

Tuesday – March 9, 2021 - 1:00 p.m.

## Budget 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 said this is the first in a series of budget worksessions. She explained that staff will provide Council with (1) Budget 101; (2) current year - Fiscal Year 2021 status); (3) next year - Fiscal Year 2022 budget process (a) external and internal work; (b) revaluation; and (c) employee compensation; and (4) summary and next steps.

Tony McDowell, Interim Finance Director, explained that in response to the economic turndown, we balanced the Fiscal Year 2021 budget by (1) appropriated fund balance; (2) no raises for employees; (3) implemented hiring review and held positions vacant; (4) kept operating budgets flat; (5) no new services or expansions; and (6) avoid layoffs, furloughs, or service reductions. Positives signs on revenues include (1) sales taxes up 5.8% through first 5 months of fiscal year; (2) property tax base growth higher than original estimate; and (3) other general fund revenues generally on budget. He showed a slide of the COVID-19 impact on sales taxes. Positive signs on expenses include (1) overall, expenses trending in line with budget; and (2) achieved savings from frozen positions and other vacancies - utilized savings and CARES Act funding to recognize frontline and onsite employees.

He then provided the current year summary (1) revenue trending better than expected; (2) budget reductions made to balance current year helped in the short term; (3) continue to manage expenses through the end of this fiscal year; and (4) uncertainty remains until pandemic is over.

Taylor Floyd, Budget Manager, reviewed the Fiscal Year 2022 budget development - reviewing current services with equity lens, explaining the budget development guiding principles with Council's priority strategies. Next year's revenue context includes (1) revaluation and property tax rate; (2) economic recovery and continued sales tax growth; (3) additional federal stimulus; (4) assessing impact of taxes, fees and charges on community; (5) funding current year reductions; (6) state retirement cost increase; (7) compensation study implementation; (8) new fire station staffing; (9) reimagining public safety; (10) reparations; and (11) transit. He then explained on how we changed the internal budget process.

Paulina Mendez, Training Consultant for the Office of Equity & Inclusion, said that they have included equity and inclusion in the budget process. Equity is the path to justice. With the equity and inclusion lens, department conversations included the following framework questions (1) who are the most impacted by inequity in our community; (2) how do the services your departments provide affect those most impacted; and (3) how can services be adjusted to enhance positive or mitigate negative impact. We change services by (1) uncovering negative impacts; (2) looking for low/no-cost options to change how we deliver services; and (3) opportunity for continued public engagement to help identify solutions.

Shemekka Ebony, Shemekka Ebony Firm, said that she and Christine Edwards, Amplify Consulting, are two consulting firms supporting the next round of reimagining public safety engagement efforts. Regarding reimagining public safety engagement, in 2020, the consultant team organized and hosted 6 virtual listening sessions and 1 in-person session from September 3-11 and met with members of the community and community stakeholders to learn more about how the community is coming together to reimagine public safety and to promote the City of Asheville public safety survey hosted on publicinput.com. The City received over 1,200 survey responses after the first listening session on September 3. At the end of the engagement process, the public safety survey had 5797 participants confirmed. The consultant team successfully increased survey responses and welcomed Asheville residents into the virtual environment to openly provide their feedback. At each virtual listening session, the consultant team asked three questions - (1) what does safety mean to you; (2) which services should be a priority and which should be reallocated; and (3) who's missing from the conversation. Through the engagement process, it appears that Asheville residents are experiencing different versions of the City of Asheville based on their interactions with public safety professionals and general feeling of acceptedness in the community. Community organizers have expressed interest in learning more about how the City of Asheville allocates funding on public safety and would like to have a better understanding of city operations in general. Many long time Ashevilleians are supportive of the City's outreach efforts and are inspired by the community's desire to change. They are appreciative of the allies who are already involved and have hope for consistent community engagement. Continuing the work, (1) working externally with a group of community stakeholders March-May 2021; (2) the participants have either participated in last year's engagement sessions and/or are newly engaged; and (3) capacity building structure to support continued engagement from residents of Asheville in City of Asheville decision-making.

Mr. McDowell then gave a revaluation overview, which consisted of (1) when is value determined; (2) the valuation and tax rate history; (3) the revaluation timeline; (4) what revenue neutral rate is; and (5) the next steps for the City of Asheville.

Special Assistant to the City Manager Peggy Rowe then explained the employee compensation in the Fiscal Year 2022 budget development. Her key takeaways include (1) a competitive and fair compensation package is at the center of what employees want from their employer; (2) the City's salary structure is below the market average on all key comparisons; (3) paying less than competitive salaries has a negative impact on service delivery; (4) by ensuring that the pay structure is competitive, the City will be better able to attract and retain employees; and (5) the City's benefits package is generally very competitive.

She (1) provided the current status of the City's compensation and benefits; (2) demonstrated the urgent need to address the compensation shortfall; (3) provided options and the costs for such; and (4) asked for Council's direction on a path forward. She provided information on the approximately 655 employees (50% of current workforce) with the City of Asheville who earn a salary below the minimum being recommended by The Archer Company (firm engaged in 2019 to analyze the City's compensation and benefits package). Archer stated in their report that (1) certain aspects of the pay structure at the City of Asheville are not competitive; and (2) the City has difficulty in attracting and retaining employees in some positions. These facts, given the City's stated compensation policy to pay 100% of the market average, led Archer to recommend new pay ranges that will make the Asheville's salaries more competitive. Overall the City's salary is below the market average on all key comparisons. The City's minimum pay rates are at 92% of market. The City's midpoint pay rates are at 91% of market. In order to compete for talent, our goal is to be at 100% of the market. By ensuring that the pay structure is competitive, the City will be better able to attract and retain employees. Over the past year, the City of Asheville experienced 18% turnover, with the departments with especially high turnover being the Police Department, the Parks & Recreation Department, the Public Works Department, and the Water Resources Department. She explained the correlations with turnover

and salary and the turnover cost. She then explained pay compression, and provided options, with pros and cons, for each salary & compression adjustment. In summary, (1) turnover rate in key areas exceeds healthy operational level for the organization; (2) below market salaries negatively impact organization's ability to compete in the marketplace; and (3) implementing new pay structure enhances ability to attract and retain talented employees.

Mr. McDowell then provided Council with the topics for the upcoming budget worksessions.

City Manager Campbell, along with City staff and Shemekka Ebony, responded to various questions/comments from Council, some being, but are not limited to: have the boards & commissions seen any budget presentations; how are we doing on collection of property taxes; does the amount of benefits grow over time; what were the services reductions we used to balance the Fiscal Year 2021 budget and have we restored any of them; what platforms are used to reach out and engage parts of the community that are not engaging; where can people get information about the Equity-Focused Budget Sessions; is there any experience with the Engagement Ambassador Program similar to Durham; can we get a breakdown of how much revenue we receive from residential vs. commercial; can we request from Buncombe County a breakdown in the revaluation by zoning or use, i.e., hospital, lodging, residential, etc.; will parental leave be added as a paid benefit and how does it compare with the benefit offered by the County or other large employers in the County; what are the negative effects of long-term parental leave; suggestion to engage the public in the parental benefit discussion; what is the comparison of voluntary vs. involuntary turnovers; what is the effect of retiring employees in the short-term; what is the definition of parental leave; suggestion to engage our community partners, and Just Economics, in the compensation and benefits issue; what benefits or savings can be gained by no turnovers; request for information on how other cities handle firefighter pay; request for staff to bring back other options for salary and compression options; and does The Archer Company report contemplate growing staff. For those questions staff was unable to answer immediately, City Manager Campbell said that those responses will be provided to Council.

Mayor Manheimer said that the purpose of budget worksessions is to give staff broad budget direction in order for them to craft a recommended budget. It is very difficult for staff to make last minute changes to the budget.

Councilwoman Roney was pleased we are finding new ways for public input on the budget because we always seem to wait until the last minute for the public to be engaged. We have a state of climate emergency, pandemic, crisis of racial inequity and systemic oppression and now is not time for business as usual. She was confident that the community is capable of letting us know what healing looks like.

At 3:02 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday - March 9, 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 23, 2021**
  
- B. RESOLUTION NO. 21-42 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AUSTIN CONSTRUCTION & GRADING COMPANY FOR THE PEBBLE CREEK STREAM STABILIZATION PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute a contract with Austin Construction & Grading Company in the amount of \$295,680 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$59,136 (20%) for a total budget of \$354,816 for the Pebble Creek Stream Stabilization Project.

#### **Background:**

- An existing gabion basket retaining wall system is failing and is causing erosion along the stream bank in a section of the Dingle Creek watershed in the Pebble Creek Condominium Neighborhood.
- The identified project is inside an existing Stormwater Easement for which the City has maintenance responsibility.
- The existing retaining wall system must be replaced with a more sustainable wall and stream design before there is damage to the adjacent buildings or existing utilities.
- The bid was advertised on January 21, 2021 with a due date of February 11, 2021.
- Eleven contractors attended the non-mandatory pre-bid meeting.
- A formal virtual bid opening was held at 3:00 PM on February 11, 2021.
- Bids were reviewed on February 11, 2021. The following seven (7) bids were received:
  - Austin Construction and Grading Company of Pisgah Forest, NC at \$295,680;
  - K&T Construction Company, RLLP of Green Mountain, NC at \$378,057.88;
  - B.H. Graning Contracting Inc of Sylva, NC at \$381,618;
  - Piedmont Utility Group, Inc of Mooresboro, NC at \$429,528.49;
  - RPM Partners, Inc of Kernersville, NC at \$448,251;
  - J. Bartholomew Construction, LLC of Hendersonville, NC at \$487,110;
  - Baker Grading & Landscaping, Inc of Old Fort, NC at \$799,500.
- The lowest, responsive, and responsible bidder was Austin Construction & Grading Company.
- Construction is anticipated to start around the first week of April, weather permitting.
- The project should be completed in approximately five months.

#### **Vendor Outreach Efforts:**

- The City's Goal Setting Committee has set an annual aspirational goal for construction projects at 4.6% MWBE participation, in alignment with the City's Business Inclusion Policy.
- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, the City of Asheville website, the City of Asheville Twitter account, and requiring prime contractors to

reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.

- The Stormwater Capital group also reached out to MWBE contractors that were identified through Yoruba Life, NCDOT HUB certified website, and The Color of Asheville directory.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Out of the seven (7) bids received, two (2) bidders self-identified as MWBE business owners; three (3) bidders had incomplete ABI Affidavits where they did not designate if they are MWBE firms or not; and two (2) bidders represented that they would be utilizing MWBE sub-contractors.
- The lowest responsive, responsible bidder does not self-identify as a MWBE firm.
- Although the lowest responsive, responsible bidder is not utilizing a MWBE subcontractor, the Asheville Business Inclusion Office (ABI) reviewed the bid submission and found that adequate documentation of outreach for MWBE subcontractors was provided.
- The two prime contractors that self-identified as MWBE firms were not selected because their bid amounts were significantly higher than the lowest responsive, responsible bidder, and would have put the project over budget.
- One of these two bidders was determined to be non-responsive during review by the ABI Office.

**Council Goal(s):**

- A Financially Resilient City
- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- The contract will address severe erosion at the base of the existing gabion wall structures that has resulted in stream bank failure and potential risk to the adjacent condominiums due to their proximity to the stream.
- The new wall system and flow control measures to be installed are more sustainable and will improve conveyance and safety for the surrounding structures.

**Con(s):**

- Construction may be somewhat disruptive to nearby residences. Efforts will be made to notify the residents and minimize disruptions.

**Fiscal Impact:**

- Funding for this project is budgeted in the Stormwater Capital Fund.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Austin Construction & Grading Company in the amount of \$295,680 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of \$59,136 (20%) for a total budget of \$354,816 for the Pebble Creek Stream Stabilization Project.

**RESOLUTION BOOK NO. 42 - PAGE 134**

**C. RESOLUTION NO. 21-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AN AMENDMENT TO THE COVID-19**

**SUPPLEMENTAL TRANSIT OPERATIONS CONTRACT WITH YOUNG  
TRANSPORTATION AND TO EXTEND THE CONTRACT THROUGH JUNE 30,  
2021**

**Action Requested:** Adoption of a resolution authorizing the City Manager to approve an amendment to the COVID-19 Supplemental Transit Operations Contract with Young Transportation to increase the contract by an additional \$480,000 raising the contract total to \$2,002,000 and to extend the contract through June 30, 2021.

**Background:**

- Asheville Rides Transit (ART) service continues to be impacted by the COVID-19 event.
- Capacity limitations on buses, in place since March 2020, and occasional driver shortages from COVID-19, have resulted in routes being suspended and/or passengers being left behind.
- During July 2020, the City contracted with Young Transportation Inc. for \$962,000 to assist ART by providing supplemental transit operations on the highest ridership routes and by filling in for drivers impacted by COVID-19.
- During October 2020, the City amended the contract with Young to add \$560,000 to the contract and extend the term to March 31, 2021.
- During April 2020, \$3.668 million in CARES Act funds were allocated to the City to assist with transit operations.
- These funds have been used to fund the contract with Young Transportation, provide additional cleaning and personal protective equipment, provide bus barrier doors, provide a one-time bonus for front-line/on-site ART staff, provide administrative leave for ART staff impacted by COVID-19, and to cover fare loss and the loss of state transit funds (SMAP).
- All of the CARES Act funds have been expended.
- The paratransit budget for the current fiscal year was approved at \$1.7 million; however, paratransit service has decreased substantially due to the COVID-19 event so the expected cost for paratransit this fiscal year is estimated to be between \$675,000 and \$725,000.
- The anticipated savings in the paratransit budget could be used to offset the cost of the current amendment.

**Council Goal(s):**

- Transportation and Accessibility.

**Committee(s):**

- None

**Pro(s):**

- Continue providing supplemental transit service through the end of the current fiscal year.
- Able to provide increased passenger capacity.
- Able to “fill-in” when ART drivers are sick.

**Con(s):**

- None

**Fiscal Impact:**

- Until this time, the City has used CARES Act funds to fund the Young Transportation contract, however CARES Act funds have been depleted.
- Savings from the paratransit budget are proposed to be used to fund the additional Young Transportation service.

**Motion:**

- Motion to adopt a resolution authorizing the City Manager to approve an amendment to the COVID-19 Supplemental Transit Operations Contract with Young Transportation to increase the contract by an additional \$480,000 to bring the contract total from \$1,522,000 to \$2,002,000, and to extend the contract through June 30, 2021.

**RESOLUTION BOOK NO. 42 - PAGE 135**

**D. RESOLUTION NO. 21-44 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH IPC PAVING LLC (D/B/A IPC STRUCTURES LLC) FOR THE FRENCH BROAD RIVER GREENWAY WEST PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with IPC Paving, LLC (dba IPC Structures, LLC) in the amount of \$3,252,544. for the French Broad River Greenway West construction project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% (\$325,254).

**Background:**

- The French Broad River Greenway West will connect the French Broad River Park to the existing greenway that terminates at the Haywood Road Bridge.
- This will be a 1.02 mile paved greenway extension that further enhances the pedestrian and bicycle infrastructure constructed with the RADTIP project.
- A 2018 Federal Grant will be paying for 80% of the construction costs for this project through the N.C. Department of Transportation.
- The Construction schedule is anticipated to begin April 2021 and end in June 2022.
- Duke Energy Progress, LLC owns the majority of the property that this greenway will be constructed on.
- The City of Asheville holds a lease for the public recreation and greenway purposes.
  - Duke Energy Progress has notified the City that the camping on the path has created a safety hazard in that it does not allow them to access the transmission lines in the event of an outage or a fire at this location.
  - Additionally, the City has concerns over the safety of individuals during the construction of the greenway which is tentatively scheduled to start in April.
  - Asheville Police Department's policy on homeless persons related to encampment procedures provides seven days to vacate the property.
  - For this particular project, we are proposing a 30 day notification period.
- One of the terms of this lease stipulates that the lessee (the City of Asheville) shall be "*solely responsible for maintaining and securing the Leased Premises against the activities of trespassers (such as unauthorized campers).*"
- No less than two weeks prior to starting construction, the City of Asheville and other community resources will work with the existing unauthorized campers to find alternative accommodations to abide with the terms of the property lease and avoid any dangerous conditions with the greenway construction.
- Nine bids were received and formally opened on January 28, 2021.
- The resulting bids (including bid alternate 1-parking improvements at French Broad River Park) are listed below:

<u>Contractor</u>	<u>Location</u>	<u>Amount</u>
○ Tennoca Construction	Candler, NC	\$ 6,089,292.25
○ Baker Grading and Landscaping	Old Fort, NC	\$ 5,569,609.00
○ TP Smith Construction	Forest City, NC	\$ 5,161,455.41
○ Dane Construction	Mooreville, NC	\$ 4,534,397.60*

○ Buchanan and Sons	Whittier, NC	\$ 4,167,037.00
○ NHM Construction	Asheville, NC	\$ 3,739,376.00
○ Bryant's Land Development Ind.	Burnsville, NC	\$ 3,349,850.40
○ IPC Paving, LLC dba IPC Structures	Hendersonville, NC	\$ 3,252,544.00
○ Penland Contracting Company	Franklin, NC	\$ 2,217,796.75*

\*improper bid form was used for two bids listed above, which deemed these two bidders non-responsive.

**Vendor Outreach Efforts:**

- With all Federally funded projects, the Disadvantaged Business Enterprise (DBE) program is required.
- The federally established DBE goal for this project is 5% participation.
- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System.
- IPC Paving's bid includes 5.36% DBE participation.
- This DBE participation is achieved by utilizing JLS Company, LLC from Skyland, NC as a subcontractor.

**Council Goal(s):**

- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- Federal funding will be covering approximately \$2.8M of the expected total \$3.5M in construction cost.
- This project will finish a one mile long gap between two older sections of the French Broad River Greenway creating a four mile stretch of continuous greenway along the river through four parks.
- It will also pave the 0.02 mile long dirt trail underneath the Amboy Road Bridge.

**Con(s):**

- The project construction area will cause a temporary disruption to individuals that are actively using the area.

**Fiscal Impact:**

- Funding for this project will come from the previously approved existing CIP budget.

**Motion:**

- Motion to adopt a resolution adoption authorizing the City Manager to enter into a contract with IPC Paving, LLC dba IPC Structures, LLC, in the amount of \$3,252,544, for the French Broad River Greenway West construction project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% (\$325,254).

**RESOLUTION BOOK NO. 42 - PAGE 136**

**E. ORDINANCE NO. 4857 - BUDGET AMENDMENT TO PROGRAM FUNDING FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR BACKYARD COMPOSTING EDUCATION AND OUTREACH**



**Action Requested:** Adoption of a budget amendment in the City's Special Revenue Fund in the amount of \$21,600 to program funding from the N.C. Department of Environmental Quality (NCDEQ) for backyard composting education and outreach in the amount of \$18,000, and the City's match of \$3,600 from the Sanitation Division (\$1,800) and Office of Sustainability (\$1,800).

**Background:**

- On October 27, 2020, City Council adopted Resolution No. 20-188 authorizing the City Manager to apply for and accept, if awarded, grant funding from NCDEQ to provide outreach and education to increase backyard and community-based composting.
- NCDEQ selected the City of Asheville proposal for funding for Fiscal Year 2021.
- The Backyard Composting Grant grant award is for \$18,000 and requires a 20% match. The match of \$3,600 will be split evenly between the Office of Sustainability and the Public Works Sanitation Division.
- This budget amendment will move the matching funds from each department to a project budget along with the grant funds.

**Council Goal(s):**

- A Clean and Healthy Environment

**Committee(s):**

- None

**Pro(s):**

- Helps support the City's waste reduction goal while leveraging state funding.

**Con(s):**

- None

**Fiscal Impact:**

- A cash match of \$3,600, or 20% of the requested grant funds of \$18,000, will be provided from the Sanitation Division (\$1,800) and the Office of Sustainability (\$1,800).
- This budget amendment moves the matching funds and grant funds into a Special Revenue Fund budget.

**Motion:**

- Move to adopt a budget amendment in the City's Special Revenue Fund in the amount of \$21,600 to program funding from the N.C. Department of Environmental Quality for composting outreach and education in the amount of \$18,000, and the City's match of \$3,600 from the Sanitation Division (\$1,800) and Office of Sustainability (\$1,800).

**ORDINANCE BOOK NO. 33 - PAGE 244**

**F. MOTION TO REVISE THE FISCAL YEAR 2020-21 BUDGET CALENDAR**

**Background:**

- At its January 12, 2021, meeting, City Council adopted the Fiscal Year 2021-2022 (FY22) Budget Calendar.
- Since adoption of that calendar, City Council's meeting schedule has been revised to move the Council Retreat from February to either late March or early April.
- In order to allow for time to incorporate input from the Council Retreat into the budget process prior to submission of the City Manager's Proposed Budget, staff is recommending changes to the calendar.
- Changes to highlight include:

- Formal presentation of the City Manager's Proposed Budget moved from May 11, 2021 to May 25, 2021.
- The Public Hearing on the Proposed Budget moved from May 25, 2021 to June 8, 2021.
- Budget adoption moved from June 8, 2021 to June 22, 2021.

**Council Goal(s):**

- A Financially Resilient City
- A Connected and Engaged Community

**Committee(s):**

- None

**Pro(s):**

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

**Con(s):**

- None.

**Fiscal Impact:**

- None.

**Motion:**

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

**G. RESOLUTION NO. 21-45 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH COOPER CONSTRUCTION COMPANY, INC. FOR THE 2020-21 PRESSURE REDUCING VALVE REPLACEMENT PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to execute an agreement with Cooper Construction Company, Inc. in the amount of \$124,625 to demolish and replace the existing pressure reducing valve (PRV) stations with new installations for the Upper and Middle Sondley sites, plus a contingency of 15% (\$18,693.75) for a total project budget of \$143,318.75.

**Background:**

- The current pressure reducing valve (PRV) located near Windy Gap Road in the upper region of Haw Creek Valley was installed in 1990.
- The current water pressure entering the PRV is approximately 265 psi at any given time.
- The pressure is extremely high due to the elevation difference from the Peach Knob storage tank to the PRV.
- The PRV reduces the pressure to approximately 70 psi as it flows down into Haw Creek Valley.
- Due to the age and condition of the current application, it has reached the end of its life cycle.
- Water Resources staff is observing an upward trend of pressure leaving the PRV which means the current valve is slowly failing.
- The existing installations have fulfilled their useful life.
- Given the condition of the equipment and the design and installation constraints of these sites, the PRVs are unsafe and present a hazard to City infrastructure, City staff, and private property due to impending failure.

- In the event the Upper PRV fails completely, there are approximately five miles of infrastructure and 47 houses that would be compromised with pressure that would be too great to sustain.
- In 2019, Water Resources Department staff began working in collaboration with the engineering firm Cavanaugh and Associates to develop a plan to implement a new application at the previously mentioned sites. The outcome of this plan was the recommendation of a full replacement of the PRV. The recommended mechanism for installation was utilization of a third-party contract installer, procured through a formal bid process.
- The contract duration is scheduled to last no longer than 150 consecutive calendar days.

**Formal Bid Process:**

- Staff performed outreach to minority-and women-owned businesses through the solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No Minority & Women-Owned Business Enterprise (MWBE) firms submitted bids.
- Three firms submitted bids for this project:
  - TP Howard, Fairview, NC - \$240,000
  - Carolina Specialties, Hendersonville, NC - \$206,724
  - Cooper Construction Company, Flat Rock, NC - \$124,625
- Cooper Construction Company was deemed the lowest responsive responsible bidder.
- The RFP was released prior to the January 1, 2021 Business Inclusion Policy effective date.
- The bid was deemed responsive by acceptable minority business outreach efforts in place at that time.

**Council Goal(s):**

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

**Committee(s):**

- None

**Pro(s):**

- Safeguards City infrastructure along with 47 private homes from impending damage and liability.
- Sustains the integrity and reliability of the water system.
- Progresses the City toward updating its aging infrastructure, which will ultimately result in higher confidence by customers and stakeholders.

**Con(s):**

- None

**Fiscal Impact:**

- The funding needed for the contractual agreement is currently allocated within the Water Resources Capital Improvement Project Fund in the Meter/Vault Repair budget line item.

**Motion:**

- Move to adopt a resolution authorizing the City Manager to execute an agreement with Cooper Construction Company, Inc. in the amount of \$124,625 to demolish and replace the existing pressure reducing valve (PRV) stations with new installations for Upper and

Middle Sondley locations, plus a contingency of 15% (\$18,693.75) for a total project budget of \$143,318.75.

**RESOLUTION BOOK NO. 42 - PAGE 137**

Mayor Manheimer announced that there was one advanced live call-ins for the Consent Agenda; however, that person did not join into the meeting.

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

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

**III. PRESENTATIONS & REPORTS:**

**A. UPDATE FROM THE ECONOMIC DEVELOPMENT COALITION FOR ASHEVILLE-BUNCOMBE COUNTY**

Clark Duncan, Executive Director & Senior Vice President of the Economic Development Coalition for Asheville-Buncombe County, shared updates on strategy and outcomes of their Economic Development Coalition partnership with the City.

Mr. Duncan responded to various questions/comments from Council, some being, but are not limited to: threshold requirements and barriers for any kind of employer to qualify for incentives through the Economic Development Coalition; would a non-discrimination ordinance have a welcoming impact for job creation; and when recruiting companies, are housing costs an issue.

**B. MANAGER'S REPORT**

**Employee Recognitions**

City Manager Campbell (1) recognized Anthony "Buzz" Brown, a Water Department employee who was driving by and noticed a man on the bridge (possible suicide) and stopped to help. Anthony got the man away from the bridge and to the back of his car and was talking to him before the Asheville Police Department (APD) arrived on the scene. The APD was able to take the man to the hospital to provide medical support services; (2) recognized APD officers responded to a gun discharge off Sand Hill Road. The APD Crisis Negotiation Team attempted contact with the man for almost 7 hours and once contact was made, the man came out of the house by himself. No one was injured during the incident; and (3) welcomed back Engine 11 Crew after their accident in January.

**Equity and Inclusion Assessment**

City Manager Campbell updated City Council on the Equity & Inclusion Assessment. She explained (1) a great deal of equity and inclusion work across departments; (2) equity and inclusion goal-setting has been a collaborative effort that has included all City departments - Equity Core Teams; (3) the City has tools that are effective in incorporating equity into decision-making; and (4) continue building capacity through training and practice.

She introduced the City's Internal Auditor Patricia Rosenberg who (1) reviewed the equity assessment process and background; (2) reviewed the internal assessment on progress of equity

and inclusion initiatives - inform internal and external stakeholders; and (3) identified areas for improvement and gave recommendations for next steps.

Ms. Rosenberg provided several equity action plan highlights (1) workforce equity improved; eliminate racial disparities in hiring and promotions; improve retention rates; (2) contracting and procurement equity improved; increase the <\$30,000 contracting threshold opportunity for Black-owned businesses; (3) knowledge and tools used by City staff and Council to advance racial equity increases; capacity and infrastructure in place to implement Racial Equity Action Plan; (4) equitable and inclusive outreach and public engagement are improved; (5) existing services are systematically reviewed and improved using racial equity best practices criteria; and (6) race-based disparities in our community are decreased.

Recommendations include (1) develop an updated Equity Action Plan; (2) formally incorporate equity and inclusion in the entire budget process; (3) conduct centralized, collaborative community outreach; (4) build equity work into employee job responsibilities; and (5) include equity and inclusion in all departments' work plans.

City Manager Campbell said that a lot of work has been going on regarding equity and inclusion. She thanked several former and current staff members of the Office of Equity & Inclusion who have brought us to this point. We do have a long way to go, but we have made progress.

In response to Councilwoman Roney, City Manager Campbell explained the ways that she has worked with and supported the staff from the Office of Equity & Inclusion.

Councilwoman Roney asked that at the retreat two items be discussed (1) include equity and sustainability impacts in our staff reports; and (2) change our Charter to have the Office of Equity & Inclusion report directly to City Council.

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

##### **A. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES V, VIII, XI & XII RELATED TO DISCRETIONARY DECISIONS IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION**

Principal Planner Shannon Tuch said that this is the consideration of an amendment to the Unified Development Ordinance Articles V, VIII, XI & XII related to discretionary decisions in order to bring the City's development code into alignment with recent state legislation. This public hearing was advertised on February 26 and March 5, 2021.

#### **Background:**

- 160D refers to a new chapter in the North Carolina General Statutes (NCGS) that reorganizes the land use regulatory laws of the State and came into effect through Session Law 2019-111 "AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE.", adopted July 11, 2019.
- The purpose of 160D is to clarify and reorganize the land use regulatory laws of the State and is the first major recodification and modernization of city and county development regulations since 1905.
- The new 160D also consolidates these laws into one chapter in order to provide a uniform set of statutes applicable to both cities and counties (formerly found in Chapter 160A for cities and Chapter 153 for counties).
- Per Session Law 2020-25, local governments are required to enact zoning text amendments that align with 160D by July 1, 2021.

- 160D is comprehensive; therefore, City staff are addressing these revisions in sections, expecting to complete all necessary revisions by the deadline.
- This zoning text amendment is the third in a series of amendments and seeks to align the City's UDO (Chapter 7) with 160D by removing the authority for staff to make discretionary decisions.
- This is achieved by either 1) removing the authority where it is not necessary; or, 2) adding objective criteria for certain decisions.
- **Summary of changes:** The majority of changes eliminate the language that authorizes a staff person to make exceptions or modifications to development standards.
- There are a few instances where objective criteria have been updated and/or added to provide flexibility under certain circumstances.
- These instances include:
  - Sidewalk and open space fees-in-lieu (objectively identifying under what conditions a fee may be paid in lieu of constructing the sidewalk or providing open space)
  - Setback and parking flexibility (allowing for minor reductions where commonly encountered constraints warrant)
  - Table of permitted uses (establishing criterion on how to classify a land use not included in the existing table)

**Comprehensive Plan Consistency:**

- This proposal best aligns with the Living Asheville Comprehensive Plan theme of *Responsible Regionalism* that seeks to “improve Regional Collaboration, Coordination and Communication” by aligning the City’s development code with state statutes. (p. 288)

**Council Goal(s):**

- A Well-Planned & Livable Community

**Committee(s):**

- The Planning & Zoning Commission reviewed this proposed amendment at their February 3, 2021 (public hearing) and February 5, 2021 (vote) meetings and voted unanimously (6:0) to approve the amendment.

**Pro(s):**

- Proposed changes will align the City’s development standards, practices and procedures with newly enacted NCGS Chapter 160D.
- Clarifies practices and procedures for the development community and provides objective criteria where additional flexibility can be considered in the UDO.
- Reduces likelihood a legal challenge based on discretionary or subjective decisions.

**Con(s):**

- None.

**Fiscal Impact:**

- None; however, the fees and charges manual for FY 2020/21 will be amended as part of the budget process to establish a fee-in-lieu option for sidewalk and related infrastructure construction.

In response to Councilwoman Wisler, if we encounter any conflicts with 160D, we will identify them and remove them at a later date. If we find something has been omitted for change by July 1, 2021, then state law controls.

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

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

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing to amend the Unified Development Ordinance Articles V, VIII, XI & XII related to discretionary decisions, in order to bring the City's development code into alignment with recent state legislation, will be accepted for an additional 24 hours. Therefore, Councilwoman Kilgore moved to recess this item until March 23, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

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

Streets Division Manager Chad Bandy said that this is a public hearing to consider permanently closing a portion of an unopened right-of-way known as Trade Street. This public hearing was advertised on February 12, 19, 26 and March 5.

### **Background:**

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

### **Council Goal(s):**

- A well-planned and livable community

### **Committee(s):**

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

### **Pro(s):**

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

### **Con(s):**

- None noted.

### **Fiscal Impact:**

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

Mayor Manheimer opened the public hearing at 6:26 p.m.

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

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 Roney moved to recess this item until March 23, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

**C. PUBLIC HEARING TO CONSIDER ADOPTING THE INITIAL RESOLUTION FOR THE 2021 LIMITED OBLIGATION REFUNDING BONDS**

Interim Finance Director Tony McDowell said that this is the consideration of a public hearing to consider adopting the initial resolution for the 2021 Limited Obligation Refunding Bonds. This public hearing was advertised on February 26, 2021.

**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.

Mayor Manheimer opened the public hearing at 6:30 p.m.

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



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 23, 2021, at which time this public hearing will be voted. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

**V. UNFINISHED BUSINESS:**

**A. RESOLUTION NO. 21-46 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD**

Mayor Manheimer said that this public hearing was held on February 23, 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.

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 Kilgore moved to permanently close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 – PAGE 138**

**B. RESOLUTION NO. 21-47 - RESOLUTION TO PERMANENTLY CLOSE AN OPENED RIGHT-OF-WAY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE**

Mayor Manheimer said that this public hearing was held on February 23, 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.

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 Wisler moved to adopt a resolution permanently closing an unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

**RESOLUTION BOOK NO. 42 – PAGE 140**

**C. ORDINANCE NO. 4858 - ORDINANCE TO VOLUNTARILY ANNEX .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD**

Mayor Manheimer said that this public hearing was held on February 23, 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.

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

Councilwoman Turner moved to adopt the ordinance approving the voluntary annexation of 0.47 acres located off of Moorecrest Rd. and Oakhill Circle. This motion was seconded by Councilwoman Wisler and carried unanimously by roll call vote.

**ORDINANCE BOOK NO. 33 - PAGE 245**

**D. ORDINANCE NO. 4859 - ORDINANCE TO INITIALLY ZONE .47 ACRES OFF OF OAK HILL CIRCLE AND MOORECREST ROAD TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT**

Mayor Manheimer said that this public hearing was held on February 23, 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.

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

Councilwoman Turner moved to approve the initial zoning request to Residential Multi-family, High Density (RM-16) and Future Land Use map designation of Traditional Neighborhood, and find that the request is reasonable, is in the public interest and is consistent with the City's comprehensive plan and other adopted plans in the following ways: the initial zoning will, 1) support orderly growth and development by assigning a zoning and land use designation that are consistent with the balance of the property already located in the City; 2) allow opportunity for higher density residential infill development, and, 3) support the development of housing in a locationally efficient area. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 roll call vote, with Councilwoman Roney voting "no".

**ORDINANCE BOOK NO. 33 - PAGE 247**

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 21-48 - RESOLUTION REQUESTING THAT THE CITY OF ASHEVILLE'S LOCAL DELEGATION TO THE N.C. GENERAL ASSEMBLY PURSUE A MODIFICATION TO THE LOCAL ACTS SETTING FORTH THE SELECTION PROCESS FOR CITY OF ASHEVILLE SCHOOL BOARD MEMBERS (HYBRID MODEL)**

**RESOLUTION NO. 21-49 - RESOLUTION REQUESTING THAT THE CITY OF ASHEVILLE'S LOCAL DELEGATION TO THE N.C. GENERAL ASSEMBLY PURSUE A MODIFICATION TO THE LOCAL ACTS SETTING FORTH THE SELECTION PROCESS FOR CITY OF ASHEVILLE SCHOOL BOARD MEMBERS (FULLY ELECTED)**

Mayor Manheimer said that City Council recently unanimously adopted a legislative agenda. What was not on that agenda was the selection process for the School Board members because it was uncertain whether Council supported moving forward with an elected School Board. She noted there are only two school boards in the State of North Carolina, including

Asheville's, whose members are appointed by the governing board. Since a change in the selection process requires a State legislative change, our actions today are just to indicate our support for or against an elected school board. From a timing standpoint, the earliest we could expect action would be the 2022 election cycle. She asked the City Attorney to draft two options - one of which is a hybrid model which would move us to an elected and appointed School Board. The other is a fully elected School Board. She asked that Council vote on both options simply because we are not sure the hybrid model is legally allowed; and if it is not allowed, we need to give the legislative delegations some options.

In response to Councilwoman Kilgore, City Attorney Branham said that all the other elected school boards in the state were either established as an elected school board from the beginning or were moved to that mode by State legislation.

In response to Vice-Mayor Smith, City Attorney Branham updated Council on the possibility of a hybrid model. He said there currently is no other model existing in the state using a hybrid model; however, there is some limited precedent. When you go back to the late 1970's, the City of Whiteville, which is fairly small, actually had a school board which had some appointed members - oddly enough appointed by the General Assembly and not by the local government. But they also had elected members as well. So, there is some precedent in this. There is no specific authority granted in the State statutes. What we do know is there is no prohibition against having a hybrid model. He believed there is a good chance, given the precedent and the lack of prohibition against doing it, that a hybrid is a viable model.

Vice-Mayor Smith favored a hybrid model for a seven member board, four of the members to be elected by the residents of the Asheville City Schools District and three members still being appointed by City Council, with the chair to be selected by the entire board.

City Attorney Branham responded to Vice-Mayor Smith when she asked about the election methodology.

In response to Councilwoman Roney, City Attorney Branham said that the membership of the School Board does not hinge on our population.

Vice-Mayor Smith moved to ask our local delegation to consider increasing the membership of the Asheville School Board to seven, and to amend the selection process for membership to allow for four of the Asheville School Board's members to be elected by residents of the Asheville City Schools District and three members appointed by the Asheville City Council, with the chair to be selected by the entire board. This motion was seconded by Councilwoman Roney.

Mayor Manheimer noted that the Asheville City Schools District has 40,000 people vs. the City of Asheville population which is approximately 93,000.

From advanced live call-ins, 5 individuals spoke in support of the fully elected School Board, 8 individuals spoke in support of either a hybrid model or a fully elected School Board, and 3 individuals spoke to Council in support of a hybrid selection process.

Jonathan Wainscott asked Council to wait due to the possibility that minority representation would be harmed.

Councilwoman Mosley felt it was a possibility that the legislature could incorporate the city school system into the county school system.

Councilwoman Roney said there are neighbors who are still concerned about having an elected school board, and she has those same concerns about ensuring equitable representation at the table. There have been so many times where Asheville has had an opportunity to lead and this is one of them. If a hybrid board means that other cities in the State of North Carolina might have the opportunity to address equity at their tables as well, she is hopeful we can build that coalition across the state.

Councilman Mosley was concerned that by going to the legislature on this, we might be opening Pandora's Box and potentially going as far away from equity as imaginable. If we are incorporated into the County School System is that a more equitable outcome or our voices decreasing?

Councilwoman Roney said that if we don't increase accountability at the polls so that voters can have a say, then they feel that the only request they have left is to ask the state directly. She was concerned that that would open up the Pandora's Box.

Mayor Manheimer supported a fully elected School Board. She had doubts about a hybrid model. She was not convinced that a hybrid model will not be effective and she also is concerned that it is so very difficult for us to get legislation in the first place and it will be difficult to go back and try to change this.

The motion made by Vice-Mayor Smith and seconded by Councilwoman Roney (hybrid model) carried on a 5-2 roll call vote, with Mayor Manheimer and Councilwoman Roney voting "no."

#### **RESOLUTION BOOK NO. 42 - PAGE 141 (HYBRID MODEL)**

Councilwoman Kilgore moved to ask our local delegation to amend the selection process for membership on the Asheville School Board to allow for all members of the Asheville School Board to be elected by residents of the Asheville City Schools District. This motion was seconded by Councilwoman Turner.

Councilwoman Wisler would support the fully elected School Board, but her preference would be the hybrid model.

Councilwoman Roney stated that she strongly prefers the hybrid model, but she will support a fully elected Board.

Vice-Mayor Smith said that she would not support a fully elected Board. She felt we are moving from one extreme to the other extreme.

The motion made by Councilwoman Kilgore and seconded by Councilwoman Turner (fully elected School Board) carried on a 5-2 roll call vote, with Vice-Mayor Smith and Councilwoman Mosley voting "no."

#### **RESOLUTION BOOK NO. 42 - PAGE 142 (FULLY ELECTED MODEL)**

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

From advanced live call-ins, 19 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; urged Council to support the Asheville City Association of Educators recommendations for the School

Board and not reappoint the existing members; defund the Asheville Police Department; and background on Floyd McKissick Sr..

Councilwoman Roney was familiar with the roads around Richmond Hill and its lack of infrastructure in that neighborhood. She has read and responded to more than 400 emails from the Richmond Hill neighbors regarding the Bluff's development and watched the almost 6 hour meeting of the Woodfin Planning & Zoning on March 1. She acknowledged that the development is outside the City limits; however, her concern is the proposed height and therefore scope of the development will have a significant and detrimental impact on adjoining City-owned property, including impact on the watershed of the French Broad River, our Richmond Hill Park facilities, and our already lacking multimodal infrastructure in the area, as well as impact on sustainability, affordability and quality of life in the immediate and the adjacent neighbors. We need our residents to partner through support in defense of construction of affordable housing on transit corridors that can handle the volume of traffic. This is not it. She said we need to seek legal standing to ensure the bridge is built before the next step of development can take place. We have a responsibility to our residents, taxpayers and neighbors who rely on us for representation and we have time before the next meeting of the Woodfin Planning & Zoning meeting.

### **Closed Session**

At 9:02 p.m., Councilwoman Roney moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); (2) to establish, or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The statutory authorization is contained in N. C. Gen. Stat. sec. 143-318.11 (a) (5); and (3) To consider the qualifications, competence, performance, character, fitness, conditions of employment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(6). This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

At 9:55 p.m., Councilwoman Wisler moved to come out of closed session. This motion was seconded by Councilwoman Turner and carried unanimously by roll call vote.

### **VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 9:55 p.m.

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CITY CLERK

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MAYOR