

Thursday – October 5, 2023 - 11:00 a.m.

#### Agenda Briefing Worksession - For October 10, 2023 Council Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

City Council held an agenda briefing worksession to discuss the upcoming and future agenda items. In addition, City Council reviewed upcoming City Council committees that will be taking place during the next two weeks.

Discussion occurred on the following other issues and updates:

- Parking Garage Assessment,
- City Council Priorities and Organizational Work Plan

At 12:46 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

Tuesday – October 10, 2023 - 3:30 p.m.

#### Comprehensive Facilities Study Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Building Construction Program Manager Walter Ear outlined the following key takeaways from his presentation: (1) capacity - space needs for growing City, staff and services; (2) condition - commit to maintenance to serve staff and residents well in existing facilities; and (3) consistent capital - Council priorities require high functioning facilities, and a reliable stream of capital funding will help make them a reality.

He then did a short recap of why we did a facilities study, noting that communities typically evaluate facilities on a 5-year cycle (Asheville's last assessment in 2017 was condition only, not comprehensive); and it forms the basis for long-range Capital Improvement Program (CIP) facilities planning.

Facilities inventoried were City Hall; Municipal Building; Harrah's Cherokee Center-Asheville; Oakley Fire Station 9, Library and Community Center; Public Works Facility; and Transit Maintenance Facility. Other facilities were parks restroom facilities; warehouses and storage; and leased space. This excludes Water Resource facilities; Pack Place Education Center; Thomas Wolfe Cabin; and Golf Warehouses. He then showed a timeline of the study, which funding was approved in June 2021.

He then reviewed the growth and space needs planning. Space needs include (1) Administrative - 20 departments; 14 divisions; (2) Public Works - builds upon prior study; and (3) Public Safety - headquarters; logistics and training; and stations. He then showed a chart of the population growth projection of 1.5% rate from 68,889 in 2000 to 132,667 in 2045.

For City Hall, he reviewed the current space occupied, future 20 year projected, usable space available on all floors and technical surplus. Current offices are poorly configured and do not fit modern work standards. Key takeaways for City Hall are (1) building can sustain 20 year future department growth; (2) 20 year sustainability will require the use of 7th & 8th floors; and (3) renovation of spaces, and egress must be addressed.

For the Municipal Building, he reviewed the current space occupied, future 20 year projected, usable space available on all floors, and space deficit. Key takeaways for the Municipal Building are (1) departments are in an immediate space needs deficit; (2) either Police or Fire must acquire space to effectively serve for the next 20 years; and (3) existential questions exist about the future purpose for the building.

For the Public Works Building, he reviewed the current space occupied, future 20 year projected, usable space available on all floors, and space deficit. Key takeaways for the Public Works Facility are (1) could sustain Public Works office growth needs, but not long-term operational site needs; (2) non-public works departments need to acquire additional space; and (3) existential questions exist about the future of the building and site.

Regarding commitment to maintenance, the evaluated condition of 984,300 square feet, 82 facilities, and value of \$425,000,000 is a grade C. He then reviewed a "Capital Predictor" maintenance model. Key takeaways from the maintenance model are (1) \$1 Million current annual maintenance funding is insufficient; (2) \$3.5 Million in annual maintenance funding is needed to continue service in existing facilities; and (3) maintenance only - no growth, improvement, building replacement.

Regarding sustainability, he did a sampling of 13 building sites, and used three sustainable models. The result is if reconfiguring facilities for ROI is suboptimal. Invest where cost effective, or replace. He then reviewed case studies on the Oakley Complex.

He then reviewed the many Council priorities and plans related to public facilities. He gave an example timeline for a large multi-year project; an example sequence for long-term planning; and the applied sequence to multiple facilities.

Next steps will be to fine tune (1) 20 year sequence with multiple facilities; and (2) capital budget estimates for CIP planning. He offered facility site visits with City Council at select sites.

City Manager Campbell, along with Mr. Ear, responded to various questions/comments from Council, some being, request for additional information on the basis for staff growth projection; are the Police & Fire Departments equally under spaced; where are the locations for public safety downtown; can any of our buildings that we are renovating be multi-solution buildings; how many employees did the City have 10 years ago and 20 years ago; are we talking with Buncombe County on partnerships; are we thinking of some type of long term commitment, like debt service; can we house any of our emergency services closer to the interstate; what is the real estate assessment for the facilities we have; are we considering moving the facilities on South Charlotte Street; disappointment that we don't have the use of hotel occupancy tax because these facilities are for our daytime population, not just the people who live here; and confirmation that this presentation does not include the Water Resource facilities or the City's parking garages. Mr. Ear said that information not readily available will be provided either before the November 14 worksession, or at the worksession.

City Manager Campbell said that we are building a base of information for City Council in order for them to make informed decisions. As we are thinking about our needs going forward, let's not forget about the space where our people work and where we deliver services.

At 4:32 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – October 10, 2023 - 5:00 p.m

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Sandra Kilgore; Councilwoman S. Antanette Mosley; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; 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 OCTOBER 2023 AS “DOMESTIC VIOLENCE AWARENESS MONTH”**

Councilwoman Turner read the proclamation proclaiming October 23, 2023, as “Domestic Violence Awareness Month” in the City of Asheville. She presented the proclamation to April Burgess-Johnson, Executive Director of Helpmate, who briefed City Council on some activities taking place during the month..

**II. CONSENT AGENDA:**

City Clerk Burleson said that we have just discovered that unfortunately the old ordinance for Sections 2-185.20 - 2-185.23 was attached to the documents online. The ordinance for Sections 7-3-10 and 7-3-11 are correct and the information therein is essentially the same for both sections. She apologized for this error. Councilwoman Turner, liaison to the Asheville Area Riverfront Redevelopment Commission, said that the Commission is in full support of these amendments and she has no problem with moving forward.

**A. APPROVAL OF THE MINUTES OF THE AGENDA BRIEFING WORKSESSION HELD ON SEPTEMBER 21, 2023, AND THE FORMAL MEETING HELD ON HELD ON SEPTEMBER 26, 2023**

**B. ORDINANCE NO. 5040 - ORDINANCE AMENDING SECTION 2-185.20 - 2-185.23 OF THE CODE OF ORDINANCES FOR A MORE INCLUSIVE MEMBERSHIP OF THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION; AND TO CHANGE THE NAME OF THE COMMISSION TO THE ASHEVILLE- BUNCOMBE RIVERFRONT COMMISSION**

**ORDINANCE NO. 5041 - ORDINANCE AMENDING SECTIONS 7-3-10 AND 7-3-11 OF THE CODE OF ORDINANCES FOR A MORE INCLUSIVE MEMBERSHIP OF THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION; AND TO CHANGE THE NAME OF THE COMMISSION TO THE ASHEVILLE-BUNCOMBE RIVERFRONT COMMISSION**

**Action Requested:** Adoption of (1) an ordinance to amend Section 2-185.20 - 2-185-23 of the Code of Ordinances; and (2) an ordinance to amend Section 7-3-10 and 7-3-11 of the Code of Ordinances, both regarding the Asheville Area Riverfront Redevelopment Commission.

**Background:**

- The Asheville Riverfront Redevelopment Commission (AARRC), a regional advisory board, was established by City Ordinance in fall of 2009; the Commission began meeting in May of 2010.
- The Riverfront Commission’s ordinance has been revised twice in the past 13 years; once to add the word “Area” to its name, and once to align with changes to state general statutes.
- The AARRC adopted “Perform a review of the purpose of the Riverfront Commission and discuss what changes may be appropriate and needed for us to continue as a successful civic body” as language to include in their 2022 Annual Report.
- The AARRC performed a review and now proposes a new ordinance. The substantive changes made include:
  - Changing the Commission name to “The Asheville Buncombe Riverfront Commission”
  - An updated purpose that emphasizes planning for the sustainability of the riverfront area, including a regional look at improving river water quality, and less focus on redevelopment/revitalization policies.
  - Retaining the same number of members (and the same number of appointees from the City) yet expanding the diversity of membership by eliminating most property owner requirements and including representatives from Black Mountain, Swannanoa, Explore Asheville, the arts community, and traditionally underrepresented residents from neighborhoods like Pisgah View, Hillcrest, and Southside.
  - Clear guidance to existing (CIBO, City, County, Chamber of Commerce, Town of Woodfin) and new (Black Mountain, Explore Asheville) appointing boards about prioritizing diversity when making appointments.
  - A clarification that while the City will manage the boards activities, that all appointing boards are asked to annually consider the provision of resources such as transportation, staff time, programming and/or financial resources in order to support them being a successful civic body.
  - Changes to the membership will be made over time as vacancies arise. For example, as one of the CIBO appointees and one of the RiverLink appointees term’s expire this year, new members from Black Mountain and Explore Asheville can be added.

**Council Goal(s):**

- An Equitable and Diverse Community
- A Connected and Engaged Community
- A Clean and Healthy Environment

**Committee(s):**

- Asheville Area Riverfront Redevelopment Commission - 8-10-23 - Commission voted unanimously to move ordinance to City Council
- Planning and Economic Development Committee - 8-14-23 - AARRC Chairperson Anne Keller presented information on this item

**Pro(s):**

- Updates the Commission’s ordinance to better reflect the current planning context for the riverfront area.
- Expands regional partnership opportunities by adding new members.
- Includes specific language that enhances opportunities for diversity, equity, and inclusion on the Commission.

**Con(s):**

- None.

**Fiscal Impact:**

- This action requires no additional City resources and has no fiscal impact.

**Motion:**

- Motion to adopt (1) an ordinance to amend Section 2-185.20 - 2-185-23 of the Code of Ordinances; and (2) an ordinance to amend Section 7-3-10 and 7-3-11 of the Code of Ordinances, both regarding the Asheville Area Riverfront Redevelopment Commission.

**ORDINANCE NO. 5040 - ORDINANCE BOOK NO. 35 - PAGE 83**

**ORDINANCE NO. 5041 - ORDINANCE BOOK NO. 35 - PAGE 91**

**C. ORDINANCE NO. 5042 - ORDINANCE AMENDING THE HUMAN RELATIONS COMMISSION OF ASHEVILLE REGARDING MEMBERSHIP**

**Action Requested:** Adoption of an amendment to Section 2-185.25 of the Code of Ordinances regarding Membership of the Human Relations Commission of Asheville (HRCA).

**Background:**

- The HRCA was established by Ordinance No. 4663 in July of 2018.
- At the January 10, 2023 City Council meeting, Council voted unanimously to reduce the total membership of the HRCA from 15 to 9 members, including allowing up to 3 members who reside in Buncombe County outside of the City.
- These proposed amendments reflect needed updates to the City's current local ordinance which establishes the HRCA in order to come into compliance with recent Federal Court decisions.
- Following recent Supreme Court cases involving the admissions practices at the University of Harvard and the University of North Carolina, public institutions must examine the language involving any racial preferences.
- In order to remain compliant with existing Federal law, an amendment to the City's existing HRCA ordinance is necessary.
- The proposed amendment only alters one portion of the existing ordinance pertaining to membership characteristics.
- The recommended changes represent technical changes to the commission membership makeup by clarifying that equal opportunity to serve shall be given to individuals or classes which have been historically disadvantaged, however no racial characteristics will be a requirement of membership.
- The amendment will also clarify that membership decisions do not violate constitutional protections.

**Vendor Outreach Efforts:**

- Not Applicable

**Council Goal(s):**

- A Well Planned and Livable Community

**Committee(s):**

- Human Relations Commission of Asheville - Sept. 21, 2023 - Voted 5-0 to recommend amendment
- City Council Boards and Commissions Committee - Oct. 10, 2023

**Pro(s):**

- Brings existing City ordinances into compliance with recent U.S. Supreme Court decisions and guarantees equal access and membership opportunities for historically disadvantaged groups.

**Con(s):**

- None

**Fiscal Impact:**

- This action requires no City resources and has no fiscal impact.

**Motion:**

- Move to approve the amendment to Section 2-185.25 of the Asheville City Code regarding membership and appointments to the Human Relations Commission of Asheville.

**ORDINANCE BOOK NO. 35 - PAGE 94**

**D. ORDINANCE NO. 5043 - ORDINANCE TO AMEND ORDINANCE NO. 4370 PROHIBITING DISCRIMINATORY PRACTICES IN PRIVATE EMPLOYMENT AND PUBLIC ACCOMMODATIONS TO INCLUDE ADDITIONAL LANGUAGE REGARDING DISCRIMINATION PROTECTIONS FOR NATURAL HAIR AND HAIRSTYLES**

**Action Requested:** Adoption of an ordinance to amend Ordinance No. 4370 prohibiting discriminatory practices in private employment and public accommodations to include additional language regarding discrimination protections for natural hair and hairstyles.

**Background:**

- On March 16, 2023, the Human Relations Commission of Asheville (HRCA) voted 8-0 to recommend that the Asheville City Council adopt a local ordinance modeled after a State bill (NC CROWN Act) to be known as the "Asheville CROWN Act" which is intended to protect from discrimination based on natural hair and hairstyles.
- There is a pre-existing Non-Discrimination Ordinance (NDO; Ordinance No. 4370) which the Asheville City Council adopted in April 2021 to prohibit discriminatory practices in private employment and public accommodations, including discrimination based on natural hair or hairstyle.
- On August 15, 2023, staff presented the HRCA's recommendation to the Equity & Engagement Council Committee. Given the pre-existing NDO which already includes language around hair, staff recommended revising the existing NDO to include additional language from the HRCA's recommendation regarding hair texture and examples of protected hairstyles.
- The recommendation as proposed would incorporate language from the NC CROWN Act, which does not currently exist in the City's NDO.
- On August 15, 2023, the Equity & Engagement Committee voted 2-0 to recommend the Asheville City Council amend the pre-existing NDO with the recommended additional language.
- On August 15, 2023, the Equity and Inclusion staff reached out to Buncombe County's Equity and Human Rights Office in regards to amending their non-discrimination ordinance and they currently are considering next steps.

**Council Goal(s):**

- An Equitable and Diverse Community

**Committee(s):**

- Human Relations Commission of Asheville - March 16, 2023 - Voted unanimously (8-0) to recommend that the Asheville City Council adopt the Asheville CROWN Act.
- Equity & Engagement Council Committee - August 15, 2023 - voted unanimously (2-0) to recommend revising the existing Non-Discrimination Ordinance "to include the proposed additional language regarding hair texture and examples of protected hairstyles" and for staff to outreach to Buncombe County to consider also amending the County non-discrimination ordinance with similar language.

**Pro(s):**

- This amendment provides additional language to the existing NDO to add specificity to the current protections afforded to natural hair and hairstyles.

**Con(s):**

- None noted.

**Fiscal Impact:**

- This action requires no City resources and has no fiscal impact.

**Motion:**

- Motion to amend the Ordinance 4370 to include the proposed additional language regarding hair texture and examples of protected hairstyles.

Councilwoman Roney thanked the Human Relations Commission members for their work in bringing forward this ordinance to City Council.

**ORDINANCE BOOK NO. 35 - PAGE 97**

**E. RESOLUTION NO. 23-219 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CINDERELLA PARTNERS INC. FOR THE PARKING GARAGE IMMEDIATE PRIORITY CAPITAL REPAIRS PROJECT**

**Action Requested:** Adoption of a resolution authorizing the City Manager to enter into a contract with Cinderella Partners, Inc. in the amount of \$279,940, for the Parking Garage Immediate Priority Capital Repairs project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$27,994 (10%).

**Background:**

- The City engaged a consultant to perform an assessment of the City-operated parking garages.
- During the consultant's field investigation they identified critical repairs that require immediate attention at the Wall Street, Rankin Avenue, and Harrah's Cherokee Center garages.
- The work includes supplemental support for structural concrete corbels at the Rankin and Wall Street garages; supplemental steel framing support at the Wall Street elevator landing; and supplemental steel support for two stairwells in the Harrah's Cherokee Center garage.
- A bid alternate was included in the bid for a surcharge to perform the work after hours (Sunday through Thursday from 8pm to 5am).
- This alternate was included as a means to limit disruption to parking services and the impact to parking revenues during the day and on weekends.

- Submissions for Bid 298-CP24-PGCR.1A-BID were received September 18, 2023. One bid was submitted:
  - Cinderella Partners, Inc. of Indian Trail, NC in the amount of \$267,001.02 base bid; and \$12,938.17 Bid Alternate #1.
- Cinderella Partners' bid was responsive and responsible, and the bid is 10% under the engineer's estimate.

**Vendor Outreach Efforts:**

- Staff performed outreach to minority businesses through solicitation processes using the State's Interactive Purchasing System, direct communications inviting minority businesses to bid, and requiring prime contractors to reach out to Minority-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Prime contractors were required to submit documentation of their minority outreach efforts and results in their bid submittals.
- Cinderella Partners, Inc. is a woman-owned business. Their minority outreach documentation was included in the bid submission.
- No MWBE subcontractors submitted bids with this prime contractor.

**Council Goal(s):**

- A Clean and Healthy Environment & Transportation and Accessibility

**Committee(s):**

- None

**Pro(s):**

- The repairs performed under this contract will reduce the potential for injury and property damage, and will improve the overall safety of patrons and visitors at the Wall Street, Rankin Avenue and Harrah's Cherokee Center parking garages.

**Con(s):**

- Some parking spaces in the area of the repairs will be out of service during the construction, potentially reducing revenues.
- The work will be moderately disruptive and inconvenient for parking garage patrons.
- Disruption to parking services can have an impact to nearby businesses

**Fiscal Impact:**

- Funding for this contract was previously budgeted and is available in the Parking Services Capital Projects Fund.

**Motion:**

- Motion authorizing the City Manager to enter into a contract with Cinderella Partners, Inc. in the amount of \$279,940, for the Parking Garage Immediate Priority Capital Repairs project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of \$27,994 (10%).

**RESOLUTION BOOK NO. 44 - PAGE 259**

**F. MONTHLY MUNICIPAL PROPERTY TAX REFUNDS OR RELEASES PER N.C. GEN. STAT. SEC. 105-381**

**Action Requested:** Adoption of City of Asheville property tax refunds and releases for the month of August 2023.

**Background:**



- Buncombe County currently bills and collects City property taxes
- At the August 22, 2023, meeting, City Council approved an addendum to the existing tax collection agreement with Buncombe County to ensure that it fully conforms to the provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- As part of that compliance, the City Council must, on a monthly basis, approve all property tax releases and refunds that have been approved by the Buncombe County Board of Commissioners.
- City of Asheville refunds and releases for August 2023 are included in the document provided to City Council..

**Council Goal(s):**

- A Financially Resilient City

**Pro(s):**

- Ensures compliance with provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.

**Con(s):**

- None

**Fiscal Impact:**

- None.

**Motion:**

- Motion to adopt City of Asheville property tax refunds and releases for the month of August 2023.

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 Turner moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Ullman and carried unanimously.

**III. PRESENTATIONS & REPORTS:**

**A. MANAGER'S REPORT**

**Parks & Recreation Comprehensive Plan**

Parks & Recreation Director D. Tyrell McGirt said the key takeaways from his presentation will be (1) The last Parks and Recreation Plan was updated in 2009; (2) Staff initiated a process to update the plan; (3) A Request for Proposals was issued in January and a consultant was selected to update the plan in February; (4) March 28, 2023 - Council's Environment and Safety Committee voted to move forward a recommendation to approve a contract to hire the consultant and on March 28, 2023 full Council approved the contract with Design Workshop for the development of the P&R systemwide plan; and (5) The presentation today will provide an update on the process and the schedule of key milestones. He said the purpose of this plan is to create a vision for an enhanced Parks and Recreation system that meets the needs of the current and future Asheville community. Key outcomes include (1)

Assess current and future community recreation needs; (2) Equitably prioritize programs and capital investments with a focus on revitalizing our existing parks and facilities; (3) Promote new ideas and partnerships / Aids in innovation; (4) Provide sustainable practices and strategies to fill gaps in desired recreation; and (5) Educate the public and build community support. He then reviewed the anticipated project timeline, along with the resident and user engagement opportunities. He then said other opportunities to promote the online survey are (1) Department led activities, events and programs; (2) Community Events and Festivals; (3) Neighborhood Meetings; and (4) Farmers Markets.

Councilwoman Roney suggested that the survey asking for ideas for future parks and recreation in Asheville be also on the engagement hub to make it easier for the public to find and complete.

### **Public Safety Update**

Assistant City Manager Ben Woody reviewed the following key takeaways from the presentation: (1) Public safety and cleanliness remain a top priority; (2) The City continues to take an interdisciplinary approach that prioritizes safety and cleanliness conditions citywide with a focus in the downtown area; (3) Since the 60-day initiative concluded, downtown service levels have been maintained or enhanced. Staff is identifying resource needs to further enhance those services in the future; (4) New communications strategies are rolling out to keep the community better informed of efforts; and (5) Public safety and cleanliness continues to be a community-wide responsibility and the City is pursuing partnership opportunities for further enhancement.

Deputy Police Chief Jackie Stepp used a chart to show the City-wide violent crime year-to-date. She said (1) 18% lower compared to 2022. However, when you have a record year, you will most likely see a decrease the following year; (2) 1% higher compared to the 5 year average; and (3) Still 8% higher than what it was in 2021 or the annual average from 2018 to 2021.

Regarding City-wide property crime year-to-date, (1) 4% lower compared to 2022 and down 2.5% compared to the 5 year average; (2) 16% lower compared to 2019, which is the highest in the past 5 years; (3) Changes in corporate policy and reduction of Loss Prevention staff contribute heavily to the reduction in shoplifting calls for service; (4) Asheville Mall - 60% reduction in shoplifting reported annually since 2020; (5) Kohl's - 75% reduction in the shoplifting reported annually since 2020; (6) Walmart on Hendersonville Road - 50% reduction in the shoplifting reported annually since 2020; and (7) River Ridge Marketplace - 50% reduction in the shoplifting reported annually since 2020.

Regarding downtown violent crime year-to-date, (1) 21% lower year to date (YTD) compared to 2022 and down 24% compared to the 5 year average; and (2) We contribute this to increased enforcement downtown.

Regarding downtown property crime year-to-date, the chart shows 8% lower YTD compared to 2022 and down 12% compared to the 5 year average.

She said for the downtown crime review, (1) Downtown is a crime hotspot in the city because it has the highest crime counts per square foot; (2) Almost 10% of all city crime happens downtown; (3) Since the downtown initiative, there have been 4 fewer crimes reported each week compared to the last 5 years; (4) During the downtown initiative (May-Jun), arrests increased to 47 per month. Citations increased to 84 per month; and (5) So far this year, APD has made 387 arrests and issued 460 citation charges in downtown Asheville, averaging 37 arrests and 49 citations per month through September.

Regarding APD presence and coverage downtown, (1) Overall downtown overtime coverage has increased each month by 10% in July, 20% in August, and 13% in September 2023; (2) Offering additional overtime shifts for officers to patrol downtown before and after their regular scheduled shift - Officer burnout is a major concern; (3) Continue to focus on foot patrol and encourage bike patrol as staffing allows; and (4) APD also continues to staff downtown with two regular on-duty patrol officers 24/7, which coincides with city-wide staffing.

Regarding APD partnerships, (1) Community/business groups (ADA, DARN, AIR, Hospitality Group); (2) NC Department of Public Safety (Both ALE and Probation & Parole); (3) FBI, DEA and ATF (assist in addressing violent crimes); (4) Community Responders and BC Community Paramedics; (5) Buncombe County Sheriff's Office (BCSO) - While APD has met with the BCSO and welcomed assistance to address downtown issues, minimal assistance has been provided - BCSO could only provide 8 hours of assistance during the COA 60 day initiative, made no arrests and issued no citations, and no reports taken or crimes investigated; (6) APD and BCSO recently met to discuss a path forward. After the meeting there were agreed upon next steps; (7) Unfortunately the recent communication from BCSO suggesting APD did not want support from them was both disappointing and inaccurate; and (8) APD remains willing to collaborate with the BCSO to address this important community issue.

She said in the APD recruiting and retention, (1) Currently have 4 in Field Training; (2) Currently have 5 recruits in BLEET; (3) Expected to have 10 in the January BLEET class; (4) Hired 5 lateral officers since May 2023, compared to 2 since 2017; and (5) More than a dozen inquiries from officers from outside agencies.

Assistant City Manager Woody said that the Community Responder Program proactive engagement is (1) Identify immediate needs; (2) Assist as able; (3) Share available resources; (4) Understand business and resident experiences; (5) 9am - 9pm daily; (6) Gathering information during each interaction to identify resource needs/gaps; and (7) Will focus on additional downtown outreach to supplement APD presence

Regarding our commitment to addressing homelessness, (1) Goal is to provide housing; (2) Homeless Strategies Division is working with community partners to implement recommendations of National Alliance to End Homelessness (NAEH) - November 16 Joint City/County Work Session to discuss progress; (3) City staff meets monthly with service providers located in downtown; (4) Notable City investments in community capacity: Compass Point Village - 85 permanent supportive housing units (opened mid-September 2023); Shangri-La/Step-Up - 113 units scheduled to open early 2024; City and County each approved \$875K to add 43 year-around shelter beds; and Code Purple sheltering (beginning October 15) at ABCCM and Salvation Army will include more beds than last year; and (5) New education series this fall on issues related to homelessness, best practices in response and opportunities for participation in solutions.

Regarding City-wide cleanliness efforts, (1) Citywide services include vegetation control, litter cleanup, street receptacle waste collection, encampment site clean up, pressure washing, street sweeping, graffiti abatement, and general maintenance; (2) Beginning in 2023, the city is leveraging ARPA funding to contract for additional roadside litter collection, hot-spot litter cleanup, and biohazard materials cleanup; (3) The city regularly contracts with Asheville Greenworks to complete cleanliness projects using volunteers; (4) Staff successfully launched a purple bag program to provide a low cost method for people experiencing homelessness to collect and dispose of waste; and (5) City Council approved funding for a Solid Waste Master Plan that will include an analysis of solid waste services and recommendations for improvement.

Downtown service highlights include (1) 9 full-time public works staff dedicated to downtown cleanliness including graffiti abatement, vegetation control, street sweeping, and code

compliance; (2) Contracted services for supplemental clean-up, vegetation control, and pressure washing; (3) Improved response to hot spots and cleanliness issues; (4) Daily trash collection and incremental replacement/refurbishment of receptacles; (5) Daily security coverage in downtown parks; (6) Daily cleaning of downtown parks and contracted horticulture maintenance; and (7) Since July, overall service levels have been maintained or enhanced.

Regarding the downtown parking garages, (1) A pressure washing contract has been in effect since May 2023 to clean the stairwells in the parking garages on a monthly basis; (2) A 24/7 security contract for the parking garages will be coming to City Council for approval during November 2023; (3) Parking Services staff is available to escort customers who are parked in a city parking garage to and from their vehicle to the appropriate entrance/exit by calling (828) 778-3216 which is listed on signs located at entrances and exits; (4) A request for bids to install security cameras in HCCA parking garage is currently advertised and bids are due on October 27, 2023; (5) The additional parking availability sign for the HCCA parking garage is expected to be installed along Haywood Street by the end of the calendar year; and (6) Since July, overall service levels have been maintained or enhanced.

Regarding downtown street lighting, (1) Repair needs and resolutions being tracked on a dashboard (launched during 60 day initiative); (2) New Duke fixtures will automatically alert maintenance needs; and (3) Since July, improved systems of reporting and tracking repairs have continued.

Downtown communications enhancements include (1) Monthly newsletter focused on: (a) Progress on the City's downtown safety & cleanliness efforts; (b) Opportunities to support initiatives (homelessness, clean-ups, etc.); (c) Guidance on reporting crime, cleanliness issues, concerns; and (d) Open to the public to subscribe; (2) New Public Input page that includes: (a) Tracking of services/impacts; (b) Latest news on the City's efforts; and (c) Resources and guidance; and (3) Regular in-person updates: (a) Public safety updates to Downtown Commission every other month; and (b) Environment and Safety Committee updates and discussion.

Ways the community can help are (1) Report crime and all issues of concern; (2) Anonymously share tips with APD using TIP2APD; (3) Submit a trespass letter to APD; (4) Use the Avl App or contact the city's Constituent Services Coordinator for city service requests; (5) Schedule a security survey with APD and/or utilize Crime Prevention Through Env. Design concepts; and (6) Register and upgrade security camera systems with the Buncombe County Sheriff's Office Real Time Intelligence Center.

Next steps include (1) Downtown 101 Guide - Brochure with guidance for downtown businesses/residents on supporting a clean and safe environment; (2) Education and outreach for solicitation ordinance; (3) Increased proactive code enforcement of nuisance issues; (4) Cross-Agency Collaboration; (5) Support Business Improvement District Exploration; (6) Detailed Tracking of Services and Impacts - To continue tracking, communicating and evaluating impacts; and (7) Cross-Departmental Operational Prioritization for Resource Identification (a) Expansion of Community Responder program; and (b) Expansion of city clean-up and maintenance crews.

There was a brief discussion, initiated by Councilmember Roney's concern about the recent special operations that arrested 62 people for non-violent charges, some of which had no access to housing or health care. She felt that when we pull our employees from other divisions for special operations such as this, then other residents around the City don't have those resources. Police Chief David Zack said that people who break the law will get arrested. Of the 28 warrants served, he noted that 17 were felonies, and when discretion no longer works, the police use all their tools in the toolbelt and that includes making arrests.

Councilwoman Mosley said that the downtown area is everyone's neighborhood and she didn't want to do anything that affects law enforcement's ability to keep people safe downtown.

City Manager Campbell said that in no way are we trying to criminalize poverty or homelessness.

Councilwoman Roney felt that the City should reinstitute the Citizens-Police Advisory Committee where there is a place for citizens to have their concerns heard. Councilwoman Ullman, Chair of the Council Environment & Safety Committee said that they are getting on a cycle of receiving police data and hearing concerns.

In response to Mayor Manheimer, Police Chief Zack said that they are seeing big box companies around the country shifting their corporate policy on how to address shoplifting.

Councilwoman Roney stressed how we need more and better services to help our most vulnerable community. She noted appreciation for staff working to provide quality, equitable service outcomes including our community responders, who she sees increasing staff visibility, sharing resources, and providing a warm welcome that appears to be building trust. She also shared a story of assisting a fellow transit rider released from Mission hospital while still in need of care and without a place to go.

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

##### **A.. PUBLIC HEARING TO CLOSE AN EXCESS RIGHT-OF-WAY ADJACENT TO 100 CRAVEN STREET**

##### **RESOLUTION NO. 23-220 - RESOLUTION TO CLOSE AN EXCESS RIGHT-OF-WAY ADJACENT TO 100 CRAVEN STREET**

Assistant Transportation Director Jessica Morriss said that this is the consideration of a resolution to permanently close an excess right-of-way adjacent to 100 Craven Street. This public hearing was advertised on September 15, 22, 29 and October 6, 2023.

#### **Background:**

- City Council passed a resolution on September 12, 2023 to set a public hearing for the proposed right-of-way closure on October 10, 2023.
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires City Council to consider whether the closure of the right of way has a negative impact to the public interest and whether the closure would impede access to parcels, utilities, and other public infrastructure.
- 9999 Hazel Mill Rd, LLC, Owner, petitioned for this closure to develop a five story multi-family dwelling with 23-30 units.
- The unopened right-of-way is a triangle-shaped area located along the west edge of Craven Street.
- The closure does not impede any future transportation connections, including future connections for multimodal infrastructure, nor does it conflict with any utility access.
- Signs were placed at two locations along Craven Street announcing the public hearing and potential closure.

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

- A Well-Planned and Livable Community

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

- Technical Review Committee - July 17, 2023 - Recommended approval
- Multimodal Transportation Commission - August 23, 2023 - Unanimous approval

**Pro(s):**

- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.

**Con(s):**

- None.

**Fiscal Impact:**

- This action requires no City resources and has no fiscal impact.

Ms. Morriss said that 9999 Hazel Mill Road, LLC, Owner, has petitioned for this closure to develop a five story multi-family dwelling with 23-30 units. The unopened right-of-way is a triangle-shaped area located along the west edge of Craven Street. The closure does not impede any future transportation connections nor does it conflict with any utility access. She then showed several maps of the proposed closure. Regarding Committee/Commission recommendations: (1) Technical Review Committee (TRC) - July 17, 2023, recommendation was to approve the closure; and (2) Multimodal Transportation Commission - August 23, 2023, recommendation was to approve the closure.

Mayor Manheimer opened the public hearing at 6:14 p.m., and when no one spoke, she closed the public hearing at 6:14 p.m.

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

Councilwoman Turner moved to adopt a resolution to permanently close an unopened right-of-way between Sulphur Springs Road and Lane Avenue. This motion was seconded by Councilwoman Ullman and carried unanimously.

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**V. UNFINISHED BUSINESS:**

**VI. NEW BUSINESS:**

**A. RESOLUTION NO. 23-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO DIRECT STAFF TO MOVE FORWARD WITH THE COLLEGE PATTON COMPLETE STREETS PROJECT, AND ORDINANCE AMENDMENTS TO PERMIT USE BY ALL MODES OF PERSONAL TRANSPORTATION WITHIN BIKE LANES**

Assistant Transportation Director Jessica Morriss said this is the consideration of a resolution reaffirming the City Council's commitment to multimodal transportation, authorizing the City Manager to direct staff to move forward with the College Patton Complete Streets Project, and directing City staff to prepare ordinance amendments to permit use of all modes of personal transportation within bike lanes.

**Background:**

- The addition of bicycle facilities in Asheville's urban core is consistent with adopted City plans and policies to improve multimodal transportation, particularly in Downtown.

- Plan alignment includes the 2009 Downtown Master Plan, the 2012 Complete Streets Policy, the 2016 Asheville in Motion Mobility Plan, and the 2018 Living Asheville Comprehensive Plan.
- City Council's 2036 Vision Framework for transportation and accessibility states, "Whether you drive a car, take the bus, ride a bike or walk, getting around Asheville is easy. Public transportation is widespread, frequent, and reliable. Sidewalks, greenways, and bike facilities get us where we want to go safely and keep us active and healthy. It is easy to live in Asheville without a car and still enjoy economic, academic, and social success."
- The City's existing Capital Improvement Plan (CIP) was developed using previously approved plans and policies, including the 2012 Complete Streets Policy and the 2018 Living Asheville Comprehensive Plan as a basis.
- The College and Patton Complete Streets Project has been prioritized in the CIP because College and Patton are the primary east-west through streets in downtown.
- The proposed bike lanes will connect to existing bike lanes and future bike lanes in downtown and beyond, and the project will have a relatively quick installation time with a comparatively low cost given its community benefits.
- Staff most recently presented a status update on the College Patton Complete Streets Project as part of the August 22, 2023, City Manager's Report.
- As part of that discussion, staff hoped to gauge consensus from Council regarding their level of support to continue with the project.
- While beneficial feedback was received on August 22, conclusive direction was not received.
- Since August 22, staff have distributed a [detailed memo](#) providing additional background information on the history and outreach efforts associated with the bike lane project, updated details on the [project's webpage](#) and distributed information via email to stakeholders including the City's downtown safety initiative subscriber list, and organizations/people who have self identified as BIPOC, Youth, Seniors, Interested in Transportation, People with Disabilities and/or their Caretakers, and LGBTQ+.
- Staff have also conducted targeted project meetings with business owners and other community members, particularly those representing the BIPOC community.
- The City Council is being asked to approve a resolution to reaffirm their commitment to multimodal transportation and authorize the City Manager to direct staff to move forward with the College Patton Complete Streets Project.

**Vendor Outreach Efforts:**

- Vendor solicitation and selection to complete the College Patton Complete Streets Project will only occur if the City Council approves the resolution authorizing the City Manager to direct staff to proceed with the project.

**Council Goal(s):**

- Improve/Expand Core Services

**Committee(s):**

- Downtown Commission: March 11, 2022 & June 10, 2022 - presentation only; December 9, 2022 presentation and vote - 6 to 3 vote to recommend project implementation; September 22, 2023 - presentation only.
- Multimodal Transportation Commission: March 23, 2022 - Presentation only; June 22, 2022 - presentation and vote - 6 to 1 vote to recommend implementation of the project
- City Council City Manager's Report - September 13, 2022 - presentation only
- City Council City Manager's Report - August 22, 2023 - presentation only

**Pro(s):**

- Currently listed in the adopted capital budget.
- Implements multimodal principles.
- Enhances travel safety for multiple modes of transportation.

**Con(s):**

- Possible reduced levels of service for automobiles and increased queue lengths during peak hours.

**Fiscal Impact:**

- Funding for this project (\$100,000) was previously budgeted and is available in the General Capital Projects Fund.
- Thus far, approximately \$12,000 has been spent toward project design and public outreach.

Assistant Transportation Director Jessica Morriss outlined the following key takeaways from her presentation as follows: (1) Existing City plans and policies directly call for more bike facilities in the CBD and across the City. This project also aligns with several components of *Council's 2036 Vision*; (2) The College/Patton project promotes increased safety for all users and will connect existing bike lanes and future facilities, including greenways; (3) Community engagement began in February 2022 and continued through summer 2023; (4) Community feedback was used to inform the final project design. Top concerns expressed were related to loading zones, parking availability, and traffic congestion; (5) The project was programmed in the City's approved Capital Improvement Plan through the adoption of the FY22 Budget; and (6) Staff is asking Council to consider a resolution reaffirming its commitment to multimodal transportation. This resolution will specifically confirm support for staff to proceed with the implementation of the College Patton Bike Lane Project and direct staff to prepare ordinance amendments to permit use of all modes of personal transportation within bike lanes.

The project elements are (1) The project would result in: (a) A "quick" build, low-cost, high-value bicycle facility (6' buffered bike lane); and (b) Restriping crosswalks to be high-visibility; (2) **\$100,000** programmed for lane markings, signage, and vertical delineators across approximately **.5 miles** of roadway; and (3) By comparison: (a) **\$300,000** for Patton Ave. sidewalk improvements (~**500 linear feet** of new sidewalk repairs and approximately **8** ADA-compliant curb ramps); and (b) **~\$3,000,000 per mile** to design, acquire right-of-way for, and construct new greenway.

She then reviewed the following project safety benefits table:

Pedestrians	Bicyclists / Micro-mobility Users	Motor Vehicles / Transit	Delivery Vehicles
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<p>Adds high-visibility crosswalks to enhance pedestrian safety</p> <p>Reduces the distance pedestrians have to navigate through traffic by ~11 feet</p> <p>Creates a buffer between motor vehicles and the sidewalk</p> <p>Reduces the likelihood of multiple-threat crashes</p> <p>Potentially calms traffic</p>	<p>Creates a dedicated area of travel for bicyclists</p> <p>Provides greater separation between motor vehicles and bicyclists</p> <p>Reduces the likelihood of crashes due to drivers overtaking bicyclists on the roadway</p> <p>Reduces number of potential conflicts by configuring bike lane to the left-side of the road instead of the right-side</p>	<p>Creates a dedicated area of travel for motorists</p> <p>Promotes more predictable driver behavior (less swerving, less changing lanes, more clear on where to go, less crashes)</p> <p>Improved visibility and awareness for transit stops and riders</p>	<p>Reduces the need for delivery trucks to double-park in the street due to additional dedicated space, improving safety for all and mitigating congestion</p>
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Ms. Morriss then reviewed then outreach and engagement summary as follows: 4 virtual stakeholder meetings; 2 walking tours; 1 stakeholder / public workshop; 1 public survey; 1 radio interview; 3 presentations to Downtown Commission (voted in favor of project 6-3); 2 presentations to Multimodal Transportation Commission (voted in favor of project 6-1); and 3 presentations to City Council.

She then reviewed a detailed chart of crash dates, vehicle driver demographics, pedestrian demographics, pedalcyclist demographics, and contributing circumstances. There were 16 reported pedestrian and bicycle (including one skateboard) crashes in the project area from 2018 through 2022. These crashes involved a total of 17 pedestrians and bicyclists.

Mr. Morriss then showed a map of the broader vision of the existing and planned bike facilities and greenways.

Regarding parking, a summary of changes in the project area (1) 17 metered parking spaces are proposed to be removed -9 of these to be converted to loading zone area; (2) No American with Disabilities (ADA) parking spaces are being removed. One would be relocated from Patton Ave. to across the street along N. Pack Square; and (3) Net loss of two (2) metered parking spaces in Pritchard Park area. Regarding the bigger picture of parking, (1) Rankin and Coxe Ave. parking garages are within 0.1 miles from College and Patton corridors; (2) There are approximately 1,200 on-street public parking spaces in the CBD including metered parking, permitted parking, loading zones, ADA designated parking, unmetered hourly parking, and government reserved parking; (3) The City's parking garages provide an additional 1,437 spaces: Biltmore Avenue parking garage - 404 spaces; Harrah's Cherokee Center Asheville parking garage - 550 spaces; Rankin Avenue parking garage - 262 spaces; and Wall Street parking garage - 221 spaces. The County also has approximately 1,700 public parking spaces available throughout downtown; (4) City's parklet / streetery program (a) 13 businesses are utilizing 25 parking spaces downtown, plus 2 parking spaces on S. Market that are utilized by the public; and (b) During the temporary program, as many as 21 businesses had temporary parklets, utilizing 15 additional parking spaces; (5) Data collection and reporting (a) Vehicle speeds; and (b) Crash data; (6) Increased enforcement in project area; and (7) Communication and outreach strategy for educating public, businesses, and delivery drivers on how space should function.

She then used a map to show the details on a block by block basis of several areas as follows: (1) College Street between Biltmore & Lexington - moving loading zone to right side of street; and extend from approximately 25 feet to 40 feet; (2) College Street between Market & Spruce - no parking or loading zone impacts; and bike lanes moves to left-side of Market; (3)

College Street between Market & Biltmore - no parking or loading zone impacts; and left turn combined with thru lane at Biltmore; (4) Patton Avenue between Lexington & Biltmore - removing 3 parking spaces; relocating existing ADA space to across the street along N. Park Square; and no change to turn lanes; (5) College Street between Lexington & Haywood - reconfiguring and extending loading zone space from 100 feet to 124 feet; removing 7 parking spaces; one thru lane is removed; and left-turn at Haywood combined with thru lane; and (6) Patton Avenue between Haywood Street & Lexington Avenue - reconfiguring and extending loading zone from 25 feet to 115 feet; removing 5 parking spaces and parklet; one thru lane removed; and left-turn at Lexington combined with thru lane.

Post implementation includes (1) data collection and reporting - vehicle speeds and crash data; (2) increased enforcement in project area; and (3) communication and outreach strategy for educating public, businesses, and delivery drivers on how space should function. She then showed a timeline, noting that construction is estimated to take 60-90 days after vendor selection (February/March 2024). Beginning of construction might be early spring 2024.

Staff recommends Council adopt a resolution to authorize the City Manager to direct staff to move forward with the College Patton Complete Streets Project, and to prepare ordinance amendments to permit use of all modes of personal transportation within bike lanes.

In response to Councilwoman Ullman's question raised by the community about a possible conflict of interest, City Attorney Branham said that he is confident that no conflict exists. Under North Carolina law, each Council member has an affirmative duty to vote (NCGS 160A-75), unless a specific conflict exists. Whether a conflict does exist is determined by the nature of the vote. If the agenda item deals with land development matters, the law about conflicts is found in GS 160D-109. When the vote is over a contract, the pertinent provision is found in GS 14-234. For all other votes, such as the one dealing with the bike lanes, the correct standard is found in 160-75. It states that a board member MAY be excused from voting if the matter involves the member's own financial interest or official conduct. Clearly this vote has nothing to do with anyone's official conduct, therefore, the only question is whether someone has a "financial interest" in the vote. This is not the same as having an inclination or even a predetermined decision. Our State courts have helped to define a "Financial Interest" for the purposes of voting generally as follows: (1) The effect on the board member cannot be the same as a significant number of citizens; or (2) The interest must be significant, or (3) There must be a reasonable likelihood that the financial impact will actually occur. Contrary to this well-established legal framework, the basis of the suggested conflict here appears to be that Councilwoman Ullman's husband is associated with a third party group which has advocated for the bike lanes. However, there has been no evidence that a positive or negative vote on the issue will result in a financial benefit or loss, of a unique nature, which is likely to accrue to Councilwoman Ullman or her spouse. Therefore, he finds no reason to suggest that a conflict, under the appropriate NC law, exists. As such, we must abide by the general mandate for all members to cast a vote in the absence of a conflict.

Councilwoman Roney moved to authorize the City Manager to direct staff to move forward with the College Patton Complete Streets Project, and to prepare ordinance amendments to permit use of all modes of personal transportation within bike lanes. This motion was seconded by Councilwoman Ullman.

Ms. Morriss responded to numerous questions/comments from Council, some being, but are not limited to: what has been done to ensure accuracy in the measurements on the ground are correct; in the petition against the bike lanes, one business owner did not sign the petition (however, the building owner might have signed it); note of how many on-street and parking garage spaces are within ¼ mile of downtown, with the loss of parking of these bike lanes being only a .00049 reduction in parking; confirmation that changes were made to loading spaces

based on community input; were other designs released; and will traffic signalization changes be made.

There was a brief discussion, initiated by Councilwoman Mosley, regarding an email from Police Chief Zack, regarding Asheville Police Department (APD) responses in North Asheville. Said email reads: "The attached data was created to examine the effect of police response times in North Asheville related to the proposed bike lane project on Merrimon Avenue. Our crime analyst examined North Asheville response times going back to 2018. The data is alarming. In all extreme emergencies seconds matter. Since 2018, even prior to the completion of the bike lane project, response times for Priority calls have increased by more than 2 minutes. That is a dramatic increase that has APD very concerned. A number of factors may be affecting the rise, not the least of which is APD's staffing crisis. The Merrimon Avenue bike lane project was proposed to APD in May of 2022. At that time I expressed concerns regarding APD's ability to respond to "Priority" calls. AFD did not share our concerns. It was suggested that upon completion of the Merrimon project, we would analyze data to determine if the bike lanes were/were not, adversely affecting APD response times. As the project is still not 100% complete, accurate data does not exist; therefore, we still don't know. At this time, it remains the position of APD that research on the Merrimon Avenue bike lanes must be completed before any new bike lane projects are considered. Our ability to respond to all calls in a timely manner; but, particularly "Priority" calls which carry the most risk remains a concern." She could not vote in favor of the bike lanes knowing the result of safety downtown could be affected.

Police Chief Zack responded to various questions/comments from Council regarding the APD's position on the bike lanes. He stressed that the police only provide data to City Council and he would need to have accurate data to make an informed decision, which is not available yet (citing his email above).

Councilwoman Smith felt that there seems to be a pattern of misinformation regarding engagement and the depth of engagement. She felt those directly impacted have not had their requests taken into consideration.

Mayor Manheimer noted that the bike lane markings on Merrimon Avenue have varying widths and asked that the contractor put more clear markings on the lanes and signage. She noted that the N.C. Dept. of Transportation is overseeing the Merrimon Avenue project, but for College-Patton, the City will oversee the project. When she asked if there are any renderings of how the bike lanes will look in the ground, Ms. Morriss said that they will follow national and other transportation standards. Our markings and signs will be very detailed.

Vice-Mayor Kilgore understood that we are trying to improve public safety; however, she felt that adding bike lanes on College-Patton will cause the opposite effect and cause safety issues. Her major concern is the reduction of one lane. It will cause a traffic back-up and vehicles will attempt to drive around it in the bike lanes.

Thirteen individuals spoke in opposition to the College-Patton bike lanes, for various reasons, mostly because there will be an increase in emergency response times, and the area is too congested to go to one lane.

Twenty-five individuals spoke in support of the College-Patton bike lanes, for various reasons, mostly being that we need safe access for non-drivers, and the Complete Streets plan and implementation is imperative to the future of Asheville.

Mayor Manheimer spoke in support of the bike lanes on College-Patton. She said that a lot of other cities have all modes of transportation with their infrastructure altered. If new streets are built now, bike lane infrastructure would be installed.

Councilwoman Roney watched someone making a delivery while parked in the travel lane but an empty loading zone was less than 6 feet in front of them, so behavior changes are going to take time. Regarding concern about lane measurements, she confirmed with staff that deficits have been addressed with accurate measurements. For clarity regarding the petition submitted to Council with more than 3 dozen businesses listed as against this project, she was requested to clarify that neither Justin Rabuck nor Horse and Hero has signed that petition against this project. She said that for her, this isn't just about bikes and cars just like it's not just about Downtown, it's about implementing data-driven plans to connect the body of our city to the heart of Downtown, a neighborhood that serves as our economic and cultural engine. Asheville used to have more transportation options, the train and the trolley. While Asheville works towards the vision of a Downtown circulator, she thinks of our history of a trolley like the one her aunt used when she worked here as an educator, and she also thinks of a hopeful future for her students and their families. She stated this is about addressing Asheville's rating as one of the most dangerous cities to walk and bike in the state, that we need connected, complete streets as a matter of equitable access and public safety, health, and wellbeing, and that we deserve safe streets for all commuters so everyone gets to their destination safely, which is why she supports this implementation of our Complete Street Policy.

Councilwoman Turner spoke in support of the bike lanes, noting that she has seen a lot of changes on this corridor. She said that if we find that there are issues with emergency response times or see downtown businesses fail, City Council can make changes.

Vice-Mayor Kilgore spoke in opposition to the bike lanes. She felt this is a main corridor that connects one side of the City with the other, and closing one lane will have a detrimental impact on emergency response time. She felt that bike lanes would be better on side streets, and that the bike lanes at this location will cause safety issues.

Councilwoman Mosley spoke in opposition to the bike lanes, and felt that a lot of people's voices, including downtown businesses and the marginalized community, are being overlooked.

Councilwoman Ullman spoke in support of the bike lanes. She has not seen any examples of slow emergency response time, or destruction of businesses. She has seen examples of increased carbon footprints and the number of public parking spaces. She wanted to build our future where infrastructure is for people and not just for cars.

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

The motion made by Councilwoman Roney to authorize the City Manager to direct staff to move forward with the College Patton Complete Streets Project, and to prepare ordinance amendments to permit use of all modes of personal transportation within bike lanes, and seconded by Councilwoman Ullman carried on a 4-3 vote, with Vice-Mayor Kilgore, Councilwoman Mosley and Councilwoman Smith voting "no."

## **RESOLUTION BOOK NO. 44 – PAGE 261**

### **B. BOARDS & COMMISSIONS**

Regarding the Neighborhood Advisory Committee, no applications were received; therefore, the vacancy will be readvertised.

Regarding the Public Art & Cultural Commission, the following individuals applied for the vacancies: Carlos A. Fernandez, Kurt Perschke, Parker Browne, Thomas McLaughlin, Paul Tay, Kevin King, Jennifer Maer and Alexandria Monque Ravenel. The staff liaison of the Public Art & Cultural Commission recommended postponing appointments until January 2024 while the Commission works on changing their ordinance including changes to the membership structure, and the Boards & Commissions Committee and City Council concurred with postponement.

**RESOLUTION NO. 23-222 - RESOLUTION APPOINTING A MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE**

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee

The terms of Dewana Little, Brian Methvin, Barry Bailik, Scott Adams and Emily Axtman, as members on the Affordable Housing Advisory Committee, expired on September 1, 2023. In addition, Margie Bukowski has resigned, thus leaving an unexpired term until September 1, 2025.

The following individuals applied for the vacancy: Rita Lee, Jane Christen, Tod Leaven, Jen Hampton, Daran Smith, Shantelle Simpson, Greg Borom, Malmone Christina, Stuart Zitin, Alvarez Abernathy and Zalica McDaniels.

The Board Chair of the Affordable Housing Advisory Committee recommended, and the Boards & Commissions Committee concurred, to reappoint Brian Methvin and Scott Adams; and appoint Rita Lee, Jane Christen, Shantelle Simpson and Stuart Zitin.

Vice-Mayor Kilgore moved to (1) reappoint Brian Methvin and Scott Adams, as members on the Affordable Housing Advisory Committee to each serve a three-year term, terms to expire September 1, 2026 , or until their successors have been appointed; (2) appoint Rita Lee, Jane Christen and Shantelle Simpson, as members on the Affordable Housing Advisory Committee, to each serve a three-year term, terms to expire on September 1, 2026, or until their successors have been appointed; and (3) appoint Stuart Zitin to fill the unexpired term of Margie Bukowski, term to expire September 1, 2025, or until Stuart Zitin's successor has been appointed.. This motion was seconded by Councilwoman Turner and carried on a 6-1 vote, with Councilwoman Ullman voting "no."

**RESOLUTION BOOK NO. 44 – PAGE 262**

**RESOLUTION NO. 23-223 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION**

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

The term of Corey Atkins, as a member of the Civic Center Commission, expired on June 30, 2023.

The following individuals applied for the vacancy: Sean, Comeaux, Erika Gifford and Sean O'Connell.

The Civic Center Commission Chair, Vice-Chair and staff liaison recommend the following (in order of preference): Sean O'Connell, Erika Gifford or Sean Comeeaux. It was the consensus of the Boards & Commissions Committee to appoint Erika Gifford.

Vice-Mayor Kilgore moved to appoint Erika Gifford as a member of the Civic Center Commission to serve a three year term, term to expire June 30, 2026, or until Erika Gifford's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 263**

**RESOLUTION NO. 23-224 - RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD**

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Civil Service Board, which has no term limits.

The term of Carter Webb, as a member of the Civil Service Board, expired on May 21, 2023.

No individual applied for the vacancy.

The Chair of the Civil Service Board recommended, and the Boards & Commissions Committee concurred to reappoint Carter Webb.

Vice-Mayor Kilgore moved to reappoint Carter Webb as a member of the Civil Service Board, to serve an additional two-year term, term to expire May 1, 2025, or until Carter Webb's successor has been appointed. This motion was seconded by Councilwoman Turner and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 264**

**RESOLUTION NO. 23-225 - RESOLUTION APPOINTING A MEMBER TO THE DOWNTOWN COMMISSION**

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

Tal Frankfurt resigned as a member of the Downtown Commission, thus leaving an unexpired term until December 31, 2024.

The following individuals applied for the vacancy: Ben Gladstone, Tom Hunter, Billy Cooney, David Moritz, Douglas Buchalter, Chad Roberson, Clarissa Hyatt-Zack, Stu Helm, Byron Greiner, Abigail Griffin, Michael Fulbright, Hayden Plemmons, Christina Maximone and Jefferson Ellison.

The Chair of the Downtown Commission recommended, and the Boards & Commissions Committee concurred, to appoint Jefferson Ellison.

Vice-Mayor Kilgore moved to appoint Jefferson Ellison as a member of the Downtown Commission to serve the unexpired term of Tal Frankfurt, term to expire December 31, 2024, or until Jefferson Ellison's successor has been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

Councilwoman Roney noted there were many great applications for this seat and noted some applied for other vacancies as well, showing that our community wants to become involved in the City and our downtown.

**RESOLUTION BOOK NO. 44 – PAGE 265**

**RESOLUTION NO. 23-226 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION**

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

The terms of Daniel Young, Crystal Michelle Reid, Ellen Kathrein and Donald Post expired on June 1, 2023.

The following individuals applied for the vacancy: Babette Freund, Jack Hoda, David Shaw, John Miall, Robyn Hite, Andy Bobowski, Willa Grant and Danie Johnson.

The Chair of the Human Relations Commission recommends the appointment of Babette Freund and John Miall, and the reappointment of Crystal Reid. Staff recommends appointment of Jack Hoda and John Miall and the reappointments of Daniel Young and Crystal Reid. The Boards & Commissions Committee recommended the reappointment of Crystal Reid and Daniel Young; and the appointment of Jack Hoda and John Miall.

Vice-Mayor Kilgore moved to (1) reappoint Crystal Michelle Reid and Daniel Young to each serve an additional two year term respectively, terms to expire June 1, 2025, or until their successors have been appointed; and (2) appoint Jack Hoda and John Miall to each serve a two year term respectively, terms to expire June 1, 2025, or until their successors have been appointed. This motion was seconded by Councilwoman Mosley and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 266**

**RESOLUTION NO. 23-227 - RESOLUTION APPOINTING A MEMBERS TO THE NOISE ADVISORY BOARD**

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

The terms of Jeffrey Santiago (representing the resident seat), Carmelo Pampillonio (representing the acoustic pro/related seat) and Lillian Woody (representing the restaurant industry), as members of the Noise Advisory Board, expire on November 1, 2023..

The following individuals applied for the vacancy: Michael Fulbright.

No recommendation was received by the Noise Advisory Board.

Vice-Mayor Kilgore moved to (1) reappoint Jeffrey Santiago (representing the resident seat) and Carmelo Pampillonio (representing the acoustic pro/related seat), to each serve an additional three-year term, terms to expire November 1, 2026, or until their successors have been appointed; and (2) readvertise for the seat representing the restaurant industry as Mr. Fulbright is not eligible for that seat. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 267**

**RESOLUTION NO. 23-228 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION**

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

The terms of Joe Archinbald and Robert Frances Hoke, as members of the Planning & Zoning Commission, expired on August 14, 2023.

The following individuals applied for the vacancy: Paul Zay, Scott Lewandowski, David Moritz, Bryon Greiner and Andrew Fletcher. Paul Zay withdrew his name from consideration.

The appointment process was reopened and the following additional individuals applied for the vacancies: Joseph Chesler, Alvarez Abernathy, John-Michael Henson and Jared Wheatley. Mr. Henson was unable to attend the interview.

On October 10, 2023, the Boards & Commissions Committee interviewed Joseph Chesler, Alvarez Abernathy and Jared Wheatley..

After thanking all applicants for their time, a vote was taken by Council for one seat as follows: Scott Lewandowski received 0 votes; David Moriz received 1 vote; Byron Greiner received 0 votes; Andrew Fletcher received 0 votes; Joseph Chesler received 0 votes; Alvarez Abernathy received 5 votes; John-Michael Henson received 0 votes; and Jared Wheatley received 1 vote. Therefore, Alvarez Abernathy was appointed to the Planning & Zoning Commission to serve a three-year term, term to expire August 14, 2026, or until Alvarez Abnernathy's successor has been appointed.

Another vote was then taken for the other vacant seat as follows: Scott Lewandowski received 0 votes; David Moriz received 0 votes; Byron Greiner received 3 votes; Andrew Fletcher received 0 votes; Joseph Chesler received 1 vote; John-Michael Henson received 0 votes; and Jared Wheatley received 3 votes. Because of a tie, another vote was taken between Mr. Wheatley and Mr. Greiner. The votes are as follows: Byron Greiner received 3 votes; and Jared Wheatley received 4 votes. Therefore, Jared Wheatley was appointed to the Planning & Zoning Commission to serve a three-year term, term to expire August 14, 2026, or until Jared Wheatley's successor has been appointed.

#### **RESOLUTION BOOK NO. 44 – PAGE 268**

#### **RESOLUTION NO. 23-229 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE**

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

Chris Pelrine has resigned as a member of the Sustainability Advisory Committee, thus leaving an unexpired term until December 31, 2024. In addition, Kim Austin has resigned, thus leaving an unexpired term until December 31, 2023.

The following individuals applied for the vacancies: Djuna Roberts, Sophie Loeb, Anna Alsobrook, Tod M. Leaven, Justin Young, Mimi Gordon, Lindsay Parpart, Russ Thacher, Lin Orndorf, Christy Hurlburt and Justin Young.

The Chair and staff of the Sustainability Advisory Committee recommend the appointment of Russ Thacher and Christy Hurlburt. It was the consensus of the Boards & Commissions Committee to appoint Justin Young and Christy Hurlburt.



Vice-Mayor Kilgore moved (1) to appoint Justin Young, as a member of the Sustainability Advisory Committee, to serve the unexpired term of Chris Pelrine, term to expire December 31, 2024, or until Justin Young's successor has been appointed; and (2) to appoint Christy Hulburt, as a member of the Sustainability Advisory Committee, to serve the unexpired term of Kim Austin, term to expire December 31, 2023, and then a full three-year term, term to expire December 31, 2026, or until Christy Hulburt's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 269**

**RESOLUTION NO. 23-230 - RESOLUTION APPOINTING A MEMBER TO THE URBAN FORESTRY COMMISSION**

Vice-Mayor Kilgore, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Urban Forestry Commission.

Amy Smith has resigned as a member of the Urban Forestry Commission, thus leaving an unexpired term until December 31, 2024.

The following individuals applied for the vacancy: Alex Kirby, Patricia Grace, Tara Wu, Keaton Edwards, Alvin Ward Peacock, Chardin Detrich, Lyda Karrh, Chris DeFiore, Kelly Carlson, Phaedra Xanthos, Jennifer Abla and Scott Abla.

The Urban Forestry Commission recommended the appointment of Chris DeFiore, and the Boards & Commissions Committee concurred with the recommendation.

Vice-Mayor Kilgore moved to appoint Chris DeFiore as a member of the Urban Forestry Commission, to serve the unexpired term of Amy Smith, term to expire December 31, 2024, or until Chris DeFiore's successor has been appointed. This motion was seconded by Councilwoman Roney and carried unanimously.

**RESOLUTION BOOK NO. 44 – PAGE 270**

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

Several individuals spoke to City Council about various matters, some being, but are not limited to: need for a Climate City Center at Haywood-Page to put Asheville on the map as the place for economic growth and opportunity in the sustainability sector; concern of an inaccurate police report; expressed disagreement with reporting process following a traffic incident, and subsequent charges; displeasure with election format.

**Results of the September 28, 2023, Civil Service Board Employee Election**

One copy of the results of the Civil Service Board employee election held on September 28, 2023, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on September 28, 2023: We do hereby certify, having opened, canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on September 28, 2023, noting the name of each person voted for and the number of votes cast for each person as follows: Alan Escovitz - 44; Mike Hahn - 49; and Scott Burnette - 1.

**VIII. ADJOURNMENT:**

Mayor Manheimer adjourned the meeting at 9:51 p.m.

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CITY CLERK

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MAYOR