

Tuesday – June 8, 2021 - 5:00 p.m.

Regular Meeting

Present: 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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JUNE 19 AS “JUNETEENTH”

Mayor Manheimer read the proclamation proclaiming June 19, as "Juneteenth" in the City of Asheville.

B. PROCLAMATION PROCLAIMING JUNE, 2021, AS “PRIDE MONTH”

Councilwoman Wisler read the proclamation proclaiming June, 2021, as “Pride Month.”

II. CONSENT AGENDA:

Mayor Manheimer removed Consent Agenda Items “C.1, C.2 and O” from the Consent Agenda for discussion and/or individual votes.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 25, 2021

B. RESOLUTION NO. 21-101 - RESOLUTION ADOPTING THE BUNCOMBE-MADISON REGIONAL HAZARD MITIGATION PLAN

Action Requested: Adoption of a resolution adopting the Buncombe Madison Regional Hazard Mitigation Plan.

Background:

- Local governments are vulnerable to an array of hazards that can cause loss of life and damages to public and private property and seek ways to mitigate situations that may aggravate such circumstances.
- The development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards.
- It allows local governments to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan.
- Hazard mitigation techniques include both structural measures (strengthening or protecting building and infrastructure) and non-structural measures (adoption of sound land-use policies and creation of public awareness programs).
- Under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster

- Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the organization.
- In coordination with Buncombe and Madison Counties and the participating municipalities within those Counties (including the City of Asheville) a multi-jurisdictional hazard mitigation plan has been developed with input from the appropriate local and state officials.
 - The focus of the Buncombe Madison Regional Hazard Mitigation Plan is hazards considered to be high or moderate risks (determined from a detailed hazard risk assessment) that enables us to prioritize mitigation action.
 - The purpose of the Buncombe Madison Regional Hazard Mitigation Plan is to:
 - Completely update the existing Plan to demonstrate progress and reflect current conditions
 - Update the plan in accordance with Community Rating System (CRS) requirements
 - Increase public awareness and education
 - Maintain grant eligibility
 - Maintain compliance with state and federal legislative requirements for local hazard mitigation plans
 - The plan outlines the following functions:
 - *Planning Process*: The process used to prepare the plan including identification of participants, public input, stakeholder input, and the outcomes of the meetings and discussions
 - *Community Profile*: A general overview of the region that includes geographic, demographic, and economic characteristics
 - *Risk Assessment*: A compilation of hazard identification, hazard profiles, and a vulnerability assessment to identify, analyze, and assess the threat to the Buncombe Madison region
 - *Capability Assessment*: A comprehensive examination of the Buncombe Madison Region's capacity to implement meaningful mitigation strategies and identify opportunities to increase and enhance that capacity
 - *Mitigation Strategy*: Broad goal statements and analysis of hazard mitigation techniques for jurisdictions to consider in reducing hazard vulnerabilities; identification and prioritization of possible mitigation projects; emphasis on program and policy alternatives to make the Buncombe Madison Region less vulnerable to damaging forces of hazards while improve the economic, social, and environmental health of the community
 - *Mitigation Action Plans*: Functional plans for each of the jurisdictions in the Buncombe Madison Region; designed to achieve the mitigation goals established by the mitigation strategy
 - There are 11 mitigation actions outlined for the City of Asheville
 - The City of Asheville's Hazard Mitigation Plan (pages 9:14 - 9:18 in the overall plan) outlines the hazards addressed, priority, funding sources, responsible parties, target completion dates, 2015 action implementation statuses, and 2021 action implementation statuses
 - *Plan Maintenance*: The measures jurisdictions will take to ensure implementation
 - The plan remains a living document, with implementation and evaluation procedures established to help achieve meaningful objectives and successful outcomes over time.
 - The City of Asheville has adopted a county-wide all hazards mitigation plan since 2011 and the Buncombe Madison Regional Hazard Mitigation since 2016.
 - The North Carolina Division of Emergency Management regionalized hazard mitigation plans and established our region as Buncombe Madison.
 - Before the regions for hazard mitigation were established, each county in North Carolina submitted their own plan and municipalities could be a part of their County's plan or submit their own hazard mitigation plan independently. This method was too laborious

and time-consuming for FEMA and the North Carolina Division of Emergency Management. Thus, the new system of regional planning was developed and implemented.

- The current plan expires on July 6, 2021.
- The North Carolina Division of Emergency Management is required to review hazard mitigation plans prior to submission to FEMA for final approval.
- The North Carolina Emergency Management Division and the Federal Emergency Management Agency have reviewed the Buncombe Madison Regional Hazard Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures.
- There are no substantive changes to the plan.

Council Goal(s):

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

Committee(s):

- N/A

Pro(s):

- Hazard mitigation planning saves lives, property, and money; speeds recovery following disasters; reduces future vulnerability through wise development and post-disaster recovery and reconstruction; expedites the receipt of pre-disaster grant funding; and demonstrates a firm commitment to improving community health and safety.

Con(s):

- None

Fiscal Impact:

- None at this time

Motion:

- Motion to adopt a resolution adopting the Buncombe Madison Regional Hazard Mitigation Plan.

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- C. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT**

BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND FOR THE 2021 HIDTA GRANT

These items were removed from the Consent Agenda for discussion and/or individual votes.

- D. RESOLUTION NO. 21-103 - RESOLUTION AUTHORIZING THE CITY MANAGER TO UPDATE THE SUSTAINABILITY MANAGEMENT PLAN INTO A MUNICIPAL CLIMATE ACTION PLAN**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with AECOM to update the Sustainability Management Plan into a Municipal Climate Action Plan.

Background:

- The Office of Sustainability aims to update the City’s 2009 Sustainability Management Plan (SMP) to incorporate newly adopted sustainability resolutions into one cohesive document, a *Municipal Climate Action Plan*.
- Asheville’s Sustainability Management Plan identified its vision and guiding principles as making decisions that balance the values of environmental stewardship, social responsibility and economic vitality.
- The Municipal Climate Action Plan will bring together the SMP, updated resolutions, and newly adopted resolutions around climate change and climate justice.
- This aligns with Council Strategic Priority C.3: Develop a renewable energy action plan to transition municipal operations to 100% renewable energy by 2030.
- The *Municipal Climate Action Plan* will incorporate the City’s climate resilience work along with recently adopted climate resolutions; address high-impact projects to build a more resilient organization; and continue to address the City’s goals for carbon mitigation.
- On January 28, 2020, City Council passed [Resolution 20-25 Declaration of a Climate Emergency](#), reiterating the need for the City to identify resources required to meet the City’s aggressive climate goals.
- In April 2021, the City issued an RFP addressing the Office of Sustainability’s need to organize and condense adopted resolutions since the adoption of the 2009 Sustainability Management Plan. Four (4) responses were received. Two (2) were considered non-responsive for not complying with the City’s Business Inclusion Policy.

Bidder Name	Bidder City	Bidder State	Bid Amount	ABI Policy
Energetics	Columbia	Maryland	\$68,937	Yes
AECOM	Winston-Salem	North Carolina	\$99,400	Yes
ICMA	Washington	District of Columbia	\$193,864	Non-responsive
Sia Partners	Charlotte	North Carolina	\$69,600	Non-responsive

- AECOM was selected as the most qualified in addressing both climate resiliency and carbon mitigation through their diverse staff and sustainability projects nationwide. AECOM is a global leader in integrated sustainability and climate planning, leveraging a proven process to identify and prioritize actionable opportunities that keep clients moving toward their goals. AECOM will partner with FernLeaf Interactive, based in Asheville, which has deep experience helping clients achieve climate solutions.
- This RFP also required responders to show compliance with the City’s adopted Business Inclusion Policy.
- AECOM meets these requirements by expending 12% of the total amount of the contract with a MBE/WBE.

Council Goal(s):

- A Clean and Healthy Environment
- A Fiscally Resilient City

Committee(s):

- Sustainability Advisory Committee on Energy and the Environment - June 16, 2021
- SACEE Resiliency Working Group - Approved May 6, 2021

Pro(s):

- Supports Resolution [11-77](#) 80% Carbon Reduction Goal, Resolution [18-279](#) 100% Renewable Energy Goal and Resolution [20-25](#) Climate Emergency Declaration.
- The Municipal Climate Action Plan will:
 - 1.) Incorporate adopted resolutions since the 2009 Sustainability Management Plan into one document, a *Municipal Climate Action Plan*;
 - 2.) Identify high-impact projects to achieve adopted sustainability goals by City Council Resolutions; and
 - 3.) Provide estimated costs associated with achieving adopted sustainability goals set forth by City Council.

Con(s):

- None

Fiscal Impact:

- The contract will total \$95,000 from the FY22 Office of Sustainability budget.
- Funding is already budgeted and available.

Motion:

- Move to authorize the City Manager to execute a contract with AECOM to update the 2009 Sustainability Management Plan into a *Municipal Climate Action Plan*.

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E. RESOLUTION NO. 21-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW SERVICES CONTRACT WITH FUSIONSITE ASHEVILLE, LLC, (D/B/A GRIFFIN WASTE SERVICES) FOR RENTAL AND MAINTENANCE OF PORTABLE TOILETS AND HANDWASHING STATIONS FOR PUBLIC USE

ORDINANCE NO. 4379 - BUDGET AMENDMENT FOR RENTAL AND MAINTENANCE OF PORTABLE TOILETS AND HANDWASHING STATION FOR PUBLIC USE

Action Requested: Adoption of a resolution authorizing the City Manager to execute a new services contract with FusionSite Asheville, LLC, dba Griffin Waste Services (hereinafter referred to as “Griffin Waste Services”) in the amount of \$90,000 for rental and maintenance of portable toilets and handwashing stations for public use; and the associated budget amendment.

Background:

- Due to the COVID-19 pandemic and resulting closure of public and private buildings in March 2020, portable restrooms and handwashing stations were deployed for public use as an emergency response as per direction from the City-County Emergency Operations Center and City Manager's Office.
- Griffin Waste Services in Asheville was an existing provider of services to City facilities prior to the pandemic and the only contractor identified in the region with the capacity to fulfill the services required.
- As authorized by the City Manager, a contract was established with Griffin Waste Services in June 2020 for an amount not to exceed \$89,000 for rental, routine cleaning, and daily maintenance of the units.

- On September 8, 2020, City Council adopted resolution 20-157 authorizing the City Manager to execute an amended services contract with Griffin Waste Services increasing the total by \$65,000, from \$89,000 to \$154,000, allowing the vendor to perform the work through December 2020.
- An amended contract with Griffin Waste Services to increase the total by \$45,000, from \$154,000 to \$199,000, allowed the vendor to perform the work through May, 2021.
- The need for portable restrooms and handwashing stations is expected to continue until the COVID-19 emergency declaration is canceled.
- In May, 2021, the City executed a bid seeking proposals to continue services through December, 2021.
- Griffin Waste Services was the only bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State’s Interactive Purchasing System, searched the HUB office for MWBEs in the relevant market area, and worked with the ABI Office to search for providers.
- There is a small geographic area where it is reasonable for this work to be performed and the bid process only returned one response from Griffin Waste Services.
- In the future when services are needed, we will conduct the same process again to ensure that new MWBE businesses that have been established are provided the opportunity. .

Council Goal(s):

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

Committee(s):

- None

Pro(s):

- Supports public health needs during a Pandemic.

Con(s):

- Costs for these services are not part of the city budget, and must be paid from American Rescue Plan Act (ARPA) funds and other potential sources.
- Some business owners have been unhappy with the location of the facilities.

Fiscal Impact:

- Funding for this contract is coming from the American Rescue Plan Act (ARPA).

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a new services contract with Griffin Waste Services in the amount of \$90,000 for rental and maintenance of portable toilets and handwashing stations for public use; and the associated budget amendment.

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ORDINANCE BOOK NO. 33 - PAGE 306**

F. RESOLUTION NO. 21-105 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR

UNFORTIFIED WINE AT THE HOLA ASHEVILLE CELEBRATION ON JUNE 19, 2021

RESOLUTION NO. 21-106 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWS & BEARS EVENT ON JULY 9 AND AUGUST 19, 2021

RESOLUTION NO. 21-107 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER 5 EVENTS ON JULY 16, AUGUST 20 AND SEPTEMBER 17, 2021

RESOLUTION NO. 21-108 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE EVENT ON SEPTEMBER 25, 2021

RESOLUTION NO. 21-109 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE VEGANFEST EVENT ON OCTOBER 3, 2021

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Hola Asheville Celebration, Brews & Bears, Downtown After 5, Blue Ridge Pride, and Asheville Veganfest.

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
 - Hola Carolina for the Hola Asheville Celebration, to occur at Pack Square Park on June 19, 2021, from 11:00 a.m. - 7:00 p.m.
 - Friends of the WNC Nature Center for Brews & Bears, to occur at the WNC Nature Center on July 9 and August 13, 2021, from 5:30 p.m. - 8:00 p.m.
 - Asheville Downtown Association for Downtown After 5, to occur at the 100 block of Lexington Avenue on July 16, August 20, and September 17, 2021, from 5:00 p.m. - 10:00 p.m.
 - Blue Ridge Pride for the Blue Ridge Pride Festival, to occur at Pack Square Park on September 25, 2021, from 11:00 a.m. - 7:00 p.m.
 - Triangle Vegfest for Asheville Veganfest to occur at Pack Square Park on October 3, 2021, from 11:00 a.m. - 6:00 p.m.

- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):

- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Hola Asheville Celebration, Brews & Bears, Downtown After 5, Blue Ridge Pride, and Asheville Veganfest.

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 RESOLUTION NO. 21-106 - RESOLUTION BOOK NO. 42 - PAGE 214
 RESOLUTION NO. 21-107 - RESOLUTION BOOK NO. 42 - PAGE 217
 RESOLUTION NO. 21-108 - RESOLUTION BOOK NO. 42 - PAGE 220
 RESOLUTION NO. 21-109 - RESOLUTION BOOK NO. 42 - PAGE 223**

G. RESOLUTION NO. 21-110 - RESOLUTION UPDATING THE 2021-22 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Action Requested: Authorization from the City Manager to submit the Updated 2021-22 Annual Action Plan (AAP) for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs to the U.S. Department of Housing and Urban Development (HUD) and to sign all documents necessary to implement the plan.

Background:

- The City originally received the 21/22 HUD allocation notice and with approximately \$1,137,995 in CDBG funds and \$1,370,760 in HOME funds available for the fiscal year that will begin July 1, 2021.
- Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, have made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the city limits of Asheville.
- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).
- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan, FY20/21-24/25.

- On Friday, May 14, 2021, CD Staff received a HUD Notice that the City of Asheville would be receiving an additional \$15,296 in CDBG Funds - New CDBG Award Total \$1,153,291 - with a new AAP submission deadline of June 16, 2021.
- CD Staff recommends putting this additional funding in Contingency to then be reallocated at a future HCD & Council meeting.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Asheville Regional Housing Consortium Board - March 25, 2021 - Approval
- Housing & Community Development Committee - March 26, 2021 - Approval
- Housing & Community Development Committee - May 18, 2021 - Approval

Pro(s):

- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

Con(s):

- It is not always possible to fund all of the applications received, and many agencies funded will receive less than the amounts requested.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The FY 2021-22 budgets for both the CDBG & HOME programs will be included in the annual budget ordinance that City Council will adopt in the coming months.

Motion:

- Move to adopt the resolution authorizing submission of the City's Updated Annual Action Plan for 2021-2022 to the U.S. Department of Housing and Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the 2021-2022 Annual Action Plan.

RESOLUTION BOOK NO. 42 - PAGE 226

H. RESOLUTION NO. 21-111 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT 155 THOMPSON STREET AND SET A PUBLIC HEARING ON JULY 27, 2021

Action Requested: Adoption of a resolution to set a public hearing for July 27, 2021, to permanently close a portion of unopened right-of-way located at 155 Thompson Street.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The City is the sponsor of the proposed right-of-way closure near 155 Thompson Street and is exchanging the closed right-of-way with the property owner, who is providing an easement to construct a section of the Swannanoa Greenway.

- This closure would not impede any future vehicular transportation connections nor does it conflict with any utility access.
- This closure will be an exchange of property for a greenway easement for the Swannanoa River Greenway through the property owners' land.
- Signs will be placed at two locations along the right-of-way announcing the public hearing and potential closure.

Council Goal(s):

- A Well-planned and Livable Community

Committee(s):

- None

Pro(s):

- The proposed ROW closure in exchange for a greenway easement is mutually beneficial for the City and the property owner.

Con(s):

- If the ROW closure is not approved, the City will not receive a greenway easement from the property owner in exchange, which would jeopardize the future construction of the Swannanoa Greenway in this location.

Fiscal Impact:

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

Motion:

- Adoption of a resolution to set a public hearing for July 27, 2021, to permanently close a portion of unopened right-of-way located at 155 Thompson Street.

RESOLUTION BOOK NO. 42 - PAGE 229

I. RESOLUTION NO. 21-112 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE-YEAR CONTRACT WITH FLASHPARKING INC. D/B/A KLEVER LOGIC INC. WHICH ALLOWS NEW PARKING GARAGE EQUIPMENT TO BE INSTALLED AND SUPPORTED ON A LONG TERM BASIS

Action Requested: Resolution authorizing the City Manager to execute a five-year, not to exceed \$425,00, contract with Flashparking, Inc., d/b/a Klever Logic, Inc., which allows new parking garage equipment to be installed and supported on a long term basis.

Background:

- The requested contract allows new parking garage equipment to be installed.
- The requested contract timeline aligns with the expected useful life of the new garage equipment.
- The contract covers monthly management fees for cloud-hosted systems and technical system support.
- The contract total further covers the occasional purchase of equipment and services from Flashparking, Inc. for standardization and compatibility with the garage equipment.
- Flashparking, Inc. is both the manufacturer and technical support provider for the parking garage equipment which has been purchased.

Vendor Outreach Efforts:

- The equipment has been purchased via a contract for goods as issued by the National Cooperative Purchasing Alliance (NCPA).
- Purchases made via the NCPA are exempt from the Asheville Business Inclusion (ABI) Policy.
- The cooperative agreement was competitively advertised and awarded to Flashparking, Inc.
- As Flashparking Inc. is the only source of supply for management and technical support for the parking garage equipment, the City has authority pursuant to N.C.G.S. §143 -129 to enter into the requested contract.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Enables the City to continue to operate parking garages with limited interruptions due to outdated equipment.
- Improves the customer experience by decreasing the time for processing transactions.

Con(s):

- Without a contract for management and technical services in place, newly purchased parking garage equipment cannot be installed.

Fiscal Impact:

- Funding for the requested ongoing costs will be included in the Parking Services annual operating budget.

Motion:

- Motion to authorize the City Manager to execute a five-year contract with Flashparking, Inc., d/b/a Klever Logic, Inc., and any contract amendments, with an effective date as soon as the installation of the new parking garage equipment is completed, not to exceed a total contract value of \$425,000.

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J. RESOLUTION NO. 21-113 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT AND ACCEPT GRANT FUNDING AWARDED TO THE CITY OF ASHEVILLE IN 2020 FOR CONTINUUM OF CARE PLANNING ACTIVITIES AND HOMELESS MANAGEMENT INFORMATION SYSTEM OPERATIONS

Action Requested: Adoption of a Resolution authorizing the City Manager to execute agreements with the U.S. Department of Housing & Urban Development and accept grant funding awarded to the City of Asheville in 2020 for Continuum of Care Planning activities and Homeless Management Information System (HMIS) operations.

Background:

- The City of Asheville serves as the Continuum of Care Lead Entity for the NC-501 Asheville-Buncombe Continuum of Care (CoC).

- Each CoC Lead Entity is responsible for coordinating the community activities required for Asheville to be eligible to receive CoC funding from the U.S. Department of Housing and Urban Development (HUD).
- The CoC Lead is also responsible for operating the community's Homeless Management Information System (HMIS).
- The typical competitive process for awarding CoC awards known as the Notice of Funding Availability (NOFA), which includes local review, scoring, and ranking of CoC project funding applications, was disrupted in FY 2020 because of the COVID-19 pandemic.
- HUD instead made allocations to each CoC through a non-competitive process for FY 2020 for all grantees whose projects expire during 2021.
- Through this 2020 non-competitive process, the City of Asheville has been awarded \$43,016 for a CoC Planning Grant and \$67,500 for a Homeless Management Information System (HMIS) Grant to support the city operations for these activities as the NC-501 Continuum of Care Lead Entity.
- A total of \$1,706,734 of CoC renewal funding was also awarded directly to agencies in the community for ongoing Permanent Supportive Housing and Rapid Rehousing projects.
- While this funding does not pass through the City, it is referenced here to convey the total amount of federal monies directed to local agencies that provide housing services to this population and to illustrate a key component of the system of care for which the City is the lead entity.
- These funds are specifically intended for permanent housing programs.
- The regular Continuum of Care NOFA competitive funding process resumed in 2021 and is already underway.

Council Goals:

- Quality Affordable Housing
- An Equitable and Diverse Community

Committees:

- N/A

Pros:

- Provides funding to sustain existing Continuum of Care HMIS and required community planning activities and ensures the community's eligibility to receive this funding.

Cons:

- None

Fiscal Impact:

- \$110,516 in HUD Continuum of Care grant funding to support the City's operations in its role as the NC-501 Asheville-Buncombe Continuum of Care Lead Entity.
- This grant funding is adopted as part of the annual budget process.

Motion(s):

- Motion to authorize the City Manager to execute agreements with the U.S. Department of Housing & Urban Development and accept grant funding awarded to the City of Asheville in FY 2020 for Continuum of Care Planning activities and Homeless Management Information System (HMIS) operation.

K. RESOLUTION NO. 21-114 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CDM SMITH FOR THE CONSTRUCTION OVERSIGHT SERVICES OF THE MILLS RIVER WATER TREATMENT PLANT - OZONE BUILDING REHABILITATION PROJECT

Action Requested: Adoption of a resolution for a change order to the contract with CDM Smith for Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements in the amount of \$81,997 for this change order.

Background:

- On April 27, 2021, the City Council approved a change order with Harper Corporation for the repairs to the Ozone Building due to flooding.
- This request is for a change order with CDM Smith for continued construction oversight of the work that Harper will perform.
- Ozone disinfection is a highly technical process that requires specified oversight for proper installation of equipment.
- Ozone is an important disinfectant process in the treatment of drinking water at the Mills River Water Treatment Plant (WTP).
- The basement of the ozone building at the Mills River WTP flooded due to several situations arising at the same time.
- A manway to an empty ozone contactor was left open due to needed repairs.
- Heavy rains over a short time period caused high water levels in the sludge lagoons.
- At the same time, staff needed to drain one of the sedimentation basins.
- Water was unable to drain to the lagoons and backed up into the ozone contactor and thus the basement of the ozone building.
- The damage was significant and requires replacement of all associated equipment.
- It also requires replacement of assets involved with the current Miscellaneous Phase 1 Ozone Rehabilitation project at the facility.
- The flooding damaged existing equipment as well as newly installed equipment.
- To avoid this type situation in the future, safeguards have been put in place including improved signage and training.
- CDM Smith holds the current open contract for Construction Oversight for the Phase 1 project. CDM Smith will continue with the current project and the replacement of equipment damaged by the flooding.
- With this change order of \$81,997, the total budget impact is \$158,177.

Vendor Outreach Efforts:

- CDM Smith is currently under contract.
- As this is a change order, no further outreach was performed.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Ensures the appropriate oversight regarding the construction / rehabilitation of Mills River WTP so that the final product will meet all aspects of the original design (Ozone) to treat the source water of the Mills River.
- Ensures the Mills River WTP will continue to appropriately produce drinking water for the public.

Con(s):

- Work approved may not meet the design specifications without proper oversight.

Fiscal Impact:

- \$81,997 to be funded within the existing Water Treatment Improvements Capital Improvement Program budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a change order to the current contract with CDM Smith for Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements, in the amount of \$81,997 for a total of \$158,177.

RESOLUTION BOOK NO. 42 - PAGE 233

L. RESOLUTION NO. 21-115 - RESOLUTION APPROVING ADDITIONAL DONATIONS OF UNUSED AND UNCLAIMED SETTLEMENT FUNDS TO THE ASHEVILLE CITY SCHOOLS FOUNDATION AND COTHINKK, IN EQUAL AMOUNTS

On June 10, 2020, the Buncombe County Superior Court approved the settlement of a class action lawsuit regarding certain water service fees entitled Mayfair Partners, LLC v. City of Asheville. A condition of the settlement required that any unclaimed portion of the settlement proceeds would be donated to a charity or charities to be selected by the Asheville City Council and approved by the plaintiffs in the action. On October 27, 2020, in closed session, the City Council selected two nonprofit organizations to receive the donations, the Asheville City Schools Foundation and CoThinkK, both of which have received approval from the class action plaintiffs. On April 13, 2021, the City Council approved a resolution to donate the amount of \$949,185.12 in unclaimed funds to the selected organizations. Following these donations, additional residual funds in the amount of \$5,751 remain unclaimed from the settlement of the lawsuit and must also be donated pursuant to the terms of the approved settlement. The City Council wishes to divide the remaining funds evenly between the two organizations previously selected to receive them, such that each will receive the amount of \$2,875.50. It is the expectation of the City Council that the donated funds will be utilized in such a way as to provide the public benefit of advancing racial equity within the community.

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M. RESOLUTION NO. 21-116 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT ALLOWING THE WALL FOUNDATION ALONG BEAUMONT STREET AND TO ACCEPT DEEDS FROM FIFTY-FIVE SOUTH MARKET LLC

Action Requested: Adoption of a resolution to authorize the City Manager to execute an easement allowing the wall foundation along Beaumont Street and to accept deeds from Fifty-Five South Market, LLC.

Background:

- The new condo development at 55 S. Market Street is complete and the developers are seeking to resolve a real property issue with the City, as follows:
 - Developers have subsurface footers and a portion of the wall above ground that extend over the City's right of way on the Beaumont Street side of the complex.
 - A small portion of the foundation wall is visible from Beaumont Street.
 - The land was valued at \$77.38 per square foot.
 - The easement for the foundation wall is 47 square feet, making its value

- \$3,636.86.
 - The market value of this land at South Market Street address was determined by comparing a recent downtown land appraisal done by Robert M. Swicegood for the property at 50 Asheland Avenue.
- The Public Works Director has determined that this small easement within the right of way will not substantially impair or hinder the use of the right of way.
- Staff recommends that the City grant this easement to cover the foundation wall that has already been constructed.
- Additionally, Fifty-Five South Market, LLC wishes to convey, at no cost to the City, three small parcels of property that are located either within or adjacent to the public right-of-way, 0.038 acres located within the right-of-way of Velvet St; Tract D, 0.027 acres located adjacent to the Velvet St. right-of-way; and Tract E, 0.061 acres located within the right-of-way of Market St.
- Legal staff have researched the title to these properties and right-of-way.
- It is unclear of the ownership, therefore, staff recommends acceptance of these parcels in order to clear up any potential title issues that might inhibit the City's ability to open or expand these right-of-way areas in the future.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- None.

Pro(s):

- Easement will allow the foundation wall to remain in the City's right of way.
- Developer will be paying market value for the easement.
- Acceptance of deeds to the three parcels will provide clear title of the right-of-way to the City

Con(s):

- None, however, the developer should have settled these real property issues before the building was constructed.

Fiscal Impact:

- The fair market value for the easement in the amount of \$3,636.86 will benefit the General Fund.
- The conveyance of the three parcels is at no cost to the City

Motion:

- Motion to adopt a resolution to authorize the City Manager to execute an easement agreement and to accept the conveyance of property to the City and to execute any other related documents needed to complete the transaction.

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N. RESOLUTION NO. 21-117 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR FIRE PROTECTION AND RESCUE SERVICES

Action Requested: Adoption of resolution authorizing the City Manager to enter into an agreement with Buncombe County for fire protection and ambulance and rescue services.

Background:

- The Asheville Special Fire Protection & Ambulance and Rescue Service District of Buncombe County was established and created effective July 1, 2016.
- It comprises the Biltmore Estate property, and portions of the Haw Creek District.
- It is served by the Asheville Fire Department for fire protection, ambulance, and rescue services.
- The Biltmore Estate has been served by the City of Asheville Fire Department since 1995 and Haw Creek has been served by the City of Asheville Fire Department since 2009 through contracts with Buncombe County.
- The County levies a special tax in the Asheville Special Fire Protection & Ambulance and Rescue Service District and appropriates those funds to the City of Asheville.
- The funds collected by the County as a result of the tax collected and the corresponding sales tax revenue due the District will be paid to the City by the last day of each month in twelve equal monthly installments.
- At the end of the fiscal year, the County will reconcile the monthly payments made to the City and the actual amounts collected to make a final adjusted payment in July of the following fiscal year.
- The Asheville Fire Department will furnish fire protection and other emergency services as part of the Buncombe County EMS System in the Asheville Special Fire Protection & Ambulance and Rescue Service District and will provide the necessary equipment and personnel.
- The term of the current agreement will end June 30, 2021, and the new agreement will begin July 1, 2021 for a term of three years.

Council Goal(s):

- Connected and Engaged Community

Pro(s):

- Adds capacity and resources that are shared between the City of Asheville and adjacent communities.

Con(s):

- None

Fiscal Impact:

- The agreement has an overall positive fiscal impact on tax revenues received by the city.
- In FY19-20, property, sales, and DMV tax revenues generated by the district and appropriated to the City were \$398,801.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an agreement with Buncombe County for fire protection and ambulance and rescue services.

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O. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE STATE OF NORTH CAROLINA AND OTHER LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION

This item was removed from the Consent Agenda for discussion and/or an individual vote.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

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

Councilwoman Wisler moved for the adoption of the Consent Agenda with the deletion of Consent Agenda Items B.1 and B.2 and Consent Agenda Item O. This motion was seconded by Vice-Mayor Smith and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

C. RESOLUTION NO. 21-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT

ORDINANCE NO. 4378 - BUDGET AMENDMENT IN THE CITY'S SPECIAL REVENUE FUND FOR THE 2021 HIDTA GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2021 High Intensity Drug Trafficking Areas (HIDTA) Grant on behalf of the Asheville HIDTA branch; and adopt a budget amendment in the City's Special Revenue Fund in the amount of \$275,416.

Background:

- The Asheville Police Department acts only as the fiduciary for the grant.
- When expenses are incurred, the fiduciary settles the claims using appropriated City of Asheville funds and then requests a 100% reimbursement from the federal government.
- The Asheville HIDTA is the direct beneficiary of the grant funds and not the Asheville Police Department.
- The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration, one officer from the Asheville Police Department, and various individuals from the Sheriff Offices of several Western North Carolina Counties.
- A United States Drug Enforcement Administration supervisor, who is the Asheville HIDTA manager, determines how grant funds will be expended.
- All members of the Asheville HIDTA receive reimbursement when they incur qualified expenses conducting Asheville HIDTA business.
- The Office of National Drug Control Policy has preliminarily determined that the City of Asheville is eligible to manage this grant totaling \$275,416.
- The purpose of the HIDTA program is to reduce drug trafficking and production in the United States, specifically in areas where drug-related activities are having a significant harmful impact.
- Grant funds are used for overtime, travel, services and supplies.
- All expenses are tracked and audited by local and federal authorities.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- Public Safety Committee - June 1, 2021 - Moved to Council on 2-1 vote.

Pro(s):

- Fosters partnerships with federal and local law enforcement agencies.

Con(s):

- None

Fiscal Impact:

- There is no local match required.

Councilwoman Roney reviewed the most recent annual report for the HIDTA grant, which is rooted in HR 5210 - the 1988 federal bill that started the war on drugs, a failed war against Americans in their homes and the streets and reinstated the federal death penalty. When she sees that we have high traffic drug areas in our community, that tells her that we have high economic development needs and high opportunity needs. She thought we were going to be reimagining public safety so she was very concerned this is doing it the old way. She understands we need to address root causes, but does not think we have the capacity in the public safety staffing to move from community policing to even this federal intention.

Councilwoman Kilgore moved to adopt a resolution approving the application and acceptance of the 2021 High Intensity Drug trafficking Areas Grant. This motion was seconded by Vice-Mayor Smith and carried on a 6-1 vote, with Councilwoman Roney voting “no”

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Councilwoman Wisler moved to adopt a budget amendment for the 2021 High Intensity Drug Trafficking Areas Grant. This motion was seconded by Councilwoman Kilgore and carried on a 6-1 vote, with Councilwoman Roney voting “no”

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O. RESOLUTION NO. 21-118 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE STATE OF NORTH CAROLINA AND OTHER LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION

Councilwoman Wisler moved to recuse Councilwoman Mosley on this item due to a conflict of interest. This motion was seconded by Councilwoman Kilgore and carried unanimously on a 6-0 vote (with Councilwoman Mosley not voting on recusal).

Action Requested: Approval of a Memorandum of Agreement between the State of North Carolina and local governments on proceeds relating to the settlement of opioid litigation.

Background:

- The opioid epidemic has taken the lives of more than 16,000 North Carolinians, and was fueled by irresponsible marketing and inadequate monitoring on the part of opioid makers and distributors.
- Settlements with the big three drug distributors and Johnson & Johnson, and a resolution of the Purdue Pharma bankruptcy proceedings, have the potential to bring as much as \$850 million to North Carolina over an 18-year period to support state and local efforts to address the epidemic.
- For our state to receive the maximum payout under any national settlements, all 100 counties, and all large and medium-sized municipalities – would have to sign onto the NC MOA.
- Under the proposed settlement structure, Asheville could receive approximately \$16 Million in settlement funds to address the opioid epidemic locally.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Allows the City to take part in, and share in the proceeds of, a potential national opioid settlement to provide funding to combat the epidemic locally.

Con(s):

- None.

Fiscal Impact:

- Potential to receive approximately \$16 Million over 18 years as part of proposed settlement.

Councilwoman Wisler moved to approve Asheville joining in a Memorandum of Agreement between the State of North Carolina and other local governments on proceeds relating to the settlement of opioid litigation. This motion was seconded by Vice-Mayor Smith and carried unanimously on a 6-0 vote (with Councilwoman Mosley being recused).

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III. PRESENTATIONS & REPORTS:

A. DR. WESLEY GRANT SR. SOUTHSIDE CENTER GYMNASIUM EXPANSION AND POOL CONSTRUCTION PROJECT

Parks & Recreation Director Roderick Simmons explained the key takeaways of this presentation will be the strategic priority (an equitable and diverse community) , community engagement, Southside neighborhood, recreational services and a summary of the project.

Mr. Simmons reviewed the project history, starting in 2009 with the Parks & Recreation Comprehensive Plan. The engagement plan included a town hall meeting, Southside recreational opportunity survey, and a series of community meetings. They shared the results of the engagement by community events and display board of the project; comments available during center hours; and City department drop-in office hours. Community engagement planning contained members of the Residents Council of the Housing Authority, neighborhood residents, partners including Green Opportunities and Southside Advisory Council, along with Roy Harris, Robert Hardy, Ralph Ingram, LaFredia Brown Morris, Natalie Bailey, Vice-Mayor Smith, Michelle Smith and Marsha Stickford. A total of 221 hours were spent in community engagement.

He explained the replacement of the current pool would provide an opportunity to address a gap in programming and facility equity. The Walton Street pool was built in 1938 and is about 4,000 square feet. The total pool occupant load is 217 users. He showed a comparison of the Walton Street pool to the Recreation Park and Malvern Hill pools.

The feedback from community meetings has been to preserve history and build a new pool for the following reasons: Adults - advocated for preserving the history of the park because it touched the lives of many generations. The pool was just one element of the Park's history. Youth - Advocated to build a new pool with capacity to accommodate more swimmers, fun activities, and programming. Regarding the location of the pool, our survey and focus groups of

Youth 18 & under prefer a pool located at the Grant Center because it could be larger, they would feel safer, and increased visibility being next to the gym would increase people using the pool.

Regarding the current Walton Street Park planning, the City recognizes the importance of this community park and is partnering with Southside Rising, a non-profit organization located in the Southside community, to conduct community education and engagement. They are collecting community feedback on the following (1) to gather input from neighborhood residents on future improvements; (2) community feedback on the most appropriate way to preserve the Park; and (3) community feedback on the best way to honor the historical importance of the Park.

Mr. Simmons then provided a summary of the Grant Center building addition. It will be a 13,116 square feet addition to the existing Center; have a 7,700 square foot multi-purpose gym; 1,271 square feet of community rooms; solar array; additional parking; and new sidewalks. It will provide 162 hours of additional community and recreation programming. The expansion doubles the space for youth and creates the capacity for a teen program - the current program room is z 20' x 60' space that supports programming for about 30 youth at a time. The new community pool will be 3,1000 square feet with a 220 person capacity; a zero entry and toddler play area; changing rooms and restrooms; and lounge chairs and picnic area. Outdoor facilities include an outdoor basketball court; picnic area; rain gardens and landscape enhancements; access to future Nasty Branch Greenway; and outdoor lighting.

On June 22, City staff will be recommending City Council award the project to the lowest responsible bidder for a total project of \$6,742,864.

Mr. Simmons responded to various questions/comments from Council, some being, but are not limited to: why is this the new pool (3,100 square feet) not as large as the current pool (4,000 square feet); staff needs to do a better job in the community engagement process early in the process; note that in 2009, \$27,000 was allocated to the southside community and now the City has allocated \$13 Million to the southside community; can the project be re-designed to make a larger pool and reduce the size of the gymnasium, understanding that there is room to expand the pool and gymnasium in the future; and what are the City's plan to honor the history of the Walton Street pool.

B. MANAGER'S REPORT - REPARATION SPEAKER SERIES

City Manager Campbell said that on July 14, 2020, Asheville City Council passed a [Resolution Supporting Community Reparations for Black Asheville](#). The resolution calls for 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." In an effort to repair the harm done by decades of discrimination, the City Manager and City staff have recommended a three-phase process that includes:

- Information Sharing and Truth Telling;
- Formation of a Reparations Commission; and
- Finalize and present a report.

Phase I of the Information Sharing and Truth Telling Speakers Series kicked off June 3. We recruited local and national speakers to share information followed by a facilitated discussion with the community about the community's (1) 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; (2) present - current trends, data and disparity related to the key focus areas to be discussed by the

Commission; and (3) 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 of Phase I 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.

City Manager Campbell noted that the speaker series is the beginning of an ongoing conversation. All of the community received as part of the speaker series will be used to form the development of a Reparations Commission. Comments from the speaker series will be presented to the Commission which will be tasked with making short, medium and long-term recommendations to City Council.

At the June 3 series, approximately 100 people were seated in the Thomas Wolfe Auditorium. One hundred and eighty-three watched; and 45 people called in to listen by phone. There were a total of 328 people connected.

The series continues on June 10 with doors opening at 5 p.m. at Thomas Wolfe Auditorium, 87 Haywood St., with a panel discussion looking at present trends and disparities. Again, Dr. Darin Waters, Executive Director of the UNC Asheville Office of Community Engagement and Associate Professor of History, will be the moderator. Panelists will include:

- Rinku Sen, Executive Director of the Narrative Initiative
- Dr. Dwight Mullen, Professor Emeriti, UNCA
- Jorge Redmond, Assistant District Attorney, Buncombe County
- Dr. Marcus Harvey, Associate Professor of Religious Studies, UNCA

In addition to perspectives offered by the panelists there will be opportunities for members of the audience to share their experiences. There will also be a video booth set up before and after the event to offer another option for people to have their voices heard. Doors open at 5 p.m. Come early if you can. DJ Damian Davis will play music and local resilience trainers, MC Ellis and Michael Hayes will lead a resiliency talk from 5:40 to 5:55 pm. In addition to attending live anyone can view the session on the City's [YouTube Channel](#) or on the City's [Virtual Engagement Hub](#).

The third installment of the Information Sharing and Truth Telling Speakers Series continues June 17 with a panel discussion looking at future initiatives. Dr. Waters will again be the moderator. The program begins at 6 p.m., also at Thomas Wolfe Auditorium. Panelists include:

- Tracey Greene-Washington, President, Indigo Innovation Group, and Founder, CoThinkk
- Lakesha McDay, Diversity, Equity & Inclusion Consultant
- Robert Thomas, Racial Justice Coalition Community Liaison
- Joseph T. Hackett, PhD

Again, in addition to perspectives offered by the panelists there will be opportunities for members of the audience to share their experiences. There will also be a video booth set up before and after the event to offer another option for people to have their voices heard. In addition to attending live anyone can view the session on the City's [YouTube Channel](#) or on the City's [Virtual Engagement Hub](#).

Parking is free for these events at Harrah's Cherokee Center - Asheville Garage. Free child care is available for school-age children.

City Manager Campbell and Mayor Manheimer responded to Councilwoman Wisler regarding Buncombe County's process for reparations.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING ON THE FISCAL YEAR 2021-22 ANNUAL OPERATING BUDGET

Finance Director Tony McDowell said that this is the public hearing on the Fiscal Year (FY) 2021-22 Annual Operating Budget and inclusion of public input in City Council's consideration of the budget. This public hearing was advertised on May 28, 2021.

Background:

- The FY 2021-22 Proposed Annual Operating Budget was presented to City Council on May 25, 2021, and was balanced with an ad valorem tax rate of \$0.413 per \$100 of assessed valuation.
- A copy of the Proposed Budget is available for public review in the City Clerk's office, as well as on the City's website (www.ashevillenc.gov).
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. 159-12), a summary of the Proposed Budget along with a notice of the public hearing was published on May 28, 2021.
- Adoption of the FY 2021-22 Budget Ordinance is scheduled for June 22, 2021, at the regularly scheduled City Council meeting.
- The Proposed Budget may be changed by City Council in any way before adoption.
- It may also be changed by budget amendment after adoption, with the only exception being the ad valorem tax rate, which cannot be changed once the budget is adopted.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Provides the opportunity for the public to comment on the Proposed Annual Operating Budget for FY 2021-22.

Con(s)

- None

Fiscal Impact:

- None

Finance Director Tony McDowell said that the proposed budget is based on internal work, Council priorities, and community input including a continuation of the reimagining public safety process. The proposed budget is balanced and fiscally responsible. It funds investments in Council priorities through a property tax rate above revenue neutral. It funds core community services in a time of rising costs, and it continues funding for capital improvements program. Work will continue during the next fiscal year, including reimagining public safety, reparations and strategic use of American Rescue Plan (ARPA) funding to achieve goals.

He then reviewed the City Council strategies and priorities process drivers, priorities identified and response strategies. He then reviewed the proposed budget funding summary.

He provided highlights of the Fiscal Year 2022 budget investment categories including reparations; reimagining public safety (safe communities); employees & workforce; neighborhoods and housing; youth; transportation; environment; and economic development. He noted the revised recommendations of \$2.1 Million for reparations planning and community engagement process and initial allocation (White Labs sale proceeds). This will be considered for adoption on June 8. The property tax rate will increase by 3-cents for a total of \$41.30 per \$100 valuation.

After the budget adoption, staff will develop a spending plan for the ARPA. They will also continue reimagining public safety work, including (1) planning with Buncombe County for 911 consolidation utilizing Asheville Police Department (APD) telecommunications budget; (2) assess APD's role in Asheville Housing Authority properties and Asheville City Schools; (3) develop proposals for mental health and substance abuse, houselessness response; (4) reparations process next steps include (a) Information and Truth Telling Speaker Series (which is underway); and (b) establish Community Reparations Commission; (5) partner with Buncombe County on homeowners' tax assistance program; (6) work with community partners to identify recreation programming needs; and (7) midyear assessment of stormwater and sanitation services.

In response to Councilwoman Roney, Mr. McDowell said that the \$7.9 Million is based on positions currently budgeted which does include the existing vacancies.

In response to Mayor Manheimer Mr. McDowell said that the starting rate for a firefighter once they are out of the Academy is a little over \$44,000, and will bring them, based on their schedule, over the \$15.00 minimum pay.

Councilwoman Roney appreciated the \$150,000 for mitigating the impact on homeowners, but wondered if we have plans to mitigate the impact on renters to expand our partnerships. Mr. McDowell responded that the property tax relief program is being developed by Buncombe County and his understanding is that their program would only be targeted at homeowners. Mayor Manheimer noted that the County has funds (approximately \$7 Million) through the federal package that are directed at renters. We will need to discuss with them on how they are going to make that available to people as a resource. Councilwoman Roney was concerned that the eviction moratorium ends at the end of June and we need to address that either with our own eviction protection fund or a partnership.

Mayor Manheimer opened the public hearing at 6:00 p.m.

Eleven individuals spoke to Council regarding the Fiscal Year 2021-22 budget, with some comments being, but are not limited to: don't raise property taxes; provide more opportunities for virtual public comments; defund the Asheville Police Department; \$150,000 in County's property tax relief program is not enough; need to fund more into reparations; leave the homeless alone when they get out of the hotels; homeowners should be automatically enrolled in rebates for property tax relief; approving the pay plan makes employees feel valued and boosts morale; pay plan increase for firefighters helps recruiting a diverse pool of applicants; support living wages for firefighters; support for funding for transportation initiatives; support for paid parental leave and paid leave for care of qualifying family member; and need for urban forester position.

Mayor Manheimer closed the public hearing at 6:29 p.m.

Mayor Manheimer said that the adoption of the budget will occur on June 22, 2021.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4380 - ORDINANCE TO REZONE PROPERTY LOCATED AT 99999 GLENDALE AVENUE FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO CI COMMERCIAL INDUSTRIAL DISTRICT AND TO AMEND THE FUTURE LAND USE MAP FROM TRADITIONAL NEIGHBORHOOD TO URBAN CORRIDOR

Mayor Manheimer said that this public hearing was held on May 25, 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 rezoning request from Residential Multi-family, High Density (RM-16) to Commercial Industrial (CI) with an amendment to the Future Land Use Map of the Living Asheville Comprehensive Plan from Traditional Neighborhood to Urban Corridor thereby assigning zoning and land use designations that are more compatible with the surrounding properties and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans, and meets the development needs of the community in that the rezoning will, 1) assign a zoning designation that will better support future infill development in a locationally efficient area; and, 2) remove an unusual zoning condition that can be a barrier to future development. This motion was seconded by Councilwoman Wisler and carried unanimously.

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B. ORDINANCE NO. 4381 - ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE ARTICLES III, V, VI AND VII RELATED TO DECISION MAKING, ADMINISTRATIVE AND ADVISORY BODIES AND RELATED FUNCTIONS, IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

Mayor Manheimer said that this public hearing was held on May 25, 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 Kilgore moved to approve the proposed wording amendments to Chapter 7 Articles III, V, VI, and VII of the UDO 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 amendments will, 1) promote responsible growth based on holistic decision making; and, 2) bring City ordinances into compliance with the new North Carolina General Statute Chapter 160D, regarding land use development. This motion was seconded by Councilwoman Wisler and carried unanimously.

ORDINANCE BOOK NO. 33 - PAGE 311

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-119 - RESOLUTION TO ESTABLISH INITIAL FUNDING FOR REPARATIONS

ORDINANCE NO. 4382 - BUDGET AMENDMENT TO FUND REPARATIONS

Action Requested: Adoption of a resolution and a budget amendment in the amount of \$2,100,000 in the City's General Capital Projects Fund utilizing land sale proceeds to provide initial funding for reparations.

Background:

- On July 14, 2020, City Council adopted Resolution No. 20-128 in support of community reparations.
- The City Manager's Fiscal Year 2021-22 Proposed Budget that was presented to City Council on May 25, 2021 recommended \$1,000,000 in initial funding for reparations and \$200,000 for planning and community engagement process to support the Community Reparations Commission. An appropriation of fund balance was recommended to fund these expenditures.
- Earlier in the current fiscal year, city-owned property at 172 and 174 South Charlotte Street was sold to White Labs, Inc. at a sale price of approximately \$3.7 million.
- A portion of this property includes land the City purchased in the 1970's that was part of Urban Renewal of East End/Valley Street.
- A portion of the land sale proceeds, approximately \$1.6 million, was classified as Community Development Block Grants (CDBG) Program Income. Council adopted a budget amendment on March 23, 2021 incorporating that amount into the CDBG Annual Action Plan.
- In order to provide reparations funding in advance of the Juneteenth holiday (June 19, 2021), staff recommends utilizing the remaining \$2.1 million in land sales proceeds from White Labs to fund community reparations.

Council Goal(s):

- A Diverse Community

Committee(s):

- None

Pro(s):

- Funds community reparations and process in advance of celebration of the Juneteenth holiday.
- Utilizes proceeds from the sale of city-owned land purchased in an Urban Renewal area to fund community reparations.
- Avoids the use of fund balance.

Con(s):

- None

Fiscal Impact:

- This funding allocation will meet the proposed budget recommendations for reparations planning and community engagement, and exceed that for initial reparations funding.
- As such, staff will remove the \$1.2 million fund balance appropriation from the City Manager's Fiscal Year 2021-22 Proposed Budget.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have previously received copies of the resolution and ordinance and they would not be read.

Vice-Mayor Smith moved to adopt a resolution for initial funding of reparations and to adopt a budget amendment in the amount of \$2,100,000 in the City's General Capital Projects Fund to provide reparations funding utilizing proceeds from the sale of city-owned land at 172 and 174 South Charlotte Street . This motion was seconded by Councilwoman Mosley and carried unanimously.

**RESOLUTION BOOK NO. 42 - PAGE 239
ORDINANCE BOOK NO. 33 – PAGE 318**

B. BOARDS & COMMISSIONS

Regarding the African American Heritage Commission, the following individuals applied for the vacancy: Thomas Ryan and Dewayne McAfee. The Boards & Commissions Committee recommended appointing Thomas Ryan. Vice-Mayor Smith moved to appoint Thomas Ryan to the African American Heritage Commission. However, after the Boards & Commissions Committee met, a request was made by the Chair of the African American Heritage Commission to readvertise for the open seat. Therefore, Vice-Mayor Smith withdrew her motion. It was the consensus of City Council, to readvertise for the vacancy.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancies: Marty Shults, Joseph Chesler, Bill Loftis, Christine Harris, Micah McLain and Karla Furnari. It was the consensus of the Boards & Commissions Committee, and the consensus of City Council, to readvertise for the vacancies.

RESOLUTION NO. 21-120 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

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

The terms of George Griff (electrical contractor), Charlie Wheeler (journeyman electrician), Drew Pike (utility representative), Russell Thacher (licensed engineer) and Roger Vaught (layman representative) expire on July 1, 2021.

The following individual applied for the vacancies: Donald Shane Massey.

The Boards & Commissions Committee recommended (1) appointing Donald Shane Massey (electrical contractor), Drew Pike (utility representative), Russell Thacher (licensed engineer) and Roger Vaught (layman representative); and (2) readvertising for the journeyman electrician seat.

Vice-Mayor Smith moved to (1) appoint Donald Shane Massey (electrical contractor) to serve a three-year term, term to expire July 1, 2024, or until Donald Shane Massey's successor has been appointed; (2) reappoint Russell Thacher (licensed engineer) to serve an additional three-year term, term to expire July 1, 2024, or until Russell Thacher's successor has been appointed; (3) reappoint Drew Pike (utility representative) and Roger Vaught (layman) to each serve a three-year term, terms to expire July 1, 2024, or until their successors have been appointed; and (4) readvertise for the journeyman electrician seat. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 240

**RESOLUTION NO. 20-121 - RESOLUTION APPOINTING A MEMBER TO THE
CITIZEN-POLICE ADVISORY COMMITTEE**

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

The terms of Michael Hayes (west representative), Robert Hooper (HACA staff representative) and Karl Katterjohn (east representative) expire on June 30, 2021.

The following individuals applied for the vacancies: Anthony Coggiola, Mary Ammerman, Tim Kelley, Mary Clarissa Marshall and Kelly Stamey.

It was the consensus of the Boards & Commissions Committee to readvertise for the west and east representatives and reappoint Robert Hooper (HACA staff representative).

Vice-Mayor Smith moved to (1) reappoint Robert Hooper (HACA staff representative) to serve a three-year term, term to expire June 30, 2024, or until Robert Hooper's successor has been appointed; and (2) readvertise for the west and east representatives. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 241

**RESOLUTION NO. 20-122 - RESOLUTION APPOINTING MEMBERS TO THE
CIVIC CENTER COMMISSION**

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

The terms of Mukunda Pacifici and Greg Duff will expire on June 30, 2021.

The following individuals applied for the vacancies: John Batenhorst, Tim Collins and Mitchell Eaton.

It was the consensus of the Boards & Commissions Committee to reappoint Mukunda Pacifica and appoint Mitchell Eaton.

Vice-Mayor Smith moved to (1) reappoint Mukunda Pacifica to serve a three-year term, term to expire June 30, 2024, or until Mukunda Pacifica's successor has been appointed; and (2) appoint Mitchell Eaton to serve a three-year term, term to expire June 30, 2024, or until Mitchell Eaton's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 242

**RESOLUTION NO. 21-123 - RESOLUTION APPOINTING A MEMBER TO THE
ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION**

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

The terms of William Eakins and Maggie Brousaides will expire on July 1, 2021.

The following individuals applied for the vacancies: J. Wagner, Amanda Vollrath and Georgene Falcon.

It was the consensus of the Boards & Commissions Committee to appoint Georgene Falcon and readvertise for the second seat.

Vice-Mayor Smith moved to (1) appoint Georgene Falcon to serve a three-year term, term to expire July 1, 2024, or until Georgene Falcon's successor has been appointed; and (2) readvertise for the second seat. This motion was seconded by Councilwoman Mosley and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 243

RESOLUTION NO. 21-124 - RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

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

The term of Raynette Waters (public housing resident) expired on June 1, 2021.

The following individuals applied for the vacancies: Bernie Lee Miller, Alexandra DISclarfani, Brittini Worley, Ricky McGrath, Tim Collins and Amanda Benson-Bremseth and Crystal Michelle Reid.

The Boards & Commissions Committee recommended appointing Crystal Reid.

Vice-Mayor Smith moved to appoint Crystal Reid (public housing resident) as a member of the Human Relations Commission, to serve a two-year term, term to expire June 1, 2023, or until Crystal Reid's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 – PAGE 244

RESOLUTION NO. 21-125 - RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

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

The terms of Spencer Hardaway (representing 28803 or 28704 zip code), Mike Wasmer (at-large representative) and Joseph Fioccola (representing 28801 zip code) expire on July 1, 2021.

The following individuals applied for the vacancies: Bonnie Snyder Hamrick, Sandra K. Smith and Juan Pablo Chalarca.

It was the consensus of the Boards & Commissions Committee to reappoint Mike Wasmer; (2) appoint Juan Pablo Chalarca; and (3) readvertise for the 28803 or 28704 seat.

Vice-Mayor Smith moved to (1) reappoint Mike Wasmer (at large representative) to serve an additional three-year term, term to expire July 1, 2024, or until Mike Wasmer's successor has been appointed; and (2) appoint Juan Pablo Chalarca (representing 28801 zip code) to serve a

three-year term, term to expire July 1, 2024, or until Juan Pablo Chalarca's successor has been appointed; and (3) readvertise for the 28803 or 28704 seat. This motion was seconded by Councilwoman Kilgore and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 245

RESOLUTION NO. 21-126 - RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Noise Ordinance Appeals Board.

The terms of Tod Leaven, Wayne Wheeler and Patrick Gilbert (Alternate) expire on July 1, 2021.

No applications were received for these vacancies.

It was the consensus of the Boards & Commissions Committee to reappoint Tod Leaven and Wayne Wheeler.

Vice-Mayor Smith moved to (1) reappoint Tod Leaven to serve a one-year term, term to expire July 1, 2022, or until Tod Leaven's successor has been appointed; and (3) reappoint Wayne Wheeler and Patrick Gilbert (Alternate) to each serve a additional three-year term, terms to expire July 1, 2024, or until their successors have been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 246

RESOLUTION NO. 21-127 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

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

The terms of Ali McGhee, Johanna Hagarty and Constance Richards expire on June 30, 2021.

The following individuals applied for the vacancies: Nathaniel Wyrick, Christina O'Donnell, Hilary Chiz, Michael G. Waddle, D. Rae Geoffrey, Robin Ellege, Rodney Moore, Maria West, Tarek Inkidar, Wayne Wheeler, Mark Wilson, Bridget McFarthing, Robert Milnes, Reggie Tidwell, Claire Changery, John Moriarty, Leslie Shaw, Erin Hallagar Clare and Whitney Richardson.

It was the consensus of the Boards & Commissions Committee to reappoint Ali McGhee and Johanna Hagarty and appoint Reggie Tidwell.

Vice-Mayor Smith moved to (1) reappoint Ali McGhee and Johanna Hagarty to each serve an additional three-year term, terms to expire June 30, 2024, or until their successors have been appointed; and (2) appoint Reggie Tidwell to serve a three-year term, term to expire June 30, 2024, or until Reggie Tidwell's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

RESOLUTION BOOK NO. 42 - PAGE 247

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Nine individuals spoke to Council for several reasons, some being, but are not limited to: stop encampment removals; defund the Asheville Police Department; use ARPA funds for more support for evictions and renters in the community; move forward with reparations and make a difference for future generations; allow remote participation as we move forward with in-person meetings; June 3 speaker reparation series location was not accessible; and provide the African American community the opportunity to engage in the reparations process;

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:30 p.m.

CITY CLERK

MAYOR