
- Adjusted several other point allocations to incentivize equity-related benefits
  - Examples include lowering B corp and non-equity related options

The following changes have been made to the February 9 ordinance to address concerns about appointments to the Joint Design Review Committee:

- The Asheville City Council will make the appointments, consisting of four members from the Downtown Commission and four members from the Asheville Area Riverfront Redevelopment Commission.
- The ninth member will still be appointed by the seated members of the Joint Design Review Committee.
- Under staff's former proposal, the Downtown and Riverfront commissions would have made the appointments.

At Councilwoman Wisler's request, City Attorney Branham spoke on the legal limitations of banning hotels as a permitted land use and with continuing the hotel moratorium. In summary, the City lacks the legal authority to ban hotels outright and that moratoriums must be temporary in nature, noting that we have near or beyond the maximum limit suggested by case law.

In response to Councilwoman Wisler, City Attorney Branham said that under the law, City Council has the ability to accept or deny an application for a conditional zoning. As part of that authority, Council has the ability to impose certain site specific conditions (not things benefiting the community as a whole as seen in the public benefits table) which the developer must also voluntarily agree upon. In the past we have had hoteliers volunteer to provide some public benefits; however, we have very limited authority as a city to enforce such a donation if the developer does not follow-through with those public benefits. What staff is proposing as part of the hotel development regulations is a brand new incentive based program whereby a developer can voluntarily choose to utilize the public benefit options and by satisfying them, they have the option of going through a streamlined review process. The City will then be able to enforce the public benefit options the developer chose as a zoning violation. If they choose not to use the public benefits table option and proceed directly to City Council, and City Council tries to negotiate these general public benefits, those options will not be conditions to the project which the City can enforce.

In response to Councilwoman Turner, City Attorney Branham said that he thinks that it would be viable for a developer to choose Group 2 and if it had to pay \$400,000 in benefits, it could contribute \$200,000 to affordable housing and \$200,000 to the reparations fund. That could be an option for an amendment in the future.

In response to Councilwoman Turner, Mr. Okolichany said that the process includes a staff presentation to the Downtown Commission or the Riverfront Redevelopment Commission. Staff would then take that feedback to the Design Review Committee. The community will have more opportunity for public input if a hotel is in one of those areas.



Councilwoman Turner encouraged the community to continue to share input on these regulations because the regulations and map can be amended. She would like to revisit whether or not just affordable for-sale housing would be adequate or whether we needed to look at affordable for-rent housing; along with revisiting the lodging tax.

When Mr. Okolichany said that staff is prepared to come back to Council in 6-months with an update, Vice-Mayor Smith suggested staff provide Council with a demonstration of what an application would look like from submission to approval. She felt that will give the community an opportunity to suggest some changes as well.

Councilwoman Mosley noted that this will be our first official vote on establishing a reparations fund.

In response to Councilwoman Roney, City Attorney Branham said that the design review board is an optional step being added in order to incorporate the desired architectural and design specific elements into projects. This would be utilized as part of the incentive based process whereby an applicant is willing to provide community benefits in lieu of going to Council. If, instead, the Council were part of this process he doubted that applicants would see the benefit of taking this path. Therefore, you may end up without much benefit. This is more of a practical consideration than a legal one. In addition, if projects have to go to Council in the end, the community benefits table elements are probably beyond what could be requested as part of the conditional rezoning process. He believed the majority, if not all of them, can only be granted voluntarily in exchange for the incentive being offered. This legal prohibition exists more in case law than any specific statutory or code reference. It's a body of law known as unconstitutional exactions.

Councilwoman Roney said that from the starting point where Council was on February 9, 2021, on the public benefits table, she felt we need to value our community now by doubling the points across the board in the required total points. She requested a quarterly review at a minimum from the City Council Planning & Economic Development Committee (PED). And, with that quarterly review from the outcomes of our decisions tonight, she asked for an analysis and recommendation from that Committee. That recommendation might include whether or not Group 1 needs to be a required goal because what she is hearing from Black, Brown, and Indigenous youth is that economic justice and reparations is intertwined with climate justice and getting in right relationship with the planet. We have not gotten to that conversation, but that is something we could bring up in quarterly reviews. That would give the community the opportunity to engage Council twice, at PED and at the full Council.

Councilwoman Roney moved to approve the proposed wording amendments to Articles II, III, V, VIII, IX, and XVII of the UDO with the conditions that the public benefits table be amended to reflect the prioritization of affordable housing and reparation options, an across the board 100% increase in the required total points from the public benefits table presented to Council on February 9th, and adjustments to point allocations intended to incentivize equity-related benefits, and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendment will (1) manage the growth of new hotels, (2) offset the impacts of hotels by incentivizing the provision of public benefits into new hotel development projects, (3) promote quality architecture, building design and placemaking, and (4) provide a clear and transparent development review process for hotels by coming to the City Council Planning & Economic Development Committee for quarterly review and the full Council. This motion was seconded by Vice-Mayor Smith.

Councilwoman Mosley and Councilwoman Wisler felt the 100% increase is so large that it will disincentivize developers. We are trying to get developers to use this table so we can get community public benefits.

Councilwoman Kilgore was concerned with the 100% increase as well. We need to incentivize lower priced hotels in order to provide competition for the larger hotels. She was concerned that we will be forcing hotels to build in the County but they will still take advantage of City services.

After a brief discussion of the motion, and for purposes of clarification, Councilwoman Roney restated her motion with the deletion of the quarterly review. After a roll call vote, said motion failed on a 2-5 vote, with Mayor Manheimer, Councilwoman Kilgore, Councilwoman Mosley, Councilwoman Turner and Councilwoman Wisler voting “no.”

Councilwoman Kilgore moved to approve the proposed wording amendments to Articles II, III, V, VIII, IX, and XVII of the UDO with the conditions that the public benefits table be amended to reflect the prioritization of affordable housing and reparation options, an overall increase in the required total points, and adjustments to point allocations intended to incentivize equity-related benefits, and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City’s comprehensive plan and meet the development needs of the community in that the amendment will (1) responsibly manage the growth of new hotels, (2) offset the impacts of hotels by incentivizing the provision of public benefits into new hotel development projects, (3) promote quality architecture, building design and placemaking, and (4) provide a clear and transparent development review process for hotels by coming to the City Council Planning & Economic Development Committee for quarterly review and the full Council. This motion was seconded by Councilwoman Wisler and carried on a 6-1 roll call vote, with Councilwoman Roney voting “no”.

Councilwoman Roney asked Council to remember the outcomes that continue in the aftermath of the sale of Mission Hospital. Community members called on us to earmark additional property taxes for the social determinants of health. Specifically for expanded City services that we already provide, things like affordable housing that we are working on and transit. On a County level for early childhood education which they are making action on and moving on. So, the main point was not to absorb that new revenue for privatization of Mission Hospital into our General Fund. So acknowledging our community’s long history with tourism, we can’t say reparations out of one side of our mouths and then continue ongoing harm from the other side, like gentrification, low wages and supporting an industry fundamentally based on extraction of our natural resources, our labor and our occupancy taxes. She said that staff spent 1.5 years mapping an existing hotel and resort zoning and everyone in Asheville is receiving property revaluation notices, so our property taxes are going to go up at some point. At the soonest opportunity, she would like a review for our Finance Committee with a report to Council on the impact from this moment on of every increase of property taxes from our existing and future hotel lodging and resort zoned properties to be considered for a participatory budgeting process geared at reparations.

City Attorney Branham felt that Councilwoman Roney’s request should be made directly to the City Manager to comply with the Council-Manager form of government.

**ORDINANCE BOOK NO. 33 - PAGE 213**

**B. ORDINANCE NO. 4856- ORDINANCE TO APPLY A NEW HOTEL OVERLAY DISTRICT TO CERTAIN PROPERTIES WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS**

Mayor Manheimer said that this public hearing was held on February 9, 2021, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

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

Planning & Urban Design Director Todd Okolichany provided Council with a memo to update them on the revisions that Planning & Urban Design staff have made to the Hotel Overlay District Map following the public hearing on February 9, 2021. He reminded Council that the Planning and Urban Design staff presented proposed text and map amendments to the Asheville City Council regarding new hotel development regulations following a one and a half year study and public engagement process. Council had some additional concerns regarding the proposal. This memo summarizes the revisions staff has made to the proposed hotel overlay district map in order to address those concerns.

The following changes have been made to the [Hotel Overlay District Map](#):

- Removed properties where the proposed Hotel Overlay District overlapped with urban renewal program areas and removed any resulting non-contiguous parcels, including a small area on Depot Street.
- Removed the property located at 185 Clingman Avenue (The Grey Eagle Music Hall property).

Councilwoman Roney appreciated some of the changes, such as excluding the single Depot Street property from the Hotel Overlay Map; however, to truly protect the Southside from expedited gentrification, we must ensure it's not surrounded at every entrance with hotel use by right. She asked that Lyman Street, Coxe Avenue, and any properties adjacent to the Urban Renewal Program Area be removed from the Hotel Overlay Map.

Councilwoman Turner said that she has not seen a map with Councilwoman Roney's suggested changes and wondered if this is something we can circle back on for some map amendments.

Councilwoman Wisler moved to approve the zoning action to apply a new Hotel Overlay District with the condition that the map be amended to: (1) remove the property located at 185 Clingman Avenue (The Grey Eagle property) from the overlay district; and (2) remove the properties which overlap with the Urban Renewal Program Area and any resulting non-contiguous parcels; and find that the request is reasonable, is in the public interest, is consistent with the City's comprehensive plan and meets the development needs of the community in that it will (1) encourage responsible growth that aims to control and offset impacts of hotels; (2) limit the geographic extent of hotels to contextually appropriate locations; and (3) encourage historic preservation and adaptive reuse. This motion was seconded by Councilwoman Kilgore.

Councilwoman Roney moved to amend the main motion to approve the zoning action to apply a new Hotel Overlay District with the condition that the map be amended to: (1) remove the property located at 185 Clingman Avenue (The Grey Eagle property) from the overlay district; (2) remove the properties which overlap and are adjacent to the Urban Renewal Program Area and any resulting non-contiguous parcels; and find that the request is reasonable, is in the public

interest, is consistent with the City's comprehensive plan and meets the development needs of the community in that it will (1) encourage responsible growth that aims to control and offset impacts of hotels; (2) limit the geographic extent of hotels to contextually appropriate locations; and (3) encourage historic preservation and adaptive reuse. This motion was seconded by Vice-Mayor Smith and by roll call vote, said amendment filed on a 3-4 vote, with Mayor Manheimer, Councilwoman Kilgore, Councilwoman Turner and Councilwoman Wisler voting "no".

Councilwoman Turner suggested that the map amendments proposed by Councilwoman Roney be brought back for further review and possible map amendments.

By roll call vote, the main motion made by Councilwoman Wisler and seconded by Councilwoman Kilgore, carried on a 6-1 roll call vote, with Councilwoman Roney voting "no".

#### **ORDINANCE BOOK NO. 33 - PAGE 241**

#### **C. MOTION TO REQUEST ESSAYS AND INTERVIEWS FOR THREE CURRENT BOARD MEMBERS PLUS FOUR OTHER APPLICANTS FOR SEATS ON THE ASHEVILLE CITY BOARD OF EDUCATION**

#### **CONFIRMATION OF ESSAY QUESTIONS TO THE ASHEVILLE CITY BOARD OF EDUCATION CANDIDATES**

Councilwoman Mosley moved to request essays and interviews for 3 current board members (Joyce Brown, Patricia Griffin and James Carter) plus 4 other applicants (Michele Delange, Jacqueline Carr McHargue, Peyton O'Conner, and George Sieburg). This motion was seconded by Councilwoman Wisler.

Councilwoman Roney said many educators, parents and students have contacted her regarding this process. She suggested that we listen and lead in a way that will make space for inclusion with the intent to promote healing. We already had one candidate withdraw and within two years City Council will likely be facing another appointment process. She just went through a public process where she was among neighbors who were excluded from conversations and processes, so she moved to amend the motion to include all 15 remaining applicants in the essay questions and interview process. This motion died for a lack of a second.

In response to Mayor Manheimer, City Attorney Branham said that Council does not need an official vote to confirm the essay questions.

From advanced live call-ins, five individuals voiced their disappointment in narrowing the timeline for these appointments, which did not allow the Asheville Association of Educators Government Relations Committee to provide their endorsements.

In response to Councilwoman Turner, City Attorney Branham said that the only requirements imposed upon City Council is the final appointment of the Asheville City Board of Education members by April 1. What happens between that time is a process which has been determined by City Council with the assistance of staff to vet the candidates.

When Councilwoman Turner encouraged City Council to hold a joint meeting with Buncombe County and the Asheville City Board of Education, Mayor Manheimer updated Council that she and Commission Chair Newman, the City and County Managers, and the School Superintendent and School Board Chair have met and they are tentatively looking at April to get the joint meeting scheduled.

The motion made by Councilwoman Mosley and seconded by Councilwoman Wisler carried on a roll call vote of 6-1, with Councilwoman Roney voting “no”.

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 21-41 - RESOLUTION ADOPTING THE CITY COUNCIL LEGISLATIVE AGENDA**

Mayor Manheimer said that the Government Committee met earlier and made several changes (which have been sent to City Council) to the Legislative Agenda. She said the bill filing deadline is February 25, and noted we have a legislative delegation that is eager to hear from Asheville.

City Attorney Branham said that this is the consideration of adoption of the 2021 Legislative Agenda.

**Background:**

- The 2021 legislative session of the North Carolina General Assembly commenced in January of this year.
- The deadline for filing local bills with the House drafting office is March 3rd, and the deadline for the Senate drafting office is February 25th.
- Historically, the City Council has adopted a legislative agenda to provide direction to our local delegation on those priorities for local or general legislation which the City wishes to pursue.

**Council Goal(s):**

- A Financially Resilient City, An Equitable & Diverse Community, Transportation & Accessibility

**Committee(s):**

- Governance

**Pro(s):**

- Provides direction to our local delegation on Council’s legislative priorities, and serves as a starting point for presentation of potential general and local acts which would benefit the City.

**Con(s):**

- None.

**Fiscal Impact:**

- None.

Mr. Branham responded to various questions/comments from City Council while he summarized the legislative priorities as follows: (1) Support budgetary measures that fully restore funding the SMAP for urban transit systems, and its companion rural program, Rural Operating Assistance Program (ROAP) and coordinate these efforts to the extent practical with other local municipalities; (2) Support legislation to provide authority for Asheville, or general legislation to empower cities throughout the State to conduct a local referendum on the institution of a municipality specific quarter cent sales tax to fund public transit; (3) Support legislation to provide local or general authority for the establishment of a civilian oversight board to review police use of force cases, and to provide recommendations to the Chief of Police regarding disciplinary action; (4) Support legislation to amend or reform Session Law 2015-128 to direct a more equitable

distribution of funds collected, expand the allowable uses of the funds to benefit the community, and increase the spectrum of qualified Tourism Development Authority board membership to allow for broader and more representative community engagement. The City of Asheville would specifically request that allowances for membership be provided for community members working in the arts and entertainment industry, tourism based service workers, and those owning and operating short-term rental or homestay properties; (5) Support legislation to make clear authority for electronic meetings permanent and usable at the discretion of local governments; (6) Support a legislative amendment providing clear direction to public bodies that votes may be taken, if otherwise permitted by law, at the same remote meeting in which the relevant public hearing is conducted; and (7) Oppose legislation which would defund cities who make adjustments to their local law enforcement budgets, including but not limited to the currently pending Senate Bill 100.

Mayor Manheimer said that the elected School Board is not on this legislative agenda because our legislators want an agenda that has unanimous support, and she didn't think there is unanimous support from Council on that legislative item.

Mr. Patrick Conant requested a more open and earlier process for the development of this legislative agenda in the future so that public comment can be considered and revisions made within the necessary timeframe. He also asked Council to vote on individual items as they emerge throughout the year. He also provided specific feedback on the Civilian Oversight Board, the occupancy tax and the authority for electronic meetings.

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

Councilwoman Wisler moved to approve the revised 2021 City Council Legislative Agenda and to direct the City Attorney to provide the resolution to the members of our local delegation. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

## **RESOLUTION BOOK NO. 42 – PAGE 130**

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

Mayor Manheimer gave an update regarding the City's position regarding the Bluff's development in Woodfin. The City of Asheville is not going to participate in the Woodfin's Planning & Zoning Commission meeting (which is only a request for a conditional use permit to exceed the allowable height restriction) nor is the city going to seek standing as a party in that procedure. However, since what is proposed will affect City streets, it's quite possible that the applicant will have to seek a permit for road connections through the Richmond Hill neighborhood. The N.C. Dept. of Transportation is in the process of obtaining a Traffic Impact Analysis, and the City will be reviewing this to determine what requirements would need to be placed on the developer in order to obtain the permit to connect to City streets. Councilwoman Turner wondered whether or not Woodfin would be applying to Asheville City for water and sewer connections as part of their development.

From advanced live call-ins, 18 individuals spoke to Council, including, but not limited to the following comments: opposition to the Bluff's development at Richmond Hill and request City Attorney to represent City residents who are opposed to this development; litter and trash from Sonic on Tunnel Road at Governor's View Road; need to listen to the community and reconsider the School Board process; need to follow-through on reparations; vote "no" on all hotels; and the City should give all urban renewal property back to the Black community and let them decide collectively on what they want done with it.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 9:03 p.m.

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CITY CLERK

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MAYOR