

Tuesday – September 14, 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 AUGUST 24, 2021**
- B. RESOLUTION NO. 21-194 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH LANDMARK WNC LLC FOR LANDSCAPE INSTALLATION AND MAINTENANCE.**

Action Requested: Resolution authorizing the City Manager to execute a contract with Landmark WNC LLC, of Asheville, North Carolina, for landscape installation and maintenance.

Background:

- The Parks & Recreation Department oversees and maintains the highly used urban space in front of City Hall and the Buncombe County Courthouse, Pack Square Park.
- Construction on Pack Square Park was completed in 2008 to be a signature downtown park with a high level of maintenance required.
- Reinvestment in Pack Square Park is needed due to both the age and the change in use of the park.
- The park has evolved from the original intent as a signature urban park into the City's major downtown outdoor event park.
- This change in use has created conflicts in terms of being able to effectively manage the maintenance requirements that reflect the level of service the City would like to provide.
- The mid-block fountain in front of Pack Pavilion is currently inoperable and is difficult to maintain in this inoperable state.
- A Request for Proposals was advertised for interested companies to re-landscape the plantings in the beds, modify the mid-block fountain, and provide one (1) year of landscape bed maintenance with the option to renew for two (2) additional years.
- Landmark WNC LLC was selected based on experience, qualifications, understanding of the scope of services, cost, and availability.
- Landmark WNC LLC will provide landscape installation and maintenance services.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through direct outreach by the Asheville Business Inclusion office, solicitation processes which include posting on the State's Interactive Purchasing System (IPS) to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers, and the use of both the North Carolina Historically Underused Business (HUB) Database on the State's IPS site and North Carolina Department of Transportation's Directory of Firms for Disadvantaged Business Enterprises (DBE) to identify and notify potential contractors of the IPS posting.
- There were four (4) bids submitted and despite our outreach, no Minority & Women-Owned Business Enterprise (MWBE) submitted a bid.

Council Goal(s):

- A Well planned and Livable Community
- Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Contracting with a professional landscape maintenance company will allow for consistent, efficient maintenance
- Reinvesting in the park by planting urban tolerant, appropriate plant material for a heavily used public event space will provide a more sustainable landscape with respect to both plant performance and park maintenance

Con(s):

- None

Fiscal Impact:

- Funding for this contract exists within the currently approved Parks & Recreation department operating budget.

Motion:

- Motion to authorize the City Manager to execute a contract with Landmark WNC LLC for landscape installation and maintenance services for an amount not to exceed \$146,450 with option to renew maintenance services for up to two (2) additional years at \$47,800 per year.

RESOLUTION BOOK NO. 21 - PAGE 361

C. RESOLUTION NO. 21-195 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR EXTENSION OF THE PLAYGROUND MULCH CONTRACT WITH SYNERGY SPORTS CHARLOTTE LLC

Action Requested: Adoption of a resolution authorizing the City Manager to execute a one year extension of a contract with Synergy Sports Charlotte LLC in the amount of \$132,930.00 for the Playground Mulch contract.

Background:

- This extension will be the first one year extension to the original contract and brings the total value of the contract to \$265,860.
- The contract is for the installation of playground mulch to City-owned playgrounds throughout the City.
- The extension will take effect at the end of the current contract (August 31, 2021) and

expire August
31, 2022

- The bids for the original contract were opened in June 2020 and the following bids were received:

Synergy Sports Charlotte, NC	\$132,930.00 per year
Tumble Safe Etowah, NC	\$138,596.50 per year
Power Mulch Smithfield, NC	\$143,073.00 per year
Mulch Solutions Indian Trail, NC	\$151,200.00 per year

Vendor Outreach Efforts:

- Outreach was not performed due to this being an extension to an existing contract.

Council Goal(s):

- Well-Planned Livable Community.

Committee(s):

- None

Pro(s):

- Will help continue to meet safety standards for city-owned playgrounds.

Con(s):

- Work will temporarily close playgrounds during installation.

Fiscal Impact:

- Funding for this contract exists within the currently approved Parks & Recreation department operating budget.

Motion:

- City staff recommends City Council adopt a resolution authorizing the City Manager to execute a one year extension of a contract with Synergy Sports Charlotte LLC in the amount of \$132,930.00 for Playground Mulch with option to renew for up to one (1) additional year for an additional \$132,930.00.

RESOLUTION BOOK NO. 42 - PAGE 362

D. RESOLUTION NO. 21-196 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH MCLAUGHLIN YOUNG GROUP TO INCREASE BEHAVIORAL HEALTH SERVICES PROVIDED TO CITY EMPLOYEES

Action Requested: Adoption of a contract amendment for McLaughlin Young Group for provision of the employee assistance program.

Background:

- McLaughlin Young Group (MYgroup) serves as the City of Asheville employee assistance network providing employees with an Employee Assistance Program (EAP).
- City of Asheville employees and their families have access to network resources at no cost.
- Assistance is available twenty-four hours a day, seven days a week.
- MYgroup offers face-to-face, video, and telephonic counseling sessions.

- Licensed clinicians take all calls for assistance and can provide in-the-moment support.
- EAP services include, but are not limited to, assistance with emotional, family, marital, alcohol, drug, financial, legal, and other personal issues.
- In 2021, the City increased access to behavioral health support to Public Safety employees to maintain the health and wellbeing of these employees who provide service to the community.

Vendor Outreach Efforts:

- Current vendor for the employee assistance program is McLaughlin Young Group.
- This vendor provides specialized support for employees and their families as well as public safety employees.
- Outreach efforts were performed by posting the RFP on the State's Interactive Purchasing System.

Council Goal(s):

- A thriving local economy

Pro(s):

- Continued behavioral health support for employees and their families, particularly during the ongoing COVID pandemic.
- Support for public safety employees who encounter trauma on a daily basis.
- Known provider who specializes in supporting employees and their families.

Con(s):

- None

Fiscal Impact:

- The cost of the increased contract will be \$114,874.51.
- Funding will come from the existing budget in the City's Health Insurance Fund.

Motion:

- Motion to approve contract amendment to support increased behavioral health support for City of Asheville employees and their families.

RESOLUTION BOOK NO. 42 - PAGE 363

- E. RESOLUTION NO. 21-198 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO WIDEN THE SIDEWALK ON THE NORTH SIDE OF THE AMBOY ROAD BRIDGE AND IMPROVE THE SIDEWALK CONNECTIONS TO THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT AND THE FRENCH BROAD RIVER PARK**

ORDINANCE NO. 4400 - BUDGET AMENDMENT IN THE GENERAL CAPITAL PROJECTS FUND UTILIZING SIDEWALK FEE-IN-LIEU REVENUE TO PROVIDE THE CITY'S COST SHARE OF THE SIDEWALK PROJECT

Action Requested:

- Adoption of a resolution authorizing the City Manager to execute an agreement with the N.C. Department of Transportation (NCDOT) to widen the sidewalk on the north side of the Amboy Road Bridge and improve the sidewalk connections to the RADTIP project and French Broad River Park; and associated budget amendment in the amount of

\$77,750 in the Capital Projects Fund utilizing Sidewalk Fee-In-Lieu revenue to provide the City's cost share of the sidewalk project.

Background:

- NCDOT and City staff meet on a monthly basis to discuss pedestrian and bicycle safety issues within the jurisdiction of the City.
- Following the completion of the City's RADTIP project, pedestrian and bicycle activity crossing the Amboy Road bridge has increased significantly, with many users walking and biking between RADTIP and French Broad River Park. The existing bridge has a very narrow sidewalk (approximately 30-36 inches wide), which does not safely serve the increased use and is not even wide enough to accommodate a wheelchair or stroller safely. The Multimodal Transportation Commission discussed the issue in late 2020 and requested the City and NCDOT study potential solutions.
- The City and NCDOT conducted traffic counts collected on Saturday, March 20, 2021 during a 13-hour time period from 8:00 am until 9:00 pm and recorded the following activity on the bridge:
 1. Cars = 9,468
 2. Trucks = 50
 3. Pedestrians = 282
 4. Bicycles = 338
- While NCDOT has programmed a project to improve Amboy Road, including replacing the bridge, this project is not scheduled until FY 2029. Since the bridge replacement project is not scheduled until 2029, NCDOT and City staff have worked to develop an interim solution to address existing safety concerns.
- The proposed project will narrow the vehicle travel lanes on the bridge to provide space for a widened sidewalk, as well as replace the pedestrian safety rail on the bridge.
- NCDOT has analyzed truck turning needs and determined that the vehicle lanes on the bridge can be narrowed with no impacts to truck traffic.
- The narrowing of the lanes will provide the needed space for the expanded sidewalk.
- The total cost of the project is \$500,050.
- The City's cost share is \$77,750 and will go toward the sidewalk connections between the bridge and the existing sidewalks on either side.
- NCDOT will design and construct the project and the City will be responsible for maintenance and liability for the sidewalk that is not located on the bridge.
- The City will also be responsible for routine sweeping, debris removal, and snow/ice removal for the sidewalk located on the bridge.
- Approximately 2 years ago, MSD met with the City to conceptually discuss a potential project associated with their need to install a new large sewer line across the river.
- Their concept involved constructing a pedestrian bridge (with their sewer line attached to the underside) from the north end of French Broad River Park across the river, to a yet-to-be-determined landing point on Riverside Drive, between $\frac{1}{3}$ and $\frac{1}{2}$ mile north of Amboy Road bridge.
- Since that initial meeting, the City has not been involved in any further discussions.
- It is unlikely that this project will be constructed within the next several years.
- Additionally, the project would not replace the need for immediate pedestrian safety improvements to Amboy Road bridge and would not conveniently serve those wishing to travel from Meadow Road to Amboy Road from the south.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- The Multimodal Transportation Commission has discussed the project and provided support at their March 24 2021 meeting.

Pro(s):

- Increases the inventory of completed sidewalk sections.
- NCDOT and the City are partnering on the subject project.
- Enhances pedestrian flow and safety on the Amboy Road Bridge.
- Provides a needed connection to nearby park facilities and the RADTIP project.

Con(s):

- The City is responsible for all maintenance activities for the sidewalk not located on the bridge.
- The City is responsible for routine sweeping, debris removal, and snow/ice removal for the sidewalk located on the bridge.

Fiscal Impact:

- The City's cost share is \$77,750 and the funds will come from Sidewalk Fee-In-Lieu revenue that has already been collected. General Funds are not being used for this project.
- Future maintenance activities would be addressed with the Public Works Department's annual operating budget along with other existing sidewalk needs.

Motion:

- Motion authorizing the City Manager to execute an agreement with the NCDOT) to widen the sidewalk on the north side of the Amboy Road Bridge and improve the sidewalk connections to the RADTIP project and French Broad River Park; and associated budget amendment in the amount of \$77,750 in the Capital Projects Fund utilizing Sidewalk Fee-In-Lieu revenue to provide the City's cost share of the sidewalk project.

**RESOLUTION BOOK NO. 42 - PAGE 365
ORDINANCE BOOK NO. 33 - PAGE 409**

F. RESOLUTION NO. 21-199 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TEQUITY TO PROVIDE PROJECT MANAGEMENT SERVICES AS REPARATIONS PROCESS PROJECT MANAGER

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with TEQuity, LLC in the amount of \$365,583 to provide project management services as Reparations Process Project Manager.

Background:

- On July 14, 2020, City Council adopted [Resolution No. 20-128](#) in support of community reparations.
- 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."
- The city manager and city staff have recommended a 3 phase process that includes (1) Information Sharing and Truth Telling; (2) Formation of a Reparations Commission; and (3) Finalize and Present the Report.
- Phase 1 Information Sharing and Truth Telling process was completed in June 2021.
- Phase 2 of the process was launched immediately following the completion of Phase 1 which began with soliciting vendors to support the work of the Commission and serve as an extension to staff.

- The City of Asheville issued a Request for Proposals to solicit a professional project manager to provide comprehensive, management, coordination and support services throughout the development of and work of the Reparations Commission in coordination with city staff.
- The project manager duties include, but not limited to:
 - Assisting Asheville City and Buncombe County Staff in the development of a process to appoint members to the Reparations Commission to include:
 - Criteria for appointment to the Commission.
 - Support in development of the application to apply to the Commission.
 - Make recommendations for appointments to the commission based on criteria in coordination with city and county staff.
 - Support for the work of the Reparations Commission to include:
 - Incorporation of information received during Phase 1, the Information Sharing and Truth Telling Speaker Series.
 - Continued community engagement, information sharing and discussion within impacted communities.
 - Attend and facilitate commission meetings.
 - Schedule development for short, medium and long term deliverables, including adjustments based on the progress of work and specific recommendations for prioritizing and accelerating critical path items.
 - Assist the commission in the development of a final report and recommendations to the City Council.
 - Support the formation of working groups of commission members.
 - Provide process updates to the City Manager and City Council on a monthly basis.

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, the City of Asheville website, the City of Asheville Twitter account, and requiring RFP respondents to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department who also served on the City RFP evaluation team.
- Out of the nine (9) proposals received, all self-identified as minority business owners.
- TEQuity is a woman and minority-owned firm and will be subcontracting with RTI International, an independent nonprofit research institute providing a full range of economic analysis.

Council Goal(s):

- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):

- None.

Pro(s):

- Advances Council's resolution to initiate the reparations process.

Con(s):

- None.

Fiscal Impact:

- This contract is funded through the initial allocation of \$2.1 million for reparations approved June 8, 2021.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with TEQuity, LLC in the amount of \$365,583 to provide project management services as Reparations Process Project Manager.

Grant Millin asked for several items of information (including the Request for Proposals and responses) on the Reparations Process Project Manager.

Jonathan Wainscott was pleased to see the reparations process moving forward.

RESOLUTION BOOK NO. 42 - PAGE 366

G. RESOLUTION NO. 21-200 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TWO CONTRACT AMENDMENTS TO CONTINUE TO SUPPORT AN EMERGENCY NON-CONGREGATE SHELTER FOR PEOPLE EXPERIENCING HOMELESSNESS THROUGH DECEMBER 31, 2021

ORDINANCE NO. 4401 - BUDGET AMENDMENT IN THE SPECIAL REVENUE FUND FROM THE AMERICAN RESCUE PLAN TO FUND CONTRACT AMENDMENTS TO SUPPORT AN EMERGENCY NON-CONGREGATE HOMELESS SHELTER

Action(s) Requested: Authorize the City Manager to execute two contract amendments to support emergency non-congregate shelter at a local hotel for people experiencing homelessness and an associated budget amendment in the Special Revenue Fund in the amount of \$1,128,575 from American Rescue Plan (ARPA) funding to fund the contracts.

Background:

- Since April 19, 2021, the City has made arrangements with local hotels for rooms to serve people experiencing homelessness who were previously camping on public property.
- These contracts allow for the City to provide a shelter option for people who had been given notice to dismantle their camps.
- Sunrise Community for Recovery & Wellness has provided on-site supportive services and security to support homeless individuals at these locations.
- This initiative has served 116 people experiencing homelessness.
- The original contracts provided for shelter through June 30, 2021 and have been amended to extend through September 15, 2021.
- These new amendments allow for continuation of emergency shelter until December 31, 2021.
- The contract and budget amendments will add \$817,007 to the existing contract with Five P Mountain, LLC for a total contract amount of \$1,736,175.
- The additional funds will cover the costs of 62 rooms nightly through December 31, 2021.
- The contract and budget amendments will add \$311,568 to the existing contract with Sunrise Community for Recovery & Wellness, Inc. for a total of \$643,409.
- The additional funds will cover supportive service and security costs 24/7 for all shelter participants through December 31, 2021.
- Staff is working with other agencies to assist in the costs associated with these costs.

Council Goal(s):

- A Well-Planned and Livable Community

- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Addresses public health and safety
- Provides a shelter option to address the needs of people experiencing homelessness

Con(s):

- None

Fiscal Impact:

- Allocate funds from the American Rescue Plan (ARPA) in the Special Revenue Fund in the amount of \$1,128,575 for a series of contract amendments for homeless non-congregate shelter interventions at a local hotel.
- Along with previously authorized funds, this action brings the total ARPA budget for this initiative to \$2,890,212.
- Staff is working with other agencies to assist in the costs associated with these costs.

Motion(s):

- Motion to adopt a resolution authorizing the City Manager to execute two contract amendments to support an emergency non-congregate shelter at local hotels for people experiencing homelessness; and a budget amendment in the amount of \$1,128,575 from American Rescue Plan (ARPA) funding to fund the contracts.

**RESOLUTION BOOK NO. 42 - PAGE 367
ORDINANCE BOOK NO. 33 - PAGE 410**

H. ORDINANCE NO. 4402 - BUDGET AMENDMENT FROM THE AMERICAN RESCUE PLAN ACT STATE AND LOCAL GOVERNMENT FISCAL RECOVERY FUNDS FOR THE PURPOSE OF FUNDING ADMINISTRATIVE COSTS OVER THE LIFE OF THE PROGRAM

Action Requested: Adoption of a budget amendment in the amount of \$750,000 in the City's Special Revenue Fund to appropriate American Rescue Plan Act State and Local Government Fiscal Recovery Funds for the purpose of funding administrative costs over the life of the program.

Background:

- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As part of the ARPA State and Local Government Fiscal Recovery Funds (FRF), the City of Asheville is receiving \$26,293,853.
- On July 27, 2021, City Council authorized the receipt of the \$26.2 million in ARPA funding and delegated the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.
- The U.S. Treasury Department has issued guidance to describe allowable uses for the ARPA FRF funding, which include administrative costs associated with implementing the ARPA program objectives.
- The City is responsible for the effective administration of the ARPA award, application of sound management practices, and administration of the funds in a manner consistent with the ARPA program objectives and terms and conditions, which includes

implementing robust internal controls and effective monitoring to ensure compliance with Treasury guidelines.

- City staff anticipate needing additional in-house staff and potentially contracted labor support to meet the Treasury guidelines.
- The recruitment for an ARPA Manager position is already underway.
- The budget amendment will appropriate ARPA funding in the Special Revenue Fund for administrative costs over the life of the ARPA grant, which will potentially extend until December 31, 2026.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Provides funding for additional costs the City will likely incur in association with administering the \$26.2 million in ARPA funding.

Con(s):

- Reduces the amount of ARPA funding available to address other initiatives

Fiscal Impact:

- As noted above, the City will receive \$26.2 million in ARPA funding.
- If City Council approves this budget amendment for administrative costs, the City will have budgeted approximately \$7.3 million in ARPA funding as detailed in the table below; leaving \$18.9 million available for other initiatives.

Budgeted ARPA Funding To Date	Amount
Emergency Non-Congregate Homeless Shelter	\$2,890,212
Public Portable Toilets	\$90,000
Homeward Bound Acquisition of the Days Inn	\$2,000,000
Revenue Loss	\$1,600,000
Administrative Costs	\$750,000
TOTAL	\$7,330,212

Motion:

- Motion to adopt a budget amendment in the amount of \$750,000 in the City’s Special Revenue Fund to appropriate American Rescue Plan Act State and Local Government Fiscal Recovery Funds for the purpose of funding administrative costs over the life of the program.

ORDINANCE NO. 33 - PAGE 411

- I. **RESOLUTION NO. 21-201 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH BELL SOUTH TELECOMMUNICATIONS (D/B/A AT&T) FOR PUBLIC PARKING AT 24 O.HENRY AVENUE**

Action Requested: Adoption of a resolution authorizing the City Manager to sign a lease with AT&T for public parking at 24 O’Henry Avenue.

- AT&T has an available lot at 24 O’Henry Avenue and entered into an agreement with the City in 2011 to lease roughly 45 parking spaces or approximately 14,500 square feet of area within parcel 9649-20-5843-00000.
- This parking area is managed by the City’s Parking Service Manager.
- The rental amount has been increased every year by 2%.
- The City is responsible for some utilities and maintaining its portion of the parking lot and other repairs as needed. For example, the City paid to repair the gate.
- When the lease was scheduled to expire in 2021, AT&T wanted to increase the rent by a significant amount.
- Because the City has recently experienced a reduction in the number of workers needing to use downtown parking lots, a request was made by the Real Estate Office to delay the increase for two years.
- AT&T agreed to extend the lease for one more year with current rates and at the end of this period, a new lease would be renegotiated with the City.
- The City is currently paying \$3,078.44 per month or \$36,941.25 per year and will pay \$3,290 or \$39,480 after its scheduled 2% increase in the new lease term.
- Staff is requesting that the City Manager be authorized to sign this one year extension to the existing lease.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- The City will still have access to these spaces at the existing rate.
- The time extension will allow the City to reassess its parking needs.

Con(s):

- None.

Fiscal Impact:

- Parking Services will continue to pay the rental fee and budget for it within the Operating Budget.

Motion:

- Motion to approve the resolution authorizing the City Manager to sign a lease document with AT&T.

RESOLUTION BOOK NO. 42 - PAGE 368

J. RESOLUTION NO. 21-202 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SYMPHONY IN THE PARK EVENT ON SEPTEMBER 19-20, 2021

Action Requested: Adoption of resolution to permit the possession and consumption of malt beverages and/or unfortified wine at Symphony in the Park on September 19-20, 2021

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 organization has requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
 - Asheville Symphony Society for Symphony in the Park, to occur at Pack Square Park on September 19 & 20, 2021 from 6:00 p.m. - 9:00 p.m.
- On August 24, 2021, City Council adopted Resolution No. 21-179, allowing this event to provide malt beverages and/or unfortified wine; however, they have requested an amendment to their hours.
- Alcohol boundaries are defined as per the accompanying event site map.

Council Goal(s):

- This action has 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 Symphony in the Park.

RESOLUTION BOOK NO. 42 - PAGE 369

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

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

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

SIX-MONTH UPDATE ON HOTEL REGULATIONS & HOTEL OVERLAY DISTRICT

Director of Planning & Urban Development Todd Okolichany said key takeaways of this presentation will include (1) regulations are working as intended; (2) text amendments are needed for clarification purposes; (3) Design Review Committee membership should be adjusted; and (4) staff is engaging the community on public benefits.

He explained the hotel development standards background (1) new hotel development standards were adopted by City Council in February, 2021 (2) this followed an 18-month moratorium to study the issue in partnership with the Urban Land Institute; (3) due to the complexity of the hotel standards, City Council asked for periodic updates to review and assess the code; and (4) this is the first six month update.

Goals of the hotel development standards include (1) improve predictability and transparency in the hotel development review process; (2) establish where hotels are appropriate in the City; (3) leverage hotel development to achieve community benefits and limit impacts of new hotels; and (4) enhance the design of hotels.

Key elements of the hotel development standards included Hotel Overlay District & Development Standards; public benefits; and revised design review process.

Regarding the Hotel Overlay District & Development Standards, from February - August, 2021 there have been a total of five projects; (three large and two small all located in the Central Business District); four have the option to meet the public benefits standard; potential for \$600,000-\$800,000 for public benefits, including affordable housing/reparations, neighborhood improvements, and public art; and additional public benefits include paying living wages, Green Globes certification, and adaptive reuse of historic building. Observations are (1) overlay working as intended; (2) need some clarifying language to support staff's intention and interpretation of the code that (a) off-street parking is required for all lodging uses, including downtown; and (b) hotels below the threshold for Council review may be reviewed as either Level 1 or Level II (depending on size); and (3) need to distinguish between extended stay hotels and "condotels", which act more like short term vacation rentals.

Regarding public benefits, observations are (1) not enough data to comment on point threshold; (2) working to determine if public benefits should be incorporated into other zoning districts and/or revised in existing hotel standards - staff will provide more information at next update; and (3) staff is developing a system to track benefits and points, and a system to track revenue.

Regarding the revised design review process, the Joint Design Review Committee has nine members. City Council appoints four qualified members from the Downtown Commission and four from the Asheville Area Riverfront Redevelopment Commission to serve on the Joint Design Review Committee. The Joint Design Review Committee appoints one member from the community as a member at-large. Observations are (1) the Committee has been formed; (2) four meetings have been held - nine total cases including two hotels; (3) all four Downtown Commission seats have been filled; (3) three seats from the Asheville Area Riverfront Redevelopment Commission have been filled - one seat remains vacant; (4) the at-large seat has been filled; and (5) The prior design subcommittees of the Downtown and Riverfront Commissions had additional at-large seats, which allowed them to add expertise for design review from the community.

Possible text amendments for the Design Review Committee include modifying the membership makeup (a) 3 instead of 4 appointed from Downtown Commission; (b) 3 instead of 4

appointed from the Asheville Area Riverfront Redevelopment Commission; (c) 3 instead of 1 appointed by City Council at-large (Design Review Committee not make 1 at-large appointment); and Council appoint all 9 members. Benefits are it will be easier to fill seats, potential to expand expertise, and potential to expand diversity.

He reiterated the key takeaways to include (1) Regulations are working as intended; (2) Text amendments are needed for clarification purposes; (3) Design Review Committee membership should be adjusted; and (4) staff is engaging the community on public benefits.

Next steps are (1) September 2021: update the Downtown and Asheville Area Riverfront Redevelopment Commissions; (2) Fall 2021: draft UDO amendments for hotels; (3) Winter 2021: review UDO amendments with the Planning and Zoning Commission; (4) Early 2022: present UDO amendments to City Council for review and adoption; (5) Spring 2022: next City Council update; and (6) Fall 2021 - Spring 2022: continue to engage with community to determine if public benefits should be expanded to other districts or revised in existing hotel standards.

In response to Councilwoman Roney, Mr. Okolichany confirmed that the 22 Woodfin Project is not included in the potential \$600,000-800,000 for public benefits.

When Councilwoman Roney asked who ultimately makes the decision of which fund public benefits amount goes into - Housing Trust Fund or Reparations Fund, Mr. Okolichany said that the applicant has the right to decide currently. He noted that the donation can be made to either or both funds.

Mr. Okolichany said that two improvements to the public benefit process are being considered (1) asking the applicant at the beginning of the process on the application which public benefits they are choosing; and (2) working on internal guidelines on how the required developer neighborhood meeting should be conducted and what type of public benefits they plan to include in the project so they can get neighborhood feedback.

Councilwoman Wisler suggested that if the developer doesn't have a strong position regarding which fund the public benefits should go into, that it be left up to City staff or City Council to determine this during the budget process. Mr. Okolichany said that staff will see how they can better align the process with the budget cycle and the capital improvement plan process.

Mayor Manheimer wondered if there is any legal reason that the developer would choose one fund over the other, such as tax consequences. She thought we may run into a developer who would rather ask Council to make that determination as opportunities come up that require funding.

Due to concerns regarding extended stay hotels, Mr. Okolichany said that they will work on the more important text amendments more expeditiously.

In response to Councilwoman Roney, Mr. Okolichany said that if Council doesn't have any additional suggestions or concerns regarding the amended membership of the Design Review Committee, he will bring an amendment forward for proposed make-up change. Councilwoman Turner, liaison to the Downtown Commission and the Asheville Area Riverfront Redevelopment Commission, said that both Commissions are generally onboard with the makeup change.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilwoman Kilgore moved to continue this public hearing until December 14, 2021. This motion was seconded by Councilwoman Turner and carried unanimously on a roll call vote.

B. PUBLIC HEARING TO CONDITIONALLY ZONE 200 VILLAS COURT FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE, & ALSO INCLUDED IN THE PROJECT ARE 16 EXISTING TOWNHOMES LOCATED AT 402, 404, 406, 408, 602, 604, 606, 608, 610, 612, 701, 703, 705, 707, 709, & 711 VILLAS CT

ORDINANCE NO. 4403 - ORDINANCE TO CONDITIONALLY ZONE 200 VILLAS COURT FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE, AND ALSO INCLUDED IN THE PROJECT ARE 16 EXISTING TOWNHOMES LOCATED AT 402, 404, 406, 408, 602, 604, 606, 608, 610, 612, 701, 703, 705, 707, 709, AND 711 VILLAS COURT

Principal Planner Shannon Tuch said that this is the consideration of conditionally zoning 200 Villas Court from RM-8 Residential Multi-Family Medium Density District to Residential Expansion/Conditional Zone, and also included in the project are 16 existing townhomes located at 402, 404, 406, 408, 602, 604, 606, 608, 610, 612, 701, 703, 705, 707, 709, and 711 Villas Court. This public hearing was advertised on September 3 and 10, 2021.

Action Requested: Conditionally zone multiple parcels located off of Cedar Hill Rd. & Pisgah View Rd. totalling 5.29 acres, from Residential Multi-family, Medium Density (RM8) to Residential Expansion - Conditional Zone (RES EXP-CZ).

Project Location and Contacts:

- The project site is located at 200, 600, 604, 606, 608, 610 and 612 Villas Court (PINs 9628-27-0626, - 2953, -2950, -2848, -2845, -2843 and -2840)
- Owner: Resurgence Development Company LLC & VC Property Holdings LLC.

Summary of Petition:

- The project area includes the undeveloped portion of the 5.29 acre community located at 200 Villas Ct. and identified in the Buncombe County land records as PIN 9628-27-0626.
- Project area is approximately 4.91 acres.
- New construction includes seven multi-family apartment/condominium buildings along with surface parking, sidewalk, landscaping and related site improvements.
- There are two building typologies proposed, a 2-story building with eight units each, and a 3-story building with 12 units each.
- New construction will include 72 units total.
- An earlier phase I, constructed in 2005, includes 10 individually owned townhome units.
- These units are included in the conditional zoning application.
- The applicant is seeking a rezoning via conditional zoning due to the number of housing units that are proposed (over 50).
- A minimum of ten percent of the units (seven) will be designated affordable to those earning 80% of Area Median Income (AMI) for a minimum period of 20 years.
- Access to the site is via the existing drive entrances located on Cedar Hill Rd. (north end) and Pisgah View Rd. (southwest end).
- Stormwater and water infrastructure, parking and open space will be privately owned and maintained.
- Existing storm and parking lot infrastructure will be reconstructed with the current project.
- A jurisdictional stream (a tributary to Smith Mill Creek) is located along the southern

- property boundary and requires a 30' protective aquatic buffer.
- The City of Asheville is an adjacent property owner to the south.
- General landscape requirements apply, including street tree, parking lot, building impact landscaping.
- The RES EXP-CZ district also requires a 20' wide, Type A property line buffer around the eastern, southern and western property lines where they are adjacent to residential zoning.
- A number of existing trees are proposed to be preserved with tree credits applied at final technical review.
- The subject property is on the edge of the city's jurisdiction and is surrounded by R-3 zoning to the east and west, and Open Use zoning to the north.
- Open space and tree canopy preservation requirements apply.
- The proposed plan appears to meet or exceed these requirements.
- The project does not comply with the zoning standards in the following ways:
 - Sidewalks range from 5-6' in width.
 - Approximately 5400 s.f. of disturbance is proposed within the aquatic buffers
 - Driveway radii exceed city standards.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals including encouraging responsible growth by providing infill development that increases the supply of housing.
- Ten percent of those units will be designated affordable, meeting goals for increasing the supply of affordable housing.

Compatibility Analysis:

- This area of the city is transitioning from a rural/suburban development pattern with pockets of higher density multi-family development scattered throughout.
- The medium scale multi-family residential buildings are compatible with the medium density multi-family zoning that surrounds the project area and is buffered from adjacent lower density residential uses by streams, roads/rights-of-way and vegetated landscape buffers.

Council Goal(s):

- This project is most closely aligned with the council goals of *A Well-Planned and Livable Community* and *Quality Affordable Housing*.

Committee(s):

- Technical Review Committee (TRC) - April 21, 2021 - approved with conditions.
- Planning and Zoning Commission (PZC) - July 7, 2021 - approved 6:0.

Staff Recommendation:

- Staff recommends approval of this rezoning request as currently designed based on the reasons stated above.

Ms. Tuch outlined some of the conditions: (1) Technical modifications (driveways, sidewalks, aquatic buffers); (2) Residential infill (completing a previously approved project); (3) 10% of units (7 total) will be affordable; (4) Sidewalk throughout; and (5) Open space & Tree canopy preservation.

In response to Councilwoman Turner, Ms. Tuch said that the bulk of the encroachment is due to existing infrastructure.

When Councilwoman Turner asked if the development would accept vouchers, Mr. Mike Lovoy, engineer for the project, said that it's too early to know that; however, they are working

with Community Development Programs Director Paul D'Angelo and their plan is to be able to sell the units in the \$200,000 range.

In response to Councilwoman Roney, Ms. Tuch said that they do not think there will be any accessibility problems with the sidewalks.

When Councilwoman Turner asked if there are any plans to build in the northwest area, Mr. Lovoy said that the area is currently for open space and the tree save area.

Mayor Manheimer opened the public hearing at 6:05 p.m. and announced that there were no advanced live call-ins for this item. She then closed the public hearing at 6:05 p.m.

Mayor Manheimer 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 conditional zoning request for the property located at 200 Villas Ct. from Residential Multi-family, Medium Density (RM-8) to Residential Expansion - Conditional Zone (RES EXP-CZ) and find that the request is reasonable, in the public interest, consistent with the city's comprehensive plan, and meets the development needs of the community in that the request: 1) is increasing the supply of housing in a rapidly growing and evolving part of the city; and 2) sets aside a percentage of the total number of units to be affordable to those earning 80% of AMI. This motion was seconded by Councilwoman Kilgore and carried unanimously on a roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 412

C. PUBLIC HEARING TO CONDITIONALLY REZONE 70 MILLS GAP ROAD FROM INDUSTRIAL DISTRICT AND RS-2 RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE

At the request of the applicant's attorney, Councilwoman Mosley moved to continue this public hearing until September 28, 2021. This motion was seconded by Councilwoman Kilgore and carried unanimously on a roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 21-197 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CREATE A PROGRAM OF WORK FOR THE AMERICAN RESCUE PLAN ACT STATE AND LOCAL GOVERNMENT FISCAL RECOVERY FUNDS TO FUND THE FOLLOWING CATEGORIES: AFFORDABLE HOUSING, CARE FOR AGING RESIDENTS, CITY INFRASTRUCTURE, COMMUNITY COMMUNICATION, DOMESTIC VIOLENCE PREVENTION AND ASSISTANCE, FOOD SYSTEMS, HOMELESSNESS SERVICES, REVENUE LOSSES, SMALL BUSINESS RECOVERY, CLIMATE CHANGE, AND WORKFORCE DEVELOPMENT

Internal Auditor Patricia Rosenberg said that this is the consideration of a resolution authorizing the City Manager to create a program of work for the American Rescue Plan Act (ARPA) State and Local Government Fiscal Recovery Funds to fund the following categories: affordable housing, care for aging residents, city infrastructure, community

communication, domestic violence prevention and assistance, food systems, homelessness services, revenue losses, small business recovery, and workforce development.

Background:

- The American Rescue Plan Act (ARPA) of 2021, which is designed to facilitate the United States' recovery from the devastating economic and health effects of the COVID-19 pandemic, was signed into law by President Biden on March 11, 2021.
- As part of the ARPA State and Local Government Fiscal Recovery Funds (FRF), the City of Asheville is receiving \$26,293,853.
- On July 27, 2021, City Council authorized the receipt of the \$26.2 million in ARPA funding and delegated the responsibility to execute any necessary agreements related to ARPA funding to the City Manager.
- There have been two City Council worksessions to facilitate the development of a plan for spending the \$26.2 million in ARPA FRF funding.
- City Council heard public comment about funding categories at the August 24, 2021 Council meeting.
- The U.S. Treasury Department has issued guidance to describe allowable uses for the ARPA FRF funding, which centers around these major areas:
 - Public Health Uses
 - Negative Economic Impacts
 - Premium Pay for Essential Workers
 - Revenue Losses
 - Investments in Water, Sewer, and Broadband Infrastructure
 - Crime Response and Prevention.
- The City plans to issue a community-wide Request for Proposals (RFP) (open until November 1) for specific projects that fit in the categories that Council approves. While the RFP is open for proposals, staff plans to hold an information session for interested applicants in October. We will also plan to conduct extensive community outreach during that time. Staff will then come with staff recommendations in December, 2021. These are the staff recommended categories to receive funding:
 - Affordable housing
 - Care for aging residents
 - City infrastructure: building safety and resilience
 - Community communication
 - Domestic violence prevention and assistance
 - Food systems
 - Homelessness services
 - Revenue losses
 - Small business recovery
 - Workforce development

Council Goal(s):

- A Financially Resilient City
- An Equitable and Diverse Community
- A Clean and Healthy Environment
- Quality Affordable Housing
- A Thriving Local Economy
- A Connected and Engaged Community

Committee(s):

- Worksessions with City Council - July 27, 2021 and August 24, 2021

Pro(s):

- Addresses community needs to aid in the recovery from the devastating economic and health effects of the COVID-19 pandemic
- Provides equitable solutions to repair harm that was exacerbated by the pandemic and build resilience for the future

Con(s):

- None

Fiscal Impact:

- The \$26.2 million in ARPA FRF funding was authorized for receipt by Council on July 27, 2021.
- Staff is bringing forward budget amendments to appropriate the funding as Council approves specific usage of the \$26.2 million.

Councilwoman Roney said that because we are experiencing overlapping emergencies while some of these categories may have other funding options, she was concerned that we are making a bet that federal infrastructure funds might get passed to the state and they will already be absorbed at the state level. She asked Council to consider our own climate justice initiatives by adding climate change to the categories as part of our Council goals for both an equitable recovery from the pandemic and reimagining public safety which we identified in our retreat, and in hopes that it will also help us meet our goals for the Living Asheville Comprehensive Plan.

In response to Mayor Manheimer, City Manager Campbell and Ms. Rosenberg both were not concerned with the addition of climate change to the categories because we may not get proposals for all the categories. If there are concerns, staff will certainly come back to Council for further direction.

Mayor Manheimer said no advanced public comments were received.

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

Councilwoman Roney moved to adopt a resolution authorizing the City Manager to create a program of work for the American Rescue Plan Act State and Local Government Fiscal Recovery Funds that allocates the fund to the following categories: affordable housing, care for aging residents, city infrastructure, community communication, domestic violence prevention and assistance, food systems, homelessness services, revenue losses, small business recovery, climate change, and workforce development. This motion was seconded by Vice-Mayor Smith and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 43 – PAGE 364

B. BOARDS & COMMISSIONS

Regarding the Board of Adjustment Alternate seat, no one applied for the vacancy; therefore, it was the consensus of the Boards & Commissions Committee, and City Council, to re-advertise for the seat.

- **RESOLUTION NO. 21-203 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION**

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

The term of Marvin Chambers will expire on July 1, 2021.

The following individuals applied for the vacancy: Dewayne McAfee, Stephen J. Blount, Valeria Watson and Ashley Wilderding.

At the request of the Commission, it was the consensus of the Boards & Commissions Committee to appoint Stephen J. Blount.

It was the consensus of the Boards & Commissions Committee to appoint Stephen J. Blount.

Vice-Mayor Smith moved to appoint Stephen J. Blount to serve a three-year term, term to expire July 1, 2024, or until Stephen J. Blount's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 372

RESOLUTION NO. 21-204 - RESOLUTION APPOINTING MEMBERS TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

Vice-Mayor Smith, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Buncombe County Tourism Development Authority.

The terms of Himanshu Karvir and John Lockett (both representing lodging of 101+ rooms), as members of the Buncombe County Tourism Development Authority, expire on August 1, 2021. In addition, James Poole (representing lodging units of 100 rooms or less) has resigned, thus leaving an unexpired term until August 31, 2021.

The following individuals applied for the specific open seats: Matthew Lehman, Pratik Bhakta and Michael Lusick for the 101+ rooms; and Scott Kerchner and Larry Crosby for the 100 rooms or less.

On September 14, 2021, City Council interviewed Matthew Lehman, Pratik Bhakta, Michael Lusick for the 101+ rooms; and interviewed Scott Kerchner and Larry Crosby for the 100 rooms or less.

Each member of City Council stated their top two choices for the seats representing lodging of 101+ rooms: Pratik Bhakta received two votes; Michael Lusick received seven votes; and Matthew Lehman received five votes. Therefore, Michael Lusick and Matthew Lehman were each appointed to the Buncombe County Tourism Development Authority representing lodging of 101+ rooms, terms to expire August 11, 2024, or until their successors have been appointed.

Councilwoman Wisler moved to appoint Larry Crosby to serve the unexpired term of James Poole (representing lodging units of 100 rooms or less), term to expire August 31, 2022, or until Larry Crosby's successor has been appointed. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 373

RESOLUTION NO. 21-205 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

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

Bill Jones, member of the Civic Center Commission, resigned, thus leaving an unexpired term until June 30, 2022.

The following individuals applied for the vacancy: Yvonne Cook Riley, Kim Oliver, Kevin King and Chad Evans.

It was the consensus of the Boards & Commissions Committee to appoint Yvonne Cook Riley.

Vice-Mayor Smith moved to appoint Yvonne Cook Riley as a member of the Civic Center Commission to serve the unexpired term of Bill Jones, term to expire June 30, 2022, or until Yvonne Cook Riley's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 374

RESOLUTION NO. 21-206 - 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.

Veronica Coit, member of the Human Relations Commission, resigned, thus leaving an unexpired term until June 1, 2023. In addition, Tim Collins resigned, thus leaving an unexpired term until June 1, 2022.

The following individuals applied for the vacancy: Amanda Benson-Bremseth, Michael Brown, Marilynn Raynor and Edie Welchert.

It was the consensus of the Boards & Commissions Committee to appoint Marilynn Raynor, and to re-advertise for the second vacant seat.

Vice-Mayor Smith moved to appoint Marilynn Raynor as a member of the Human Relations Commission to serve the unexpired term of Veronica Coit, term to expire June 1, 2023, or until Marilynn Raynor's successor has been appointed; and to readvertise for the other vacant seat. This motion was seconded by Councilwoman Roney and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 42 - PAGE 375

RESOLUTION NO. 21-207 - RESOLUTION APPOINTING A MEMBER TO THE PLANNING & ZONING COMMISSION

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

The terms of Tony Hauser and Guillermo Rodriguez, as members of the Planning & Zoning Commission, expire on August 14, 2021.

The following individuals applied for the vacancies: Sherrye Coggiola, Roosevelt Harvin, Ricardo Seijo, Sara Wilcox, Lee Arevian, Kenneth Bussey Jr. and Geoffrey Barton.

On September 14, 2021, City Council interviewed Ricardo Seijo, Sara Wilcox, Kenneth Bussey Jr. and Geoffrey Barton. Sherrye Coggiola and Roosevelt Harvin were unable to attend the interviews.

Each member of City Council voted for their top one or two members, with a request that the second seat be re-advertised. Kenneth Bussey Jr received one vote; Ricardo Seijo received no votes; Geoffrey Barton received seven votes; Sara Wilcox received two votes. Therefore, Geoffrey Barton was appointed as a member to the Planning & Zoning Commission, term to expire August 14, 2024, or until Geoffrey Barton's successor has been appointed; and to readvertise for the second vacant seat.

RESOLUTION BOOK NO. 42 - PAGE 376

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 4 individuals spoke to Council, including, but not limited to the following comments: September 21 as International Day of Peace; City Council election process; social justice action and equity; and tax grants.

Closed Session

At 6:39 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); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling of the following matters: City of Asheville vs. Mark Byrd; and Joy Ponder vs. the City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Wisler carried unanimously by roll call vote.

At 7:21 p.m., Councilwoman Wisler moved to come out of closed session. This motion was seconded by Councilwoman Kilgore and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:21 p.m.

CITY CLERK

MAYOR