Minutes for August 25, 2026, City Council Meeting

August 20, 2026, Agenda Briefing Worksession - 11:00 a.m.

Present

Mayor Esther E. Manheimer, Presiding; Vice-Mayor S. Antanette Mosley (via speaker phone); Councilman Bo Hess; Councilwoman Kim Roney; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager DK Wesley; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent

Councilwoman Sheneika Smith

Summary

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.

Closed Session

At 12:17 p.m., Councilman Hess 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 statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e); and (2) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Ullman and carried unanimously.

At 3:35 p..m., Councilwoman Turner moved to come out of closed session. This motion was seconded by Councilwoman Ullman carried unanimously..

At 3:35 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

August 25, 2026 - Regular City Council Formal Meeting - 5:00 p.m

Present

Mayor Esther E. Manheimer, Presiding; Vice-Mayor S. Antanette Mosley; Councilman Bo Hess; Councilwoman Kim Roney; Councilwoman Sheneika Smith; Councilwoman Sage Turner; Councilwoman Maggie Ullman; City Manager DK Wesley; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Pledge Of Allegiance

Mayor Manheimer led City Council in the Pledge of Allegiance.

Mayor Manheimer read a statement regarding Chamber decorum.

I. Proclamations:

Mayor Manheimer read the proclamation proclaiming September, 2026, as "Ovarian Cancer Awareness Month " in the City of Asheville. She presented the proclamation to Debbie Robbins, 19-year ovarian cancer survivor and the Vice Chair of the National Ovarian Cancer Coalition, and others, who thanked City Council for this recognition.

II. Consent Agenda:

A. Approval of the special meetings held on July 20, 2026, July 23, 2026, and combined minutes of the agenda briefing worksession held on July 23, 2026, and the formal meeting held on July 28, 2026

B. Resolution Number 26-162 - Resolution authorizing the City Manager to renew a contract with CDW-G for Amazon Web Services Cloud Computing Services - Resolution Book No. 46 - Page 433

- The City of Asheville IT Services has been modernizing the City's server room to create a hybrid environment that leverages both cloud service providers and our on-premises infrastructure.
- This approach enables us to benefit from the advantages of the cloud while maintaining a physical hardware presence as we transition many major applications and operational functions to cloud-hosted solutions.
- This provides better security and flexibility in provisioning resources as needed, as well as improves service to staff and the community with increased speed and resiliency.
- Key city systems are managed using cloud computing services, including GIS, the City website, notification and permitting applications, identity and access tools, and more.

- Previous Resolution: 25-213.
- Move to adopt a resolution authorizing the City Manager to execute a contract renewal with CDW-G for $120,000, the contract total not to exceed $395,000..

C. Resolution Number 26-163 - Resolution authorizing the City Manager to renew an Event Support Grant Agreement with the Asheville Area Arts Council for calendar years 2027, 2028 and 2029, to reimburse cultural and arts-related non-profit events for certain fees and charges - Resolution Book No. 46 - Page 434

- The City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; N.C.G.S. 160A-488 authorizes cities to provide funding for cultural and arts-related programming.
- On August 22, 2023, City Council authorized the City Manager to execute an Event Support Grant Agreement with AAVL for calendar years 2024 - 2026 per Resolution 23-199 at a maximum value of $76,014 annually, $228,042 over a three-year contract period.
- AAVL is the designated arts agency for Buncombe County by Resolution #21-07-13 and has been regranting state arts funding in Buncombe County since 1979
- The mission of AAVL is to keep the arts at the heart of our community. The Arts Council fulfills its mission by supporting arts professionals and businesses in Buncombe County through connection, advocacy, and grants.
- The Event Support Grant Program assists eligible nonprofit event organizers by covering approved City event fees associated with producing free public events. Because grant funds are used to pay fees owed back to the City for services provided, the program operates with nearly a net-zero budget impact.
- Over the past three years, the Event Support Grant Program has supported free cultural and arts-related events in Asheville's outdoor public spaces. In 2024, the program supported nine events and event series; in 2025, it supported ten events and event series, all of which were successfully held and collectively served more than 117,000 participants. The 2026 grant cycle is still underway. To date, support has been extended to 20 events and event series through the Event Support Grant and Mini-Grant Pilot programs.
- Continuation of Mini-Grant: Staff recommends continuing the Mini-Grant, which repurposes unallocated Event Support Grant funds to provide a rolling funding opportunity for smaller eligible events throughout the year, maximizing the use of available grant resources.
- Funding Eligibility Change: Due to the transition of the funding source to the Business Improvement District (BID) Municipal Service District sales tax allocation, Event Support Grants will be limited to eligible events occurring within the BID boundaries for any year in which the program is funded through BID sales tax revenues. This represents a change from prior years, when funding was not geographically restricted in this manner.
- The City of Asheville desires to continue providing support to arts-focused non-profit events conducted within its outdoor public spaces in calendar years

2027, 2028 & 2029 through the Event Support Grant, and requires administrative support to execute the grant funding program.

- This City-funded grant program will continue to support cultural and arts-related events in outdoor public spaces through an annual allocation of $76,014, consisting of $61,700 (88%) awarded directly as Event Support Grants, $7,404 (12%) retained for grant administration, and a 10% contingency of $6,910. The total annual funding shall not exceed $76,014, for a maximum of $228,042 over the three-year contract period.
- Motion to adopt a resolution authorizing the City Manager to enter into a new three (3) year contract with the Asheville Area Arts Council to administer the Event Support Grant Program to reimburse arts-related non-profit events conducted within outdoor public spaces for certain city fees and charges in an amount not to exceed $228,042 over the term.

D. Resolution Number 26-164 - Resolution authorizing the City Manager to amend the contract with Fiserv (ByPass Mobile) for two additional years of license and software support at Harrah's Cherokee Center - Asheville - Resolution Book No. 6 - Page 435

- The Harrah's Cherokee Center Asheville utilizes a point of sale system for concessions operations during events and for back of house inventory management in the food and beverage division.
- The most recent hardware purchase and seven year software agreement was purchased in 2019 after a full RFP process following all City procurement and MWBE policies at the time.
- New hardware was purchased in 2023 to replace the original hardware and the addition of 6 portable registers, at this time the contract had three remaining years.
- The current City-owned hardware associated with the point of sale system has a useful life expectancy of an additional 2 years after review by the Information Services department.
- This software contract extension will align software support with hardware useful life expectancy.
- Motion to adopt a resolution authorizing the City Manager to amend the contract with Fiserv to extend for an additional two years and increase the amount by $50,000 for a new contract maximum amount of $287,911.

E. Resolution Number 26-165 - Resolution authorizing the City Manager to execute the 2026- 2027 Buncombe County Funding Agreement for the allocation of funds to support the City of Asheville Leadership Academy program - Resolution Book No. 46 - Page 436

- The City of Asheville Youth Leadership Academy (CAYLA) is a program for high school students that focuses on career exploration, leadership development, and the acquisition of 21st-century job skills. CAYLA provides young people with work experience in Asheville, helping them develop their future careers.

- The CAYLA program also provides each graduating student with a $2,000 scholarship to support their continuing education at their higher learning institution of choice. These scholarships are disbursed by the Asheville City Schools Foundation (ACSF).
- Buncombe County has been a key partner in this work and has provided financial support for the CAYLA program since 2018.
- Buncombe County is again providing support through the CAYLA program, with a funding agreement totaling $65,000 for CAYLA activities.
- The authorization of this annual agreement with Buncombe County will allow the program to continue receiving this financial support.
- Motion to authorize the City Manager to enter into an agreement with Buncombe County to accept $65,000 of funding for the City of Asheville Youth Leadership Academy (CAYLA).

F. Resolution Number 26-166 - Resolution authorizing the City Manager to accept the U.S. Dept. of Housing & Urban Development Continuum of Care funding for Fiscal Year 2025 - Resolution Book No. 46 - Page 437

Resolution Number 26-167 - Resolution authorizing the City Manager to ratify the Youth Homelessness Systems Improvement application and accept any funds awarded - Resolution Book No. 46 - Page 438

Ordinance Number 5249- Budget Amendment for the Fiscal Year 2025 Continuum of Care Program - Ordinance Book No. 37 - Page 84

- The Asheville-Buncombe Continuum of Care (CoC) is a community-based collaborative body responsible for homelessness in Asheville and Buncombe County.
- The CoC has designated the City of Asheville as its Lead Agency and Homeless Management Information System (HMIS) Lead. The CoC Board has approved by vote the below activities.
- CoCs are eligible to apply for Federal funds for homelessness response through the U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program.
- In our capacity as Lead Agency, the City is eligible for admin funds to offset staff costs through a Planning Grant. In our capacity as HMIS Lead, the City administers the HMIS Grant on the CoC's behalf to cover the community's cost to use the HMIS.
- HUD typically opens a national competition for CoC Program funds annually. However, for Fiscal Year (FY) 2025 funds, HUD non-competitively renewed all awards from FY2024, including the City's Planning and HMIS Grants. This requested action will accept those already awarded and budgeted funds in the amounts of $102,043 (Planning) and $71,796 (HMIS) for a performance period of 1/1/2027 - 12/31/2027.
- HUD has also opened a Youth Homelessness funding opportunity, and the CoC Board has approved a City application for Youth Homelessness Systems Improvement. If awarded, this will add project management capacity in the Homeless Strategy Division for Lead Agency work to support the CoC's

development of its system to meet the needs of youth experiencing homelessness. Applications were due August 10, 2026 and staff have submitted following CoC Board direction. This requested action ratifies the application and authorizes acceptance if awarded.

- Motion to adopt a resolution authorizing the City Manager to accept U.S. Department of Housing and Urban Development Continuum of Care funding for Fiscal Year 2025 in the amount of $173,839 and approve an associated budget amendment and to ratify submission of the Youth Homelessness Systems Improvement application and accept any funds awarded.

G. Resolution Number 26-168 - Resolution authorizing the City Manager to execute Memorandums of Agreement for internal projects for Community Development Block Grant - Disaster Recovery planning and infrastructure funding. - Resolution Book No. 46 - Page 439

- The City of Asheville was allocated $225,010,000 in Community Development Block Grant-Disaster Recovery (CDBG-DR) funds from the U.S. Department of Housing and Urban Development (HUD) on January 16, 2025.
- The CDBG-DR Action Plan and Program Policies and Procedures Manuals outline the processes around competitive application processes, scoring criteria, and City Manager authority to approve award recommendations.
- Following competitive internal application processes and presentations to the Policy, Finance and Infrastructure (PFI) Council Work Session in February and April 2026, five projects totaling $2,185,750 have been recommended for award under the CDBG-DR Planning Program, and two projects totaling $30,375,000 have been recommended for award under the CDBG-DR Infrastructure Program. The details of these projects are provided in Exhibit A.
    - A third project under the CDBG-DR Infrastructure Program was also recommended for award to the Water Resources Department for the North Fork Water Treatment Plant rehabilitation effort for an original sum of $89,777,440 in February 2026, which was later reduced to $79,777,440 in June-July 2026 as part of the substantial amendment to the CDBG-DR Action Plan. The authority to sign the Memorandum of Agreement will be pursued at a later date.
    - Additionally, CDBG-DR Infrastructure funding requests pertaining to the Resilience Hubs item will be brought to Council at a later date.
- City staff are seeking Council approval to authorize the City Manager to approve and sign Memoranda of Agreement for the seven projects under the CDBG-DR Infrastructure and Planning Programs as shown in Exhibit A. This approval will allow for the formal award and allocation of $2,185,750 in Planning project funds and $30,375,000 in Infrastructure project funds.
- Motion to adopt a resolution authorizing the City Manager to execute Memoranda of Agreement allocating CDBG-DR funding to the CDBG-DR Infrastructure and Planning projects identified in Exhibit A.

H. Ordinance Number 5250- Ordinance amending Sections 2-226 through 2-230 of the Code of Ordinances regarding the Grievance Procedure to align with NC

Statute Section 8(b); and to adopt an administrative grievance policy & process that aligns with the ordinance and provides clear, easy-to-understand guidance to employees - Ordinance Book No. 37 - Page 85

- The Asheville City Code of Ordinances prescribes the grievance procedure available to City employees wishing to present an individual or group complaint for consideration by City administration.
- The current Ordinance does not align with NC Statute Section 8(b); therefore, updates are needed to ensure that the City is in compliance.
- The updated Ordinance will provide City employees with a delineated process by which their employment complaints may be considered promptly, fairly and without reprisal.
- Motion to adopt the ordinance repealing Chapter 2, Article IV, Division 3 of the City of Asheville Code of Ordinances in its entirety and replacing it with the proposed ordinance updating employee grievance procedures.

I. Resolution Number 26-169 - Resolution approving the Fiscal Year (FY) 2025-26 Annual Tax Settlement and adopting the Order of Collection for FY 2026-27 - Resolution Book No. 46 - Page 442

- Buncombe County has billed and collected City property taxes, including the City's fee charged for motor vehicles licenses, for many years.
- In 2019, Buncombe County and the City of Asheville entered into an updated agreement for the County to continue billing and collecting property taxes under a revised fee structure through June 30, 2026.
- In May 2025, City Council approved a three-year extension of the agreement under the same terms of the existing agreement.
- In August 2023, City Council adopted an addendum to the agreement with provisions recommended by legal staff at the University of North Carolina School of Government to ensure full conformity to the provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- In accordance with these provisions and pursuant to NCGS § 105-373, the Tax Collector must provide to City Council an annual settlement of property tax collected in the previous fiscal year for approval; and pursuant to NCGS § 105-321, following approval of the Tax Collector's Annual Settlement for the preceding year an Order of Collection to the Tax Collector must be adopted authorizing the collection of the current fiscal year property taxes.
- Staff is recommending approval of both the Annual Settlement and the new year Order of Collection.
- Allows the City to continue receiving tax revenue proceeds from the County while ensuring compliance with provisions of Chapter 105 of the North Carolina General Statutes, entitled The Revenue Act.
- Motion to adopt a resolution approving the FY 2025-26 Annual Tax Settlement and adopting the Order of Collection for FY 2026-27.

J. Resolution Number 26-170 - Resolution authorizing the City Manager to execute (1) a contract amendment for the annual payment to Buncombe County for the

Public Safety Interoperability System local agreement; (2) a contract amendment for the annual payment to Buncombe County for the Centralized Data Entry interlocal agreement; and (3) a contract amendment for the annual payments to Buncombe County for the County Identification Bureau interlocal agreement. - Resolution Book No. 46 - Page 443

- The City of Asheville and Buncombe County have interlocal agreements regarding the provision of certain joint public safety-related services.
- The Public Safety Interoperability System, Centralized Data Entry information system and the Identification (ID) Bureau are all operated as County services.
- Based on the interlocal agreements, the City pays 50% of the cost of the County Identification (ID) Bureau program, 31% of the PSIP program, and 29% of the CDE program.
- Each year during the annual budget process, the County provides the City with estimates for the City's share of each program's cost.
- For fiscal year 2026-27, the County estimates that the City's share of the PSIP will be $508,006, the City's share of the CDE will be $327,028 and the City's share of the ID Bureau will be $619,988.
- The requested contract amendment will allow staff to encumber those amounts in the City's financial system. The County bills the City quarterly based on actual expenses.
- Motion to authorize the City Manager to execute 1) a contract amendment in the amount of $508,006 for the annual payment to Buncombe County for the Public Safety Interoperability System (PSIP) local agreement, 2) a contract amendment in the amount of $327,028 for the annual payment to Buncombe County for the Centralized Data Entry (CDE) interlocal agreement, and 3) a contract amendment in the amount of $619,988 for the annual payments to Buncombe County for the County Identification (ID) Bureau interlocal agreement.

K. Resolution Number 26-171 - Resolution ratifying the agreement for automatic aid service with Reems Creek Fire Department - Resolution Book No. 46 - Page 444

- In August 2013, City Council approved a resolution authorizing a multi-year agreement with Reem's Creek Fire Department for automatic aid service.
- This agreement allows the City of Asheville to strengthen its standard of response and cover in the Beaverdam Valley, with the Reem's Creek Fire Department as the most appropriate organization to provide the service.
- The initial agreement costs were $82,656 and as stipulated in the agreement, the costs are to be adjusted every year based on the consumer price index.
- On June 9, 2026 Asheville City Council adopted resolution 26-110 authorizing the City Manager to enter into this renewal agreement for $118,658.23.
- Since the June Council approval, a new consumer price index (CPI) increase has gone into effect for July 2026.

- Because of the CPI increase, the cost of services for the Fiscal Year (FY) 2027 renewal has increased from $118,658.23 to $121,105.99, requiring an amendment to the previously authorized renewal agreement.
- Pursuant to City policy, contracts and agreements valued at $90,000 or above require approval from City Council.
- Because the previously adopted resolution 26-110 only authorized a renewal agreement for up to $118,658.23, a new resolution is required to authorize an amendment to the renewal agreement reflecting the increased value of $121,105.99
- The term of the renewal agreement will end June 30, 2027.
- Motion to adopt a resolution ratifying the renewal agreement for automatic aid service between the City of Asheville and Reems Creek Fire Department in an amount of $121,105.99.

L. Resolution Number 26-172 - Resolution adopting the Buncombe-Madison Regional Hazard Mitigation Plan - Resolution Book No. 46 - Page 445

- Local governments are vulnerable to an array of hazards that can cause loss of life and damage to public and private property, and seek ways to mitigate situations that may aggravate such circumstances.
- Developing and implementing a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards. It allows local governments to protect their community and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan.
- Hazard mitigation techniques include both structural measures (strengthening or protecting buildings and infrastructure) and non-structural measures (adopting sound land-use policies and creating public awareness programs).
- Under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, approval of a hazard mitigation plan is required to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the organization.
- In coordination with Buncombe and Madison Counties and the participating municipalities within those Counties (including the City of Asheville), a multi-jurisdictional hazard mitigation plan has been developed with input from the appropriate local and state officials.
- The focus of the Buncombe Madison Regional Hazard Mitigation Plan is hazards considered to be high or moderate risks (determined from a detailed hazard risk assessment) that enable us to prioritize mitigation action.
- The City of Asheville has adopted a county-wide all-hazards mitigation plan since 2011 and the Buncombe Madison Regional Hazard Mitigation Plan since 2016.
- North Carolina Emergency Management and the Federal Emergency Management Agency have reviewed the Buncombe Madison Regional Hazard Mitigation Plan for legislative compliance and have approved the plan, pending completion of local adoption procedures.
- Motion to adopt a resolution adopting the Buncombe Madison Regional Hazard Mitigation Plan.

M. Ordinance Number 5251- Budget amendment, in the amount of $15,000, from Duke Energy for the purchase of forest fire protection shelters - Ordinance Book No. 37 - Page 91

- On March 19, 2026, Duke Energy announced Emergency Response grants to help communities better prepare for severe weather, natural disasters, and emergency response challenges.
- On July 29, 2026, the Asheville Fire Department was notified that it would receive a $15,000 grant to purchase forest fire protection shelters to support ongoing fire response and preparedness.
- The purchase of forest fire protection shelters will be limited to the $15,000 grant award, and no additional City operating funds will be used to support the purchase.
- These forest fire protection shelters serve as a critical last-resort safety tool designed to protect firefighters from extreme heat and flame exposure during complex wildland fire events, ensuring our responders have the best possible protection as we manage the increasing fire risks in our region.
- Motion to adopt a budget amendment in the amount of $15,000 to accept and appropriate the Duke Energy Emergency Response Grant for the purchase of forest fire protection shelters.

N. Resolution Number 26-173 - Resolution authorizing the City Manager to enter into an agreement with the Town of Black Mountain wherein they support funding for Route 170 in Fiscal Year 2027- Resolution Book No. 46 - Page 447

- Asheville Rides Transit provides daily service between Downtown Asheville and Black Mountain via Route 170.
- Black Mountain has provided $25,000 to support the cost of operating the route for the last three fiscal years and has agreed to provide $26,625 for Fiscal Year (FY) 27.
- The increase of 6.5%, roughly reflects the cost increase of the City's transit contract over last year.
- Ridership on this route has stayed consistent over the life of this agreement with a slight decrease in FY24 due to impacts from tropical storm Helene. Current ridership is showing signs of recovery.
- An executed agreement is necessary to receive and expend the funds for transit operations.
- The total cost of operating the route is approximately $841,464 annually and the City received federal transit grant funding through the Job Access Reverse Commute (JARC) program from the French Broad River Metropolitan Planning Organization to pay for 50% of the cost to operate Route 170 for FY26.
- The Town of Black Mountain's contribution will help offset the non-grant funded portion of the operational cost of the route.
- Motion to adopt a resolution authorizing the City Manager to enter into an agreement wherein the Town of Black Mountain provides $26,625 in funding

support to the City for Route 170 for Fiscal Year 2027 and sign all documents necessary to effect the agreement.

O. Resolution Number 26-174 - Resolution authorizing the City Manager to execute a planning and conceptual design contract with HR&A for the Asheville Rides Transit Place Project at 50 Asheland Avenue - Resolution Book No. 46 - Page 448

- The current Asheville Rides Transit (ART) facility has operated beyond its intended capacity for several years, resulting in operational inefficiencies and impacting the passenger experience. Furthermore, the constrained number of bus bays limits the system's potential for future growth, necessitating the expansion of the ART Transit Center.
- In 2021, the City purchased 50 Asheland Avenue, the property adjacent to the existing ART Transit Center, for $2.5 million. Dogwood Health Trust provided $1.25 million toward the purchase of the property based on the City's commitment to incorporate affordable housing into the property's future use.
- Also in 2021, the City applied for a Federal Transit Administration (FTA) Areas of Persistent Poverty (AOPP) Grant, to do planning, community engagement, conceptual design, and financial modeling for the site, calling it the "ART Place Project" with the intention of it becoming a mixed-use, transit-oriented development centered around an expanded Transit Center and affordable housing.
- In 2022, the City was awarded $328,140 in federal funds from the AOPP grant. When combined with the local match (10%), the total project budget equals $364,600.
- On March 6, 2026, the City issued a Request for Qualifications (RFQ) for planning and conceptual design services for ART Place.
- This action seeks to execute a contract with HR&A and their team for those services, which will ultimately deliver conceptual designs alongside action-oriented steps to identify future funding and potential partnership models to bring the ART Place Project forward toward the next phase.
- Motion to adopt a resolution authorizing the City Manager to: enter into a contract with HR&A Advisors, Inc., in an amount not to exceed $364,147, for pre-construction activities for the ART Place project that comport with the applicable AoPP/HOPE program requirements; and sign all documents necessary to effect this resolution.

P. Resolution Number 26-175 - Resolution authorizing the City Manager to amend the existing paratransit contract with Buncombe County to reflect an increase in funding for Fiscal Year 2026 and to sign all documents necessary to effect this amendment - Resolution Book No. 46 - Page 449

- The City of Asheville contracts with Buncombe County to provide the federally-required ADA Paratransit Services.
- Resolution No. 22-100 authorized a total of $1,242,622 in paratransit costs for Fiscal Year 2026 to be added to the contract. However, the actual cost for Fiscal Year 2026 was $114,618.48 more than was originally estimated, for a total of $1,357,240.48.

- Therefore, this request seeks to add $114,618.48 to the contract for Fiscal Year 2026 and bring the total cumulative contract value from $4,215,727.17 to $4,330,345.65.
- The budget increase reflects the growing usage by individuals who meet and qualify under ADA paratransit service guidelines.
- This service is mandated under federal requirements to ensure complementary paratransit service within ¾ of a mile of fixed-route transit services. The City of Asheville extends this service city-wide to all eligible individuals who meet ADA certification.
- This amendment supports the continuation of current/existing paratransit services.
- Ensures sufficient funding to pay for services as required by the contractual agreement.
- Motion to adopt a resolution authorizing the City Manager to amend the existing Paratransit Contract between the City of Asheville and Buncombe County to reflect an increase of $114,618.48 in funding and to sign all documents necessary to effect this amendment.

Q. Resolution Number 26-176 - Resolution authorizing the City Manager to enter into a contract with Buncombe County for Americans with Disabilities Paratransit Services for Fiscal Year 2027 - Resolution Book No. 46 - Page 450

- The City of Asheville contracts with Buncombe County to provide the federally-required ADA Paratransit Services.
- The contract cost for FY27 is estimated to be a maximum of $1,500,000 and is based on the per-mile rate of $3.73 and anticipated number of service miles to be provided.
- Funding to pay for the Paratransit Services contract is included in the Transit Operations Fund for FY27.
- This service is mandated under federal requirements to ensure complementary paratransit service within ¾ of a mile of fixed-route transit services. The City of Asheville extends this service city-wide to all eligible individuals who meet ADA certification.
- This amendment supports the continuation of current/existing paratransit services.
- Ensures sufficient funding to pay for services as required by the contractual agreement.
- Motion to adopt a resolution authorizing the City Manager to execute a contract with Buncombe County for ADA Paratransit Services not to exceed $1,500,000 for Fiscal Year 2027.

R. Ordinance Number 5252- Budget amendment to add $584,124 to the General Capital Projects Fund to reflect revenue collected within the City's Sidewalk Fee-in-Lieu project, to be used for future design and construction of pedestrian improvements - Ordinance Book No. 37 - Page 92

- Pedestrian facilities are fundamental public infrastructure that promotes safety, accessibility, and community vitality.

- Section 7-11-8 (e) of the City of Asheville's Unified Development Ordinance enables the City to accept a proportional fee from a developer instead of requiring sidewalk construction on-site when such construction is impractical or disproportionately costly.
- Section 7-11-8 (f) of the City of Asheville's Unified Development Ordinance requires that all fees collected by the City shall be expended only for the construction or rehabilitation of sidewalks or other pedestrian improvements in the city.
- These funds will be prioritized for pedestrian and sidewalk improvements at intersections with complex geometry, pedestrian facilities in school zones, and to supplement pedestrian improvements administered by NC Department of Transportation.
- Projects will consist of discrete, small-scale spot improvements potentially including, but not limited to, ADA-compliant curb ramps, crosswalks, traffic control devices such as signs or pavement markings, and short sections of sidewalk.
- Motion to adopt a budget amendment to add $584,124 to the General Capital Projects Fund to reflect revenue collected within the City's Sidewalk Fee-in-Lieu project, to be used for future design and construction of pedestrian improvements.

S. Resolution Number 26-177 - Resolution authorizing the City Manager to execute a contract amendment with Walker Consultants for additional professional services related to the capital repairs at the Harrah's Cherokee Center Asheville and Biltmore Avenue parking garages - Resolution Book No. 46 - Page 451

- The City identified the need for repairs and maintenance to the City's four parking garages (the Harrah's Cherokee Center Asheville (HCCA), Rankin Avenue, Wall Street and Biltmore Avenue garages), and advertised a Request for Qualifications (RFQ) on October 11, 2022 for facility assessment and engineering services for the Parking Garage Capital Improvements project.
    - An evaluation committee selected Walker Consultants as the most qualified respondent.
    - The City awarded a contract to Walker Consultants on January 24, 2023.
    - Walker performed an onsite investigation and assessment of the City's four parking garages and provided a comprehensive assessment and capital planning report to City council on November 14, 2023.
- Immediate and high priority repairs were implemented through a contract amendment in May 2023 authorizing the engineering services to support those repairs; and an amendment authorizing engineering and construction administration for the primary structural and waterproofing repairs was authorized in July 2024.
- The primary repairs are complete in the Wall Street and Rankin Avenue garages.
- The bid documents for the HCCA and Biltmore garages are currently in development, and near completion.
- This amendment will add additional feasibility assessment, engineering and construction administration for the HCCA and Biltmore garages, which include:
    - Updated site inspections at the HCCA and Biltmore garages

    - Feasibility study for rerouting the Level 1 entrance and exit traffic pattern at HCCA, with the goal of improving circulation through the garage during event parking.
    - Infill panels and pedestrian fall protection guards for code compliance at the HCCA garage.
    - Architectural infill panels to replace the windows in the north stair tower of the HCCA garage.
- The contract value to date is $827,553. With the addition of this amendment the revised contract not-to-exceed amount will increase to $936,153.
- The Parking Garage Capital Repairs total project budget is $11.3 million.
- Motion authorizing the City Manager to execute a contract amendment with Walker Consultants for additional professional services related to the capital repairs at the Harrah's Cherokee Center Asheville and Biltmore Avenue parking garages in an amount not to exceed $108,600.

T. Resolution Number 26-178 - Resolution authorizing the City Manager to accept the U.S. Dept. of Justice 2025 Edward Byrne Justice Assistance Grant and authorize the City Manager to execute all documents associated with the grant - Resolution Book No. 46 - Page 452

Ordinance Number 5253 - Budget amendment in the City's Special Revenue Fund in the amount of $80,898 to accept U.S. Dept. of Justice 2025 Edward Byrne Justice Assistance Grant - Ordinance Book No. 37 - Page 93

- The City of Asheville receives an annual opportunity to apply for a Department of Justice (DOJ) Edward Byrne Justice Assistance Grant.
- The DOJ has determined that the Asheville Police Department (APD) is eligible to receive a 2025 award of $80,898.00, which is allocated to the APD and the Buncombe County Sheriff's Office in the amounts of $67,053 and $13,845, respectively.
- APD will use the funds to purchase and install 28 new Cradlepoint devices and antennas in 28 police vehicles to replace outdated equipment.
- Cradlepoint devices are rugged, vehicle-mounted Wi-Fi routers that use LTE cellular data to create a secure local network inside police vehicles. This mobile network seamlessly connects essential onboard equipment—such as laptops, tablets, and video recording systems—ensuring all digital tools remain linked, synced, and operational on the road.
- Buncombe County will use the funds to purchase new camera equipment, existing equipment conversions, external flashes, and new infrared equipment for the Crime Scene Unit (CSI).
- Motion to adopt a resolution authorizing the City Manager to accept the United States Department of Justice (DOJ) 2025 Edward Byrne Justice Assistance (JAG) Grant and execute all documents associated with the grant, and to adopt a budget amendment in the City's Special Revenue Fund in the amount of $80,898.00.

U. Resolution Number 26-179 - Resolution authorizing the City Manager to submit an application for funding from the N.C. Dept. of Environmental Quality Division of

Waste Management Debris Recovery & Disposal Grant Program; to accept said grant funds if awarded; and enter into any agreement documents necessary for such acceptance - Resolution Book No. 46 - Page 453

- The NC Department of Environmental Quality's Division of Waste Management is accepting applications for the Debris Recovery & Disposal (DRD) grant program to help Western North Carolina communities clean up additional debris left by Hurricane Helene (DR-4827).
- Funded by the U.S. Environmental Protection Agency (EPA) through the American Relief Act of 2025, the DRD program provides up to $18 million in total grants to local governments, councils of government, and non-governmental organizations.
- The program allows for a maximum grant award of up to $3,000,000 per applicant and requires no local matching funds.
- Eligible project activities include the collection and disposal of non-hazardous debris from private or public properties, clearing and managing debris from streambanks, floodplains, farmland, and local parks, and improving the resiliency of solid waste and recycling infrastructure.
- The deadline to apply is September 14, 2026.
- Awarded projects must be completed within three years.
- There are several remaining properties within the City that were not addressed as part of the original debris removal efforts. This application will focus on those unmet needs.
- Motion to adopt a resolution authorizing the City Manager to submit an application for funding from the N.C. Dept. of Environmental Quality Division of Waste Management Debris Recovery & Disposal Grant Program; to accept said grant funds if awarded; and enter into any agreement documents necessary for such acceptance.

V. Monthly municipal property tax refunds or releases per North Carolina General Statute section 105-381

- 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 July 2026 are included in the document.
- Motion to adopt City of Asheville property tax refunds and releases for the month of July 2026.

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

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

III. Presentations & Reports:

Manager's Report - Introduction of Alana York as a Lead for North Carolina Fellow through the UNC School of Government

City Manager Wesley said that we are excited to announce that Alana York has joined the City of Asheville as a Lead for North Carolina (LFNC) Fellow through the UNC School of Government, with support from AmeriCorps! Lead for North Carolina is the largest university-based local government training, advisory, and research organization in the United States. The program recruits, trains, and places promising recent college graduates in paid local government fellowships to strengthen public institutions, support local communities, and cultivate a new generation of public service leaders. A graduate of UNC-Chapel Hill with a degree in Management and Society and a minor in Health and Society, Alana brings a deep passion for public service, community well-being, and positive local impact. Her work is guided by the core belief that every resident should feel a true sense of belonging and have equal access to the resources needed to thrive. During her yearlong fellowship with the City, Alana will lend her talents to several high-impact initiatives that shape Asheville's future, including: The City's 5-Year Strategic Plan; The annual municipal budget process; and Key planning and policy projects supporting our community.

On behalf of City Council, Mayor Manheimer welcomed Alana.

Manager's Report - Azalea Parks & Infrastructure Project

Parks & Recreation Director D. Tyrell McGirt introduced Michael Miller, RLA, Partner - The Olin Studio. He said the project background is that Tropical Storm Helene caused significant damage across Asheville and to Recreation Park, Azalea Park, Azalea Road East, and the Gashes Creek Bridge in September 2024, flooding areas of the park and rendering many facilities unusable. In October 2025, City Council engaged OLIN, with a supporting team of design and engineering specialists, to identify design solutions for restoring Azalea and Recreation Parks, as well as Azalea Road and sections of the Swannanoa River. The work focuses on recovery and resiliency for these parks and infrastructure facilities and shaping concepts that align with Asheville's needs and priorities. He then reviewed the current milestones, with public engagement in the fall of 2026. He described the public feedback priorities. He then went through an overview of concept alternatives.

The Azalea Parks and Infrastructure Recovery concept design focuses on the following priorities: (1) repositioning, restoring, and enhancing damaged facilities; (2) increasing connectivity; (3) strengthening nature and ecology as the site's backbone; and (4) resiliency throughout. He then reviewed the available funding streams - Hazard Mitigation Grant Program (HMGP); Public Assistance Program (PA); state funding - N.C.

Office of State Budget and Management; and (4) Community Development Block Grant - Disaster Recovery (CDBG-DR). Other known funding is CDBG-R; and PARTF Grant.

He reviewed the overall site plan, along with precedent images, and concept drawings of Recreation Park, JBL Soccer Complex, Riverbend, and Azalea Pond

Mr. Miller then reviewed the Lake Craig Dam removal and rebuilding of Gashes Creek Bridge. He noted that the structure at Gashes Creek was constructed in 1924 to serve a dual purpose as both a hydroelectric dam and recreational lake and a bridge. In 1952, the hydroelectric operations were decommissioned, and the structure was modified to function purely as a pass-through weir supporting the bridge infrastructure. It did not serve a flood control purpose. He said that extensive hydrological modeling and data collection confirms that removing the structure will have no impact on Biltmore Village, and no impact to any downstream structures.

Regarding the benefits of the Lake Craig Dam removal, the existing Lake Craig Dam did not serve a flood control purpose. The structure did not protect the area from flood events and rebuilding it would offer zero functional benefit to the community. Extensive hydrological modeling and data collection confirm that removing this obsolete structure will not introduce flooding to any new properties, nor will its absence compromise community safety. Restoring the natural flow of the river also improves river safety for paddlers and water users, promotes natural mountain waterway ecology and aquatic life, and enhances accessibility and future recreation opportunities. The following will benefit from the removal of the Lake Craig dam (1) the environment (a) restoration of the river and its ecology; and (b) benefits aquatic life; (2) community and recreational users - enhanced river safety, accessibility, and recreation opportunities; (3) specific property owners - reduced potential flood potential for some upstream property owners; and (4) Asheville taxpayers and the City (a) elimination of long-term maintenance; and (b) lowers municipal safety liability.

He then provided the schedule of next steps, being the fall of 2026 of public engagement; October of 2026 with 45% design submission; and January of 2027 with 60% design submission.

Mr. Miller responded to various questions/comments from Council, some being, but are not limited to: need help to understand the benefits of wetlands and riparian buffers; confirmation that boating and tubing access points are being considered; and confirmation that the design does not include an indoor pool facility; however, if funds become available, the plan would be adaptable at this stage, but there will be parking demands that would have to be addressed.

IV. Public Hearings:

A. Public hearing to rezone 23 Heritage Drive from RM-16 Residential Multi-Family High Density District to Highway Business District

Ordinance Number 5354- Ordinance to rezone 23 Heritage Drive from RM-16 Residential Multi-Family High Density District to Highway Business District - Ordinance Book No. 37 - Page 94

Planner Clay Mitchell said that this is the consideration of an ordinance to rezone 23 Heritage Drive from RM-16 Residential Multi-Family High Density District to Highway Business District. This public hearing was advertised on August 14 and 21, 2026.

From Staff Report:

Project Location and Contacts:

- 23 Heritage Dr (PIN 9629-80-5624)
- Owner: American Society for the Prevention of Cruelty to Animals ("ASPCA")
- Applicant: David Alvarado

Summary of Petition:

- The applicant requests a rezoning of a portion of the property from Residential Multi-Family High Density (RM-16) to the Highway Business (HB) district.
- The subject property is currently split zoned along a line that follows from the zoning to the south of the subject parcel and divides the current parcel into HB and RM-16 zoning districts.
- The area of the subject parcel that is split zoned was created prior to the enactment of the current districts as evidenced in plat 29-62 dated to 1952.
- The parcel was acquired along with an abutting parcel by the Humane Alliance of WNC and then sold to the current owner in 2015.
- The subject property is currently in use by the American Society for the Prevention of Cruelty to Animals ("ASPCA").
- The applicant states that they wish to construct additional parking on the portion of the property zoned RM-16. This would effectively expand the footprint of the ASPCA operation, and therefore require a rezoning to a commercial zoning district.
- The entire subject property is designated "Urban Corridor" on the city's Future Land Use (FLU) Map. A change to the FLU Map is not required. The FLU boundary does not coincide with the current zoning boundaries.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated below.

Consistency with the Comprehensive Plan and Other Plans:

<u>Living Asheville Comprehensive Plan (2018)</u>

- The proposed rezoning supports the goals in the Living Asheville Comprehensive Plan, including:
    - **Encourage Responsible Growth** - by ensuring that new development has the appropriate infrastructure to support it.

- **Facilitate Real Estate Development that Maximizes Public Benefit** - by establishing accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas.

- The proposed rezoning is compatible with the Future Land Use designation of "Urban Corridor", which is described, in part, that "over time urban corridors could see infill redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and infrastructure".
    - Highway Business (HB) is cited as an appropriate zoning district within the "Residential Neighborhood" Future Land Use category.

Compatibility Analysis:

- The purpose of the Highway Business District (HB) district is, "to address the needs of commercial development along major thoroughfares, permitting a wide range of commercial uses. Development which enhances the function of the thoroughfare and is sensitive to the appearance of the corridor is essential within this district. These major corridors are the gateways to Asheville and often define the first image of the city." (UDO Sec. 7-8-16).
- The proposed rezoning is compatible with the surrounding land uses, including:
    - The existing use on the property itself.
    - The larger surrounding commercial properties in the immediate proximity of the subject site.
    - Development of the parcel will require the establishment and maintenance of a landscape buffer pursuant to UDO Sec. 7-11-3.

Council Vision 2036 Focus Area(s):

- This project is most closely aligned with the council goal of *A Well-Planned and Livable Community*.

Committee(s):

- Planning and Zoning Commission August 5, 2026, Recommended Rezoning Approval: Unanimous vote.

Pro(s):

- Allows for the expansion of the current use consistent with the parcel and surrounding vicinity while providing a buffer to neighboring residential uses.

Con(s):

- None identified.

UDO District Comparison:

UDO Provision	Residential Multi-Family High Density (RM-16) - *Existing*	Highway Business (HB) - *Proposed*
Allowed uses:	● Multi-Family ● Single-Family Detached ● Duplex ● Townhouse ● Accessory Dwelling Unit ● Cottage Development ● Limited public, institutional, and recreational uses	● Multi-Family ● Single-Family Detached ● Duplex ● Townhouse ● Accessory Dwelling Unit ● Cottage Development ● Wide range of commercial and business uses.
Density:	2 units for first 2,500 SF lot area and an additional unit for each additional 1,000 SF of lot area	None.
Lot Size Minimum:	Min. 2,500 s.f.	None.
Lot Width Minimum:	Min. 40’	Min. 100’
Building Height:	Max. 40’	Max. 60’
Building Setbacks:	Front: 15’, Side: 6’ min, Rear: 15’ min	Front: 35’, Side: 0’ min, Rear: 10’ min
Landscape Buffer	None.	20’-wide Type A buffer adjacent to Residential Multi-Family Zoning.

Mr. Mitchell reviewed the existing and proposed zoning, the aerial imagery and the future land use map. He briefly reviewed the zoning district comparison chart.
He then explained how the project was consistent with the Living Asheville Comprehensive Plan. The Planning & Zoning Commission voted unanimously to approve the rezoning. He said that staff concurs with the Planning & Zoning Commission and recommends approval of the rezoning.

Mayor Manheimer opened the public hearing at 5:34 p.m., and when no one spoke, she closed the public hearing at 5:34 p.m.

Councilwoman Turner moved to approve the rezoning request for a portion of the property located at 23 Heritage Dr from from Residential Multi-Family High Density (RM-16) to Highway Business (HB) and find that the request is reasonable, is in the public interest, is consistent with the city’s comprehensive plan and meets the development needs of the community in that the request: 1) Ensures that new development has the appropriate infrastructure to support it; and, 2) Establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan’s growth areas. This motion was seconded by Vice-Mayor Mosley and carried unanimously.

B. Public hearings to consider an amendment to the Unified Development Ordinance to permit duplexes as an allowed primary use in all residential and certain mixed-use zoning districts; increase the maximum allowed size of accessory dwelling units, and eliminate off-street parking requirements

All three public hearings were advertised on August 14 and 21, 2026.

Mayor Manheimer said that these three Unified Development Ordinance (UDO) amendments will be combined into one public hearing; however, a separate vote will be taken on each ordinance.

Ordinance Number 5255- Ordinance amending the Unified Development Ordinance to permit duplexes as an allowed primary use in all residential and certain mixed-use zoning districts - Ordinance Book No. 37 - Page 97

From staff report:

Summary of Petition:

- The zoning text amendment proposes to change the current allowances for duplexes and townhomes as follows:
    - Allows duplexes as a by-right use in the following districts where the use is not currently allowed:
        - RS-2, RS-4, RS-8, NB, RAD-NT, RAD-LYH, RAD-RES
    - Revises the special requirements for Townhomes (Dwellings, townhouse) to allow a maximum of two attached townhomes in RS-2, RS-4 and RS-8;
    - The townhouse changes are intended to allow a duplex to take advantage of the lot width, setback, and area requirements so that a duplex may be subdivided along with the land each unit occupies for ownership purposes.
- From April of 2025 to April of 2026, the City received 18 applications to permit duplex construction.
- This proposed amendment is supported by and promotes City-initiated but non-adopted plans and studies as follows:
    - Affordable Housing Plan (2024):
        - Goal 3.2 - Reduce regulatory barriers [to housing] citywide
    - Missing Middle Housing Study (2023):
        - Zoning Recommendation 4 - Allow Wider Range of Housing Options through By-Right Review.
- This proposed amendment aims to increase the available land for duplex construction and allow for individual ownership of duplex units, thereby expanding the potential for housing unit development and ownership opportunities.
- City staff held a stakeholder engagement event on May 20, 2026. This event included representation from neighborhood organizations (including Legacy Neighborhoods), home builders, realtors, and other stakeholder organizations.
- A public hearing was held before the Planning & Zoning Commission on

August 5, 2026. The Planning & Zoning Commission recommended approval of the amendment with minor changes by a vote of 6-1.

- The changes recommended by the Planning & Zoning Commission have been incorporated into this request and were as follows:
    - Removal of the existing restriction limiting a townhouse cluster size to 4 units within the RM6 zoning district;
    - Removal of the existing restriction requiring townhouses to provide parking to the rear of the building unless a garage is provided.

Staff Recommendation:

- Staff recommends approval of this zoning text amendment request based on the reasons provided within this report.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed text amendment supports several goals in the Living Asheville Comprehensive Plan, including:
    - **Increase and Diversify the Housing Supply** - by promoting zoning policies to encourage more housing.
    - **Encourage Responsible Growth -** by promoting small-scale residential units on residential lots with limits aimed at encouraging compatibility and creating flexibility within the planning, permitting, and construction process.

Missing Middle Housing Study (2023)

- The proposed text amendment is listed as a potential anti-displacement strategy in the Missing Middle Housing Study & Displacement Risk Assessment (Document link, page 134). Allowing duplexes or single-family lot splits provides more housing opportunities on the same lot, which can help to minimize the displacement of vulnerable populations.

Council Vision 2036 Focus Area(s):

This proposal supports the following:

- **Quality Affordable Housing** - By enabling a range of innovative housing options throughout the City.
- **Well-planned and Livable Community -** By enabling a range of housing choices at a small scale that does not harm neighborhood safety while promoting socioeconomic diversity.

Committee(s):

- Planning & Zoning Commission - June 3, 2026 - Heard Report
- Planning & Zoning Commission - August 5, 2025 - Recommended Approval, Vote: 6-1

Ordinance Number 5256 - Ordinance amending the Unified Development Ordinance to increase the maximum allowed size of accessory dwelling units - Ordinance Book No. 37 - Page 106

From staff report:

Summary of Petition:

- The zoning text amendment proposes to change the Accessory Dwelling Unit (ADU) regulations as follows:
    - Increase the maximum allowable size of an ADU from 70% of the primary structure's gross floor area or 800 square feet (whichever is less) to a total area smaller than that of the principal residential structure or 1,000 square feet (whichever is less);
    - Eliminate the requirement for a parking space to be provided on-site for an ADU;
    - Continue to allow ADUs in all residential zoning districts and neighborhood commercial districts;
    - Create an allowance for one ADU to be built on a lot containing a duplex rather than just on a lot containing a detached single-family residence;
    - Allow ADUs, but not other accessory structures except garages, to be placed in front of the primary structure, and
    - Restrict the maximum allowed building height for a detached ADU to 25 feet. Today the maximum height can increase by one foot for every additional foot of setback provided from the minimum. For reference, the maximum allowable height in the City's residential districts is 40 feet. (Note: height is prescribed to be measured by the UDO to the top of the highest ceiling, so external height could be 15 feet higher than the maximum listed in the ordinance for both primary and accessory residential structures.)
- This proposed amendment aims to increase the flexibility permitted in construction and the livability of an ADU, thereby promoting additional housing options within the City.
- In May of 2024, the Planning & Zoning Commission recommended approval of a similar amendment concerning "Backyard Housing" that included an allowance to increase the allowed size of an ADU to 1,000 square feet.
- From April 2025 to April 2026, the City received 29 applications to build detached ADUs.
- This proposed amendment is supported by and promotes City-initiated but non-adopted plans and studies as follows:
    - Affordable Housing Plan (2024):
        - Goal 3.2 - Reduce regulatory barriers [to housing] citywide
    - Missing Middle Housing Study (2023):
        - Policy Recommendation 2 - Preserve Existing Neighborhood Character
        - Zoning Recommendation 17 - Allow ADUs More Broadly
            - Allow ADUs with all MMH types, instead of just single-family

        - Limit unit size to 1200 square feet but not larger than the primary structure.
        - Reduce minimum parking requirements for ADUs to 0 spaces/unit
- City staff held a stakeholder engagement event on May 20, 2026. This event included representation from neighborhood organizations (including Legacy Neighborhoods), home builders, realtors, and other stakeholder organizations.

Staff Recommendation:

- Staff recommends approval of this zoning text amendment request based on the reasons provided within this report.

Consistency with the Comprehensive Plan and Other Plans:

Living Asheville Comprehensive Plan (2018)

- The proposed rezoning supports several goals in the Living Asheville Comprehensive Plan, including:
    - **Increase and Diversify the Housing Supply** - by promoting zoning policies to encourage more housing.
    - **Encourage Responsible Growth -** by promoting small-scale residential units on residential lots with limits aimed at encouraging compatibility and creating flexibility within the planning, permitting, and construction process.

Council Vision 2036 Focus Area(s):

This proposal supports the following:

- **Quality Affordable Housing** - By enabling a range of innovative housing options throughout the City.
- **Well-planned and Livable Community -** By enabling a range of housing choices at a small scale that does not harm neighborhood safety while promoting socioeconomic diversity.

Committee(s):

- Planning & Zoning Commission - June 3, 2026 - Heard Report
- Planning & Zoning Commission - August 5, 2025 - Recommended Approval, Vote: 6-1

Ordinance Number 5257- Ordinance amending the Unified Development Ordinance to eliminate off-street parking requirements - Ordinance Book No. 37 - Page 118

From staff report:

Summary of Petition:

- The zoning text amendment proposes to change off-street parking requirements for development as follows:

    - Eliminate the requirement for a minimum number of parking spaces to be provided with all development in the City.
    - Retain, but simplify, the regulations that set the maximum number of parking spaces allowed for all development within the City.
- This proposed amendment is in response to the recent passing of HB 162, which became state law on July 6, 2026.
    - The North Carolina General Statutes (§ 160D-702) now prohibit local governments from requiring an off-street parking lot to meet a minimum number of parking spaces per development or structure, regardless of its use or occupancy.
    - No exceptions are contained in the new general statute language for communities outside of the "coastal area" as defined in G.S. 113A-103.
- City staff held a stakeholder engagement event on May 20, 2026. This event included representation from neighborhood organizations (including Legacy Neighborhoods), home builders, realtors, and other stakeholder organizations.

Staff Recommendation:

- Staff recommends approval of this zoning text amendment request based on the reasons provided within this report.

Consistency with the Comprehensive Plan and Other Plans:

<u>Living Asheville Comprehensive Plan (2018)</u>

- The proposed zoning text amendment supports a number of goals in the Living Asheville Comprehensive Plan, including:
    - **Increase and Diversify the Housing Supply** - by promoting zoning policies to encourage more housing.
    - **Encourage Responsible Growth -** by promoting flexibility for builders and developers to self-select the amount of land designated to off-street parking.

Council Vision 2036 Focus Area(s):

This proposal supports the following:

- **Well-planned and Livable Community -** By allowing development that may lend support to an integrated transportation system and complement Asheville's unique character.
- **Transportation and Accessibility** - Allowing development that may rely on transportation modes other than passenger vehicles may promote the use of multimodal transportation options.

Committee(s):

- Planning & Zoning Commission - August 5, 2025 - Unanimous Approval, Vote: 7-0

Interim Director of Planning & Urban Design Chris Collins said that his presentation will be on three housing focused text amendments: (1) Duplex Allowance Expansion - Allow duplexes in more districts, create ownership opportunities for some configurations; (2)

Accessory Dwelling Unit (ADU) updates - Allow larger ADU's, eliminate parking requirements; and (3) Minimum Parking Requirements Updates - Eliminate minimum requirements and retain yet simplify maximum requirements.

Regarding the duplex allowance expansion, he reviewed the Unified Development Ordinance (UDO) definition, noting that this amendment would allow duplexes in all residential zoning districts and some mixed-use districts (such as those in the River Arts Form District) where they are not currently allowed. He explained the current zoning allowances, with the proposed zoning allowances, and the impacts of the amendment. He then explained the duplex ownership opportunities. The Planning & Zoning Commission recommended approval on a 6-1 vote. The Planning & Zoning Commission added (1) remove the existing provision restricting the maximum townhome cluster size to 4 units in the RM-6 zoning district; and (2) remove the existing provision requiring townhomes to provide parking to the rear of the building unless a garage is provided.

Regarding the ADU updates, he reviewed the UDO definition. The update would be to (1) increase the maximum allowed size of an ADU to 1,000 square feet; (2) change to requirement for the ADU to be a maximum of 70% of primary residence size to be simply smaller than the primary residence; (3) eliminate off-street parking requirements for ADU's; and (4) allow one ADU on a lot containing a duplex. He then reviewed the chart of the current UDO requirement, the proposed UDO requirement, and the summary of change. The Planning & Zoning Commission recommended approval on a 6-1 vote. The Planning & Zoning Commission changed the proposed staff text restricting ADU's to 90% of the primary residence size to "smaller than the primary residence."

Regarding minimum parking standards, he said the UDO purpose is to provide for safe and adequate space for the temporary storage of vehicles. He said (1) recent state legislation has removed a local government's ability to require a minimum number of parking spaces; (2) this amendment is required to bring the City's regulations into compliance with state law; (3) Maximum parking allowances are maintained but simplified; and (4) Minimum bicycle parking standards remain in place. He then reviewed the chart of the current UDO requirement, the proposed UDO requirement, and the summary of change. He reviewed the parking standards update; the parking-tracking recent impacts; and the parking compliance with state standards. The Planning & Zoning Commission unanimously recommended approval, with no changes.

The main points of these housing focused amendments are (1) the three proposed amendments propose to add flexibility in housing types, size and site planning; (2) The three proposed amendments are all supported by the Comprehensive Plan, Missing Middle Housing Study and Affordable Housing Plan; and (3) Minimum Parking Provisions must be updated to comply with NC State Law.

Mr. Collins responded to various questions/comments from Council, some being, but are not limited to: what happens if the duplex amendment does not move forward; and can an ADU be a duplex.

Mayor Manheimer opened the combined public hearing at 6:01 p.m.

Seventeen individuals spoke in support of all three UDO amendments.

Mayor Manheimer closed the combined public hearing at 6:41 p.m.

Regarding the duplex amendment, Councilwoman Ullman moved to approve the proposed wording amendments to the Unified Development Ordinance (UDO), Chapter 7 of the Asheville Code of Ordinances, and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will: 1) Promote zoning policies to encourage more housing; 2) Implement one of the suggested anti-displacement housing supply strategies identified in the Missing Middle Housing Study; and 3) Promote small-scale residential units on residential lots to encourage neighborhood compatibility and create flexibility within the planning, permitting, and construction process. This motion was seconded by Councilwoman Roney and carried unanimously.

Discussion occurred when Councilwoman Turner suggested that since the increase the maximum allowed size of an ADU is now 1,000 square feet (not 1,200 as staff recommended), she felt we should not have the hard cap of 25' in height but to continue the current provision that the maximum height can increase by one foot for every additional foot of setback provided from the minimum.

Vice-Mayor Mosley felt that the current maximum allowed size of an ADU is 800 square feet and this amendment would increase it to 1,000 square feet. She felt that a person is getting more space without the ability to build as high. She was also concerned that black neighborhoods put their trust in us because we were serious about protection; and after we came to a middle ground with them (and part of that consideration had to do with height) we are now eroding their trust. She could not support Councilwoman Turner's suggestion.

Councilwoman Smith agreed with Vice-Mayor Mosley and felt we can revisit this conversation at a later date.

Councilman Hess respected the community and hoped we can all support the ADU amendment as proposed by staff.

Regarding the ADU amendment, Councilwoman Roney moved to approve the proposed wording amendments to the Unified Development Ordinance (UDO), Chapter 7 of the Asheville Code of Ordinances, and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendments will: 1) Promote zoning policies to encourage more housing; and 2) Promote small-scale residential units on residential lots with limits aimed at encouraging compatibility and creating flexibility within the planning, permitting, and construction process. This motion was seconded by Councilwoman Ullman and carried unanimously.

Regarding the parking amendment, Councilwoman Ullman moved to approve the proposed wording amendments to the Unified Development Ordinance (UDO), Chapter

7 of the Asheville Code of Ordinances, and find that the proposed amendments are reasonable, are in the public interest, promote compliance with NC state statutes, and are consistent with the City's comprehensive plan in that the request: 1) promotes zoning policies to give more opportunities for housing, and 2) promotes flexibility for builders and developers to self-select the amount of land necessary for off-street parking. This motion was seconded by Councilwoman Turner and carried unanimously.

V. Unfinished Business:

VI. New Business:

A. Resolution Number 26-180 - Resolution calling for the City of Asheville's Manager to terminate the City's contract with Flock - Resolution Book No. 46 - Page 454

Mayor Manheimer said that the City's charter prohibits City Council directing the Asheville Police Department (APD) on how to do their job, but City Council appoints the City Manager and that is why the City Manager has been directed to terminate the Flock contract. The City has 11 Flock stationary automated licence plate readers (LPRs). This resolution calls for the termination of that contract. The City also has other technologies used by the APD and the Fire Department. Those include Axon dashcams in APD cars and body cameras. In addition, there are other entities, (i.e., Housing Authority, Buncombe County schools, Asheville City schools), and individuals that have LPRs and we don't have the authority to do anything with them. We can only control our 11.

Mayor Manheimer then read the proposed resolution: **"**Resolution Calling For The City Of Asheville's Manager To Terminate The City's Contract With Flock. Whereas, the City of Asheville operates eleven (11) automated license plate readers utilizing technology provided by Flock Safety ("Flock Technology") pursuant to a contract with Flock Safety; and Whereas, Flock Technology captures and stores information concerning vehicles traveling on public roadways and may permit that information to be searched, analyzed, or shared for law-enforcement purposes; and Whereas, the Asheville City Council recognizes that technology can be an important tool for investigating serious crimes and protecting public safety, but also recognizes the legitimate concerns raised by residents regarding privacy, data retention, data sharing, government surveillance, and access to information collected by Flock Technology; and Whereas, City Council believes that the use of such technology should occur only pursuant to clear policies that appropriately balance legitimate public-safety needs with individual privacy and civil liberties and provide adequate transparency, oversight, and accountability; and Whereas, City Council desires additional opportunity to evaluate the City's use of Flock Technology, including the circumstances under which Flock Technology data may be collected, retained, searched, accessed, or shared with other governmental or law-enforcement agencies; Now, therefore, be it resolved by the City Council of the City of Asheville that: Section 1. Flock Contract Termination. Effective immediately upon adoption of this Resolution, the City Council of the City of Asheville directs the City Manager to terminate the City's contract with Flock Safety and pursuant to the contract terms, immediately request that Flock remove their hardware from the City of Asheville. Section 2. Suspension of Access and Data Sharing. Further, the City Manager shall ensure that City employees do not

access, search, query, analyze, or share data collected through the City's Flock Technology. Section 3. Existing Data. Existing data shall be retained, preserved, or deleted in accordance with applicable law, City records-retention requirements, and any applicable legal preservation obligations. No existing data shall be affirmatively shared or queried. Section 4. Facial Recognition Prohibited. The City of Asheville does not utilize any facial recognition technology. And, no data collected through the City's Flock Technology shall be linked, matched, or cross-referenced with any facial recognition technology or database operated by any non-City organization. Section 5. Review. The City Manager is further directed to review the City's use of Flock Technology and provide City Council with information and policy recommendations concerning, at a minimum: (1) the categories of investigations for which Flock Technology may appropriately be used in the future; (2) appropriate restrictions on searches and access to Flock collected data; (3) Flock data retention and deletion; (4) sharing of Flock data with federal, state, local, and out-of-state law-enforcement agencies or other third parties; (5) include an independent civil-liberties policy reviewer with relevant experience advising North Carolina municipalities; (6) auditing and documentation of searches and access; (7) protection of information relating to immigration enforcement, reproductive healthcare, First Amendment-protected activity, and other sensitive activities to the maximum extent permitted by law; (8) transparency and public reporting regarding the City's use of Flock Technology; (9) mechanisms for oversight and accountability, including consequences for unauthorized use; and (10) whether the City should resume use of Flock Technology and, if so, what policies and safeguards should be adopted before such use resumes. Section 6. No Expansion During Review. During the review described above, the City shall not purchase, lease, activate, or deploy Flock Technology or enter into a new agreement for Flock Technology. Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption."

Councilwoman Roney said that in her conversation with elected officials across North Carolina about why they have resisted Flock's sales pitch or cancelled their contract, there was a common story about data vulnerability and the importance of maintaining public trust in their first responders and public safety services. "I have similar concerns after a second tour of the City's Real Time Crime Center and Flock system today with law enforcement professionals and regional subject matter experts in surveillance system security. Thanks to Chief Stepp and staff for making time today. I have forwarded a report to staff and Council and urgently recommend review for potential breach of Flock's contract, especially today's support from subject matter experts was declined. I understand a representative from the ACLU will be part of future technology review processes for the City's public safety services. That's something I've requested and I'm grateful to see it promised. Transparency is an ingredient in the recipe for public trust. I appreciate contracts being uploaded to the new Technology dashboard and request to proactively add Axon's detailed purchasing lists if other NC cities have also published."

When Councilwoman Roney asked if staff has a plan to cover the Flock cameras while waiting for the company to retrieve them to prevent their continued use without our consent, City Manager Wesley said that we weren't currently intending to, but that we will evaluate that as an option.

Councilwoman Roney requested on the record that Council get a follow up notice when all Flock data has been deleted in accordance with applicable law as noted in Section 3 of the resolution. City Manager Wesley responded that we have a records retention policy for the data to be deleted if it is not part of a case, at a certain time period, but we will notify Council when Section 3 has been deleted.

In response to Councilman Hess, Interim Chief Jackie Stepp said that we do have a records retention schedule and Flock is currently 21 days and anything beyond 21 days will be automatically purged. We can no longer access it. It is gone. Anything that is an active case investigation has been uploaded into evidence.com and is no longer stored in the Flock platform, but is now part of our evidence.com and falls on the records retention schedule which is based on statutory requirements.

Councilwoman Roney said that "cancelling the Flock contract is an important first step. I appreciate that my colleagues are now joining me in considering the outcry of our community to protect our Constitutional rights and safety. Automated license plate readers are designed for warrantless searches, are vulnerable to cybersecurity breaches, collect data that we can't promise won't be used by ICE or DHS, and are in a growing number of headlines about misuses including stalking. This resolution claims to terminate the contract with Flock, yet multiple times mentions returning to use of Flock in the future. Additionally, the people of Asheville are not confused: shifting from Flock to another for-profit surveillance system still carries the same fundamental concerns. At the same time, families in our city are mourning loved ones lost to gun violence and we talk about youth programming and violence interruption while our strategic partnership fund is still cut to zero. I know that we care about our youth more than $0 but our budget reads $0. Everyone in our community deserves to be safe. True safety is realized when communities invest in data-driven solutions and relational responses built on accountability and trust. I'll continue to work with our Council and for our community to deliver real results. As part of that commitment: I move to adopt the resolution instructing the City manager to terminate the City's contract with Flock."

Councilwoman Turner seconded the motion made by Councilwoman Roney. She appreciated what Councilwoman Roney said, but there is part that she has conflict with. Councilwoman Roney said that we are now joining with her to cancel Flock. However, six of the Council already voted to terminate Flock and this is an additional movement to speed up the process.

Vice-Mayor Mosley said that Ella Santos, Chief Executive Officer of the Housing Authority of the City of Asheville emailed her and requested that she read a part of her email. "I want to make sure the voices of the Housing Authority's residents are represented in the ongoing conversation around public safety, particularly because many of the residents most impacted by crime would not feel comfortable coming before City Council to speak publicly. Their absence at City Council meetings should not be mistaken for silence, and their silence should not be mistaken for a lack of support for stronger safety measures. What residents are telling us directly is clear: they want safer communities, they want cameras. They want more security, not less. They want police presence in their communities. They want criminal activity addressed, and they want law enforcement to have the technology and tools necessary to do their jobs effectively.

Residents have shared that they are afraid of retaliation and, in some cases, afraid to report what they see happening around them. That fear also makes it difficult for some to stand publicly and advocate for the very protections they are asking us to put in place. We hear from residents who want to be able to sit outside without worrying about criminal activity around them. Parents want their children to be able to play outside safely. Seniors want to feel secure walking through their communities. Families want cameras and other security measures that can help deter crime and provide accountability when incidents occur."

Twenty-four individuals spoke in support of terminating the City's contract with Flock and to pause all automated license plate reader use and equipment purchases - every vendor, fixed and fleet-mounted cameras alike - while the City revisits, with genuine public input, community-suggested independent experts, and balanced public hearings, whether this technology is the right fit for our community.

Two individuals spoke in opposition of terminating the City's contract with Flock because it would eliminate a tool that can assist law enforcement in responding to public safety challenges.

Vice-Mayor Mosley said : "I want to be clear that I have concerns about Flock. I have concerns about privacy, data sharing, civil liberties, and accountability. Those concerns are not new for me. Long before I served on this Council, I had the privilege of representing Johnnie Rush alongside my friend and mentor, the late attorney James Ferguson. I know why safeguards, transparency, and police accountability matter. I also want to acknowledge the APD of today. I am grateful for the work our officers are doing, particularly in their partnership with the Housing Authority and its residents. As Council's liaison to the Housing Authority, I have a responsibility to listen to residents who may never come to this microphone. Some are afraid to speak publicly because they fear retaliation. Their absence from this room should not be mistaken for silence. And I need to say something else plainly: this feels political to me. We are in the middle of an election season, and I am uncomfortable making public policy, particularly public-safety policy, in a way that feels driven by the politics of the moment. Civil liberties and public safety are not competing values. Protecting people from government overreach and protecting people from violence are both responsibilities of government. And good governance should not be about who gets credit for taking the strongest or most visible position. My job is not to participate in political theater. My job is to govern. I support strong civil-liberties protections and meaningful oversight. I support carefully regulated public-safety tools when they are effective, necessary, and accompanied by meaningful safeguards and accountability. I can hold all of those positions at the same time. And to be clear: this resolution may terminate a contract, but it does not resolve the larger issue before us. The questions about ALPR technology, privacy, surveillance, and public safety will still be here tomorrow. And because I believe this decision should be grounded in principle rather than politics, I cannot support this resolution in its current form tonight."

Councilwoman Smith said that she has been listening to this conversation for some time and she has heard a lot of different views from a lot of different people. So, when she read the language of the resolution, she feels the sentiment in the room. It seems to her that the language is only to cancel, remove, evaluate, and review. But what else? What do we do for

people who feel vulnerable, who feel threatened, not about privacy, but about being attacked or whatever the criminal matter could be. She has not heard anyone come with the replacement. What do we do in the meantime? What do we do next? It seems like we're going home with the victory and feeling more. And thank you, Mr. Risner for your presentation. What she would like to know is what happens next. Do you all care what happens next when it comes to safety? Because tonight she has heard privacy over conviction, privacy over safety, and privacy over justice. So if the conversation was balanced, then she'd be able to support this. But she hasn't really heard strong advocacy for public safety, even community-led safety. So she'll be voting no.

Councilwoman Turner said that she will be supporting this tonight, but with some of what my colleagues are saying in mind because this exploration for her needs to cover that. It needs to cover the missing component. We talked about housing earlier. When we talk about housing, we often say we're trying to build housing for people not in the room. They don't have a voice yet. Everything we do, when it was transit, we're trying to get people on the bus that can't get to the bus. Right now it's similar. We're trying to protect people that are victims of crime that are not getting the solve rates and the response that they need. It's multiple layers. She needs solutions for crime. She needs support for our police department. We are working together better than ever and she appreciates them and she knows this is a very difficult situation for them. Everyone is trying to do the best they can to keep this city safe. She has great respect for privacy, civil rights, all of it. We have to figure this out together. It's not surprising to her that there's a big push back in the community. There's a lot of push back in a lot of communities because so many are trying to figure it out. It's moving fast. She really hopes this evaluation period comes back with not just detraction, but also solutions.

Councilman Hess said that his colleagues bring up a good point. "It is election season and this really does play into the tech billionaire's wishes for us to infight among progressives. But I think if what folks describe were accurate, I think we'd all be against this. But this isn't mass surveillance. We're not using artificial intelligence. If ICE comes into our community, how are we going to hold them accountable if we don't have cameras? I have heard from black, brown, trans, working class folks, not all of us are 6 foot 2 and 170 lbs and can afford to have violent attackers out there in the community be held unaccountable. Some of us are women, some of us are elderly, some of us are LGBTQ, some of us are part of these populations that you claim to speak for, which you don't. We're also not talking about ICE. We're not talking about the IDF. We're not talking about Georgia. We're not talking about Texas. We're talking about our Asheville Police Department in Asheville, North Carolina, that is accredited to the highest standards that I wish more people would actually take the time to get to learn their police department. Also, could you imagine going to some sort of sales pitch and saying, "I have 40% error rates." You know, we do have 5% error rates on these license plate readers, but our APD policy says that we have to double check, triple check. And that's why it's important to understand the facts and errors that are human errors when I did the comparison were much larger than these ALPRs. Public safety and civil liberties, as the Vice Mayor said, are not opposing values. And I also refuse to govern as though we must choose between them. I will support ending Asheville's contract with Flock Safety because I do believe legitimate concerns have been raised about this company's national network, its data sharing practices, and whether Asheville itself can maintain sufficient control over

our community's information. However, ending one vendor's contract is not the same as rejecting responsible technology. And I will not personally allow this decision to become a backdoor to weakening or defunding the Asheville Police Department. That doesn't make any sense that we would tie the hands of our own local police department while everybody else, including criminals, have access to this. They serve legitimate public safety purposes. They can help locate stolen vehicles, find missing and endangered people, develop leads after shootings, as they have recently done. I'd like to remind my folks who apparently live in neighborhoods where they don't need police, and I would love to live in that neighborhood. Please let me know where that is. But we had a lady that was held hostage in a downtown store and then ran in a FedEx truck. Guess how we were able to track them within minutes. We had a lady that was attacked in Bent Creek and guess how we were able to track and identify that person and hold that person accountable. We had a mass shooting in downtown Asheville where innocent people were murdered and more people were injured. And guess how we developed leads by this technology? Yes. As you said, our job is to protect. Our number one job as local government is to protect the public and I plan on doing that and I plan on allowing our law enforcement to have every single tool at their disposal. Now these do require strong enforceable safeguards, restricted access, which we have, documented investigative purposes, which we have, short retention periods, which we have, controlled data sharing, which we have, and even tightened up more, regular audits, which we have, transparency, and real consequences for misconduct, which we have. And the public has been clear about that, and we support that. I support that. However, I'm also not going to accept the argument that our police, our law enforcement guys, the people who we are going to call if we're scared, who I have literally as a gay Mexican person who is an elected official have entrusted with literally my life. I'm not gonna sit here and accept that these are the only people in our society that we cannot trust with technology. Those who commit serious crimes, they adapt. The threats confronting our community, they evolve. And we cannot expect our officers to respond to modern dangers while leaving them in the dark ages and trying to put them back into the 1990s. Strong oversight protects our residents and I do support bringing back the uh police oversight commission. That commission goes directly to the public safety committee which I chair and I think the more citizen involvement is best. However, I trust Chief Stepp's leadership and I trust the professionalism of the Asheville Police Department and I trust them to confront danger every day on behalf of this city. We have worked too hard, as Council Member Turner said, to strengthen public safety through improved retention, training, professionalism, accreditation, and accountability. And we're not reversing those gains now. We can demand accountability without abandoning our public safety goals. We can embrace effective technology without surrendering our constitutional rights. The people of Asheville deserve both and I will continue fighting for that."

Councilwoman Roney said that she will be "sharing a resource that has been shared by Ben Jordan, who's here today, called the efficacy of flock ALPR systems. It analyzes data over a five-year period. I'm talking with elected officials across North Carolina. I'm talking with elected officials across the south in big cities, in small cities, and counties, and I have concerns about false positive alerts, about the homicide count shift, and about the clearance benchmarks. It has not been shown to me that the clearance rates and justice have been realized by Flock cameras going up in Asheville. That doesn't

match. And I also am concerned about operational reliability. I'm seeing across the country that when technology is used to send first responders on wild goose chases, there's a real concern that they're not answering actual phone calls when people call for help. That is more clear to me than the clearance rates in Asheville being connected to the Flock cameras because we do need liberty and justice for all and we've committed to working on that. I certainly do. I think we need to look at some more of the numbers. I think the citizens police advisory committee can help. So I do support bringing that back and I'm glad to hear their support for that now on Council. I think we need to look at some more real numbers to understand that we're using the right tools. And from what I understand, the technology actually helps - it's like a force multiplier. “

Councilman Hess understood Councilwoman Roney’s concern of “wanting our public safety to respond effectively and faster. So when they have this technology where they are able to zero in instead of having a bunch of false leads, they can get a lead, maybe a tip, they can go and check, okay, does this track with whatever the technology is saying, and then they can focus on the person or people who were there instead of kind of what you were saying going on that wild goosechase. And that's exactly why uh we need this technology that quite frankly is decades old. . We've used this for years. I'm glad you brought that up so that we could clarify. “

Councilwoman Turner thanked the Asheville Police Department for not being one of those scary statistics, for maintaining this software since 2021 while we had it under our purview safely.

Councilwoman Smith said she could “get with the long game and let’s cancel the contract so that we can safeguard folks' privacy. But unlike any other moratorium or pause for review, the time of pause is life-threatening in a lot of situations. And I'm still not hearing from the Council who are advocates for public safety. What do we do in the meantime? This is not a regular pause, right? Like every second counts when it comes to the protection of life. So I haven't heard any resolutions. I haven't heard about replacements. I haven't heard about ideas. What do we do?”

Mayor Manheimer said that “this resolution only calls for the removal of the Flock system. And our Flock system is 11 cameras, 11 stationary license plate readers. They are placed primarily, I believe, in downtown. But there are a couple, as we've heard, in the River Arts District, or at least one. That’s what this calls for. Now, we have a contract with Axon, as you've heard, and they have already been providing a lot of services to the City, including dash cams, body cams, and other functions. This contract would allow for stationary license plate readers made by Axon to be placed in the City. They're placed on light poles. They're a little different, but what the Manager has talked about is that she's going to take this over. They can't just come in under the cover of darkness and put up these cameras. We would have to tell them to go ahead and do it. And so this gives us an opportunity for her to look at that and complete this review, look at whether our current policies cover this well enough, whether we need enhanced policies to deal with it, and whether we want to move forward with that aspect of the contract or not. Those will be the decisions that she's looking at. I can only rely on what we're told by people that work on these systems. I can listen to you all and what you all have to say. I listen to people who work in our police department and tell us about these systems. As I

understand, the reason why nationally Flock is the major focus of this effort nationally is because Flock has an integrated national system where the data does not appear to be secured in a way that any one community can have assurance that their data is not being shared. Now, our police department is working with Axon currently, and Axon has what's called a closed system or what I'm calling a closed system. And I know some people believe that if any image is ever captured on a camera, it is never safe. It is never secured. And I understand that. But we have not had any issues as far as I know with Axon to date. But you know, as I've said before, this is fast-moving technology. I think one of the reasons Flock became so controversial is their system grew so vast that now everyone has access to this platform and all this data. So, the Axon system functions differently. I think we need to take a look at that. We've never had stationary Axon LPRs before, so as far as I know. That's something new that we need to look at. But I think the Manager's heard the concerns and she will work with the Chief to look at this and come back to us with information about it."

Councilwoman Roney said that she "met with the outgoing Chief of the Alcoholic Beverage Control system. He explained to me how their closed camera system works. That it's secured and that a subpoena is required. But obviously that's a different setup than automated license plate readers that are tracking people who are law-abiding citizens just because they happen to be moving in a direction. What I also understand is that they very intentionally purchase the same cameras for our ABC system that the Housing Authority also has access to. If the Housing Authority also had a secure closed loop system, they could also present evidence when there's issues. It doesn't. We are choosing to use for-profit ALPRs from data brokers. That is not the only choice for our community. But that conversation hasn't been had and needs to be. We have volunteers here who have offered to help us with."

In response to Councilwoman Ullman, Mayor Manheimer said we have a contract with Axon. It covers a lot of things. We do not have stationary Axon license plate readers. We have a contract where Axon will provide them if we tell them we want them. We need to wait and let the Manager do the research.

City Manager Wesley said that we will not put up any stationery Axon LPR cameras until the community conversation happens.

Councilwoman Ullman said that she has "cameras at my house to keep me safe after I had violence at my house that helps me sleep at night. We have had hit and runs. One of our public employees was hit by an F-150 and that person who committed a felony was able to be found. There's also negative examples that we see in the news, but it's just so nuanced. And so I just wanted to speak my heart that like this is so black and white feels so it doesn't feel true to me. This is super complex. It's evolving rapidly right now. and to throw out all the tools. Body cameras, y'all, we fought really hard for those for a long time. They're surveillance. It depends on what that word means, right? So, in the public or in social media or when we're reading press headlines and I know we all read all the fine print, right? No, the public narrative is that surveillance is terrible. That's what I hear tonight. And I just think it's way more nuanced than that. I think our job is to get into the complexity of it as a policy maker being black and white. Everything's good, everything's bad. I don't think that does service to our public. I am glad that we're having

this conversation tonight. I will support getting rid of these Flock cameras. I'm glad to hear the Manager lay it straight that we're going to have a conversation before any other action would happen."

The motion made by Councilwoman Roney and seconded by Councilwoman Turner carried on a 5-2 vote, with Vice-Mayor Mosley and Councilwoman Smith voting "no."

Councilwoman Roney said that to be really clear and to provide instruction on a moratorium on the future purchase of the Axon cameras because it's in the existing contract and the agreement with the federal government regarding the grant, she moved to have a moratorium on the purchase of new ALPRs even though I know the City Manager has let us know they're not going to go up but the contract already exists.

City Attorney Branham said that since Councilwoman Roney's motion sounds like it would be sufficiently different from anything on the agenda, Council would need to make a motion to add this item to the agenda before considering the motion.

Councilwoman Roney moved to add to this agenda a moratorium on the future purchase of new Axon ALPRs. Said motion died for lack of a second.

VII. Informal Discussion And Public Comment:

Several individuals spoke to City Council about various matters, some being, but are not limited to: request to make the Axon's detailed price list available to the public;; comments regarding the Asheville Rides Transit Comprehensive Operations Analysis; request to have 11 Collier Avenue be a priority for a preservation site; and concern that there is no budget for strategic partnerships.

VIII. Adjournment:

Mayor Manheimer adjourned the meeting at 9:37 p.m.

_____
Esther E. Manheimer, Mayor

_____
Magdalen Burleson, City Clerk