Minutes for September 8, 2026, City Council Meeting

September 3, 2026, Agenda Briefing Worksession - 11:00 a.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

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.

Discussion occurred on the following other issues and updates:

- Asheville Business Inclusion Program
- Deaverview Master Planning Partner Contract Update
- Comprehensive Plan and UDO Update Process

At 12:27 p.m., Mayor Manheimer adjourned the agenda briefing worksession.

September 8, 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.

I. Proclamations:

II. Consent Agenda:

At the request of Vice-Mayor Mosley, Consent Agenda Item “E” was removed from the Consent Agenda for discussion and/or individual votes due to a conflict of interest.

A. Approval of the special meeting held on August 25, 206; combined minutes of the agenda briefing worksession held on August 20, 2026, and the formal meeting held on August 25, 2026

B. Resolution Number 26-181 - Resolution authorizing the City Manager to enter into a contract with Opticos Design, Inc. to develop an update to the Living Asheville Comprehensive Plan and new development regulations, including the Unified Development Ordinance, and Standard Specifications and Details Manual; and approval of an associated budget amendment to transfer funds to the Special Revenue Fund for the contract.- Resolution Book No. 47 - Page 1

Ordinance Number 5258 - Budget amendment for the contract with Opticos Designs Inc. - Ordinance Book No. 37 - Page 133

- After a competitive selection process, City staff has negotiated a contract with Opticos Design, Inc. to serve as the primary vendor for the Comprehensive Plan Update and Development Code Rewrite project.
- The project scope encompasses project management, inclusive community engagement through the process of:
    - A data- and trend-driven update to the City’s Comprehensive Plan
    - A comprehensive review and redrafting of the Unified Development Ordinance
    - A comprehensive review of the Standard Specifications & Details Manual
- The total contracted cost of this project is not to exceed $1,403,000 funded as follows:
    - $1,200,000 from CDBG-DR Award Funds
    - $203,000 from the City’s Stormwater Enterprise Funds
- The schedule for the contractor’s work, including implementation/training after the code adoption, is 2.5 years, with work concluding on the comprehensive plan and UDO completing in October of 2027.
- Work related to the initial update of the City’s Standard Specifications & Details Manual will be completed in March 2028.
- Work beyond calendar year 2027 includes optional additional tasks that are funded, which would require an amendment to the contract.
- In order to align with the project's available funding, three tasks have been moved to additional tasks that can be undertaken if funding should become available. Those tasks are:
    - Adoption and Implementation Support

    - Updates to Downtown and River District Design Guidelines
    - Creation and publishing of draft and final versions of the City's SSDM Document
- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Opticos Design Inc. in the amount of $1,403,000 to develop an update to the Living Asheville Comprehensive Plan and new development regulations, including the Unified Development Ordinance; and approve an associated budget amendment to transfer funds to the Special Revenue Fund for the contract.

C. Resolution Number 26-182 - Resolution to permit the possession and consumption of malt beverages and/or unfortified wine at Oktoberfest on October 3, 2026 - Resolution Book No. 47 - Page 2

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on public streets and property owned, occupied, or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The Asheville Downtown Association has requested that City Council permit them to serve beer and/or unfortified wine at Oktoberfest on October 3, 2026, on Coxe Avenue, and to allow consumption at the event.
- Alcohol boundaries are defined as per the accompanying event site maps. Approval would allow fundraising opportunities for the sponsoring nonprofit organizations. No negative fiscal impacts have been identified.
- Motion to adopt a resolution to permit the possession and consumption of malt beverages and/or unfortified wine at Oktoberfest on Saturday, October 3, 2026.

D. Ordinance Number 5259 - Budget amendment in the amount of $4.2M for additional Helene Disaster Recovery and Response Expenses, funded with Federal and State Emergency Management Agency reimbursements , to fund upcoming expenses such as a temporary bridge for Gashes Creek and a recent obligation for Parks content replacements and grants management costs; and transfer $105,000 in donations from the Special Revenue Fund to the General Capital Projects Fund to support the temporary skating rink project - Ordinance Book No. 37 - Page 134

- The City has and will continue to incur expenses related to TS Helene Disaster Recovery and Response.
- To date City Council has approved Helene-related budgets totaling $219.5M.

- This budget has been utilized to fund expenses related to Helene that include costs from the initial response, ongoing staff expenses, permanent work projects and the contract with Hagerty Consulting.
- Spending authority from these prior Helene-related budget amendments is nearing full utilization, so additional budget is needed in order to meet State Statute requirements related to pre-audits and budget authorizations
- Staff is recommending that Council amend the Helene budget by $4.2M to fund upcoming expenses such as a temporary bridge for Gashes Greek and a recent obligation for Parks content replacements and grants management costs.
- In addition, the City received a donation of $105,000 to support temporary recreational facilities after TS Helene. The donation was originally budgeted in the Special Revenue Fund. This action will move funds into the General Capital Projects Fund to provide materials for the temporary skating rink project.
- Motion to adopt a budget amendment in the amount of $4.2 for additional Helene Disaster Recovery and Response Expenses, funded with Federal and State Emergency Management Agency (FEMA) reimbursements and transfer $105,000 in donations from the Special Revenue Fund to the General Capital Projects Fund to support the temporary skating rink project.

E. Resolution authorizing the City Manager to enter into a contract with City Collective, LLC to develop a Master Plan for land in the Deaverview neighborhood owned by the City of Asheville and Housing Authority of the City of Asheville.

This item was removed from the Consent Agenda for discussion and/or an individual vote due to a conflict of interest.

F. Resolution Number 26-184 - Resolution authorizing the City Manager to execute the agreement with the Asheville City Schools Foundation for the disbursement of college scholarship funds to graduating seniors from the City of Asheville Youth Leadership Academy - Resolution Book No. 47 - Page 7

- 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.
- Established in 2007, the CAYLA program has been sustained by financial support from both Buncombe County and the City of Asheville.
- Although the ACSF agreement has operated under a five-year term for the past five years, it will transition to a one-year contract moving forward to better streamline the process.
- 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 ACSF.
- The City has agreed to commit $54,500 to support the scholarship program that will provide CAYLA graduates with a $2,000 scholarship.
- Asheville City Schools Foundation has been a key partner in providing scholarship payments and support for the CAYLA program since 2016.

- As an essential partner in this initiative, Buncombe County provides financial support for the CAYLA program through a separate agreement. Currently, the county provides a total of $65,000 towards the scholarship program.
- The funding received from Buncombe County is transferred to the Asheville City Schools Foundation via this agreement.
- Executing this yearly agreement enables the Asheville City Schools Foundation to maintain its administrative role in the management and allocation of scholarship funds for these students.
- Motion to authorize the City Manager to enter into an agreement with the Asheville City Schools Foundation, facilitating the allocation of $2,000 scholarship awards to qualifying graduates alongside a 5% administrative fee for the Foundation, not exceeding a total of $54,500.

G. Resolution Number 26-185 - Resolution ratifying the grant application and award acceptance from the U.S. Dept. of Homeland Security 2024 Homeland Security Grant Program for the Barricade Trailer Project - Resolution Book No. 47 - Page 9

Ordinance Number 5260 - Budget amendment, in the amount of $25,000, from the Homeland Security Grant Program for the Barricade Trailer Project - Ordinance Book No. 37 - Page 136

- Public Works previously applied for and was awarded $25,000 via the US Department of Homeland Security's (DHS) Fiscal Year 2024 Homeland Security Grant Program (HSGP), which is administered by the State of North Carolina Emergency Management (NCEM): Grant #EMW-2023-SS-00034. A Memorandum of Agreement, MOA #24HSGP034, was executed by NCEM.
- Shortly after the grant was awarded, a state of emergency went into effect in Asheville on September 25, 2024 related to Tropical Storm Helene. Due to the focus on emergency response and recovery work, the grant funds were not utilized at that time.
- NCEM provided confirmation that the grant period of performance extends through February 28, 2027. Grant funds must be expended no later than that date, and requests for reimbursement must be submitted no later than March 31, 2027.
- Public Works intends to use the funds for the Barricade Trailer Project, which entails the purchase of a Multiple Event Response Trailer (MERT) and barricades for emergency management purposes - to close off roads, delineate/divert traffic, and establish perimeters to protect people, property, and the environment.
- The internal process for applying for and accepting grant funds has changed since the application was originally submitted and the grant funds were awarded. Therefore, to ensure compliance with all current policies and any applicable statutes and regulations, Public Works is requesting ratification of the grant application and award acceptance prior to utilizing the grant funds.
- A budget amendment is requested to add the $25,000 grant award to the Special Revenue Fund so that those funds may be utilized.
- Motion to adopt a resolution ratifying the grant application and award acceptance from the 2024 Homeland Security Grant Program for the Barricade Trailer

Project, authorizing the City Manager to execute any related documents, and motion to adopt a budget amendment in the amount of $25,000.

H. Resolution Number 26-186 - Resolution authorizing the City Manager to enter into the Fiscal Year 2027 N.C. Dept. of Transportation State Maintenance Assistance Program funding agreement - Resolution Book No. 47 - Page 10

- State Maintenance Assistance Program (SMAP) is a non-competitive formula grant awarded annually to eligible municipalities operating a fixed-route transit system in a designated urbanized area. To qualify, recipients must meet specific NCDOT criteria:
    - Funds are restricted to operating and maintenance expenses
    - Funding disbursements cannot exceed total local operating contributions
    - Funds cannot be used to match other state funding programs
- The City of Asheville annually receives SMAP funds from the NCDOT to support necessary maintenance activities of the ART transit system.
- This includes preventative maintenance of the City's transit fleet, equipment, and facilities.
- Once granted, the SMAP Program will provide $1,104,732 in grant funds for FY 2027 to the City to support transit maintenance.
- This represents a 0.59% increase relative to the $1,098,253 allocation received by the City for Fiscal Year 2026.
- Motion to adopt a resolution authorizing the City Manager to apply for the annual Fiscal Year 2027 North Carolina Department of Transportation State Maintenance Assistance Program (SMAP) grant funds to support transit operations, accept the funds, and sign all associated documents related to the application or acceptance.

I. Resolution Number 26-187 - Resolution authorizing the City Manager to submit an application to the Fiscal Year 2026 Federal Transit Administration Low or No Emission Grant Program to construct a new Asheville Rides Transit Operations and Maintenance Facility - Resolution Book No. 47 - Page 11

- The Federal Transit Administration recently announced the opportunity to apply for approximately $589 million in competitive grants for the Fiscal Year 2026 Low or No Emission Grant Program (Low-No Program).
- Eligible projects for the Low-No Program are capital projects and purchases that support the reduction of carbon emissions. One of the types of eligible projects is to construct new public transportation facilities to support low or no emission vehicles, such as operations and maintenance facilities.
- There has been a long-standing need to replace the existing transit maintenance facility at 360 West Haywood Street. The 2021 ART Maintenance Programming Report and Site Analysis Study found that ART's operations already exceed the facility's capacity and that expansion at the existing site is neither feasible nor cost-effective due the age of the building and its current configuration.

- These limitations affect current service delivery by reducing the space available to inspect, maintain, repair, store, and stage buses for scheduled service.
- Without a modern facility, ART will continue to operate within significant physical constraints that limit operational flexibility and make it more difficult to maintain buses in a state of good repair and ensure that vehicles are available for service.
- The 2021 study determined that a future facility would require approximately 6.8 to 13.9 acres, depending on its configuration, and identified the 8.76-acre City-owned property at 224 Louisiana Avenue as a strong candidate for a new transit maintenance facility given its size and that it is located less than three miles from the downtown ART Station, an important consideration in limiting non-revenue travel and associated operating costs.
- The total project has an estimated cost of $60 million, including environmental review, preliminary engineering, community engagement, design, permitting, and construction.
- Therefore, the City will be preparing a grant application for the Low-No Program requesting $48 million in federal funding with a required match of 20%, or $12 million. Securing federal funding is a key next step toward developing a facility that supports reliable service for existing riders while providing capacity for future service and fleet expansion.
- The application will include a scalable,phased plan in the event the fully requested amount is not able to be awarded (this scaling is also an application requirement).
- A significant portion of the required 20% in matching funds has already been included in the City's General Capital Improvement Project (CIP) Fund in Fiscal Years 28 and 29 ($300,000 and $4,800,000, respectively).
- Pursuit of the grant does not authorize final design or construction. If funding is awarded, staff would return to the City Council to budget the grant funds and the remaining match amount in the CIP, and then all future required project approvals.
- The deadline for submitting the grant is September 21, 2026.
- HDR, Inc. has been contracted to assist Transportation staff with preparation of the grant application. HDR, Inc. also prepared the initial 2021 study of the ART Maintenance Garage.
- Motion to adopt a resolution authorizing the City Manager to apply for the Fiscal Year 2026 Federal Transit Administration Low or No Emission Grant Program to construct a new Asheville Rides Transit Operations and Maintenance Facility, and if awarded, accept the funds and sign all necessary documents to effect the grant.

J. Resolution Number 26-188 - Resolution authorizing the City Manager to submit an application to the Dogwood Health Trust Leverage Fund for grant development assistance, to accept grant funds if awarded, and enter into any agreement documents necessary for such acceptance - Resolution Book No. 47 - Page 12

- The Dogwood Health Trust Leverage Fund provides eligible public and non-profit entities in Western North Carolina (WNC) with grant writing assistance to pursue competitive federal, state, and private foundation grants.

- Under expanded Hurricane Relief Eligibility rules, municipalities with annual operating budgets over $5 million located in the 12 counties most impacted by Hurricane Helene (including Buncombe County) are eligible for Leverage Fund services.
- The City of Asheville operates with an annual operating budget of approximately $275,700,000.
- The application window opens on January 20, 2026, and closes at 5:00 PM ET on October 2, 2026, operating on a rolling review basis.
- The City of Asheville has previously applied for Dogwood Health Trust funding, but is seeking Leverage Fund grant writing support to prepare complex federal applications such as FEMA HMGP applications and to pursue additional funding to address unmet needs in recovery such as debris removal, infrastructure and parks.
- Motion to adopt a resolution authorizing the City Manager to submit an application to the Dogwood Health Trust Leverage Fund for grant development assistance, to accept grant funds if awarded, and enter into any agreement documents necessary for such acceptance.

Councilwoman Roney moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "E". This motion was seconded by Councilwoman Turner and carried unanimously.

Item Removed From The Consent Agenda For Individual Vote

E. Resolution Number 26-183 - Resolution authorizing the City Manager to enter into a contract with City Collective, LLC to develop a Master Plan for land in the Deaverview neighborhood owned by the City of Asheville and Housing Authority of the City of Asheville - Resolution Book No. 47 - Page 5

Councilwoman Turner moved to recuse Vice-Mayor Mosley from participating in this matter due to a conflict of interest. This motion was seconded by Councilwoman Roney and carried unanimously (Vice-Mayor Mosley did not vote).

- The City of Asheville owns a 21-acre property located at 65 Ford Street and a 16-acre property located adjacent to Pisgah View Road. The Housing Authority of the City of Asheville (HACA) owns approximately 20 acres of property located at 275 Deaverview Road, which is currently home to Deaverview Apartments, a 160-unit public housing development.
- Deaverview Apartments were originally constructed in 1971 and HACA wishes to construct new housing units to replace the existing Deaverview Public Housing Community, and to do so in a manner that requires the residents of Deaverview to relocate only one time.
- The City's properties are located in close proximity to the current Deaverview Apartment site, which altogether encompasses over 50 acres.
- PEAK Academy wishes to develop a high-quality, community-centered public school on a suitable site that allows for an innovative, safe and accessible campus designed to serve Asheville's diverse students and families

- The City, HACA and PEAK (the Parties) have executed a Memorandum of Understanding that establishes the framework for a joint planning effort for the development of these properties that will serve to benefit the residents of the Deaverview Apartments and the greater Deaverview community.
- The Parties wish to develop a master plan that includes a mixed-income housing strategy (affordable and market rate/rental and homeownership), educational and recreational facilities, and wellness (community and supportive services).
- The implementation of the Master Plan, which may include property acquisition or disposition, infrastructure improvements, additional specific plans for construction and development (including the selection process for development and construction team for the City Property), and funding agreements, shall be subject to future City Council, HACA Board of Directors and PEAK Academy Board of Directors approval;
- The City of Asheville was awarded $225M in CDBG-DR funding following the devastating effects of Tropical Storm Helene, of which a portion was set aside for Planning activities.
- Following a competitive internal project selection process, the development of a Deaverview Master Plan was selected to be supported with CDBG-DR Planning funds.
- A competitive Request for Proposals (RFP) process was undertaken in which proposals were received from June 16, 2026 to July 16, 2026 and a total of 10 proposals were received.
- Following a scoring process of the proposals received and interviews with the highest scoring firms, City Collective, LLC was selected as the most qualified firm to develop the Deaverview Master Plan.
- Once a contract is executed, it is expected that the planning process will be undertaken in phases over the next 18 months, including meeting with stakeholders and community members early and throughout the entire planning process.

Councilman Hess moved to adopt a resolution authorizing the City Manager to enter into a contract with City Collective, LLC in an amount not to exceed $399,800 to develop a Master Plan for land in the Deaverview neighborhood owned by the City of Asheville and Housing Authority of the City of Asheville. This motion was seconded by Councilwoman Roney and carried unanimously (Vice-Mayor Mosley did not vote).

III. Presentations & Reports:

Manager's Report - Capital Quarterly Update

Capital and Asset Management Director Walter Ear reviewed the completed projects in the Fiscal Year 2025-26: HomeTrust Park (formerly McCormick Field); WNC Nature Center Gateway to the Southern Appalachians; Parking Garage Capital Improvements (Wall Street and Rankin Avenue Phase 1); Burton Street Park & Community Center Improvements; Traffic Signals at MLK Jr. Drive and Charlotte Street; and Roof Replacements at Thomas Wolfe Auditorium, Municipal Building Roof Replacement, 29

Haywood Street, and Grove Street, Senior Opportunities Center. The total project value completed is $45.7 Million.

He said the quarter 4 starts is the design for Eagle & Market Street Enhancements Project. He explained the secured funding, base enhancement scope, and potential expansion.

He then reviewed the Parking Garage Capital Improvements Project's scope of work, its goals and success markers, the engineer's opinion of cost, cost effectiveness, and garage repairs completed since 2023. Upcoming capital improvements (2027) include the Harrah's Cherokee Center Asheville and Biltmore Garages; and the Rankin and Wall Street Garages. He explained the downtown parking priorities, impacts, timeline and business mitigation strategies.

Mr. Ear then updated Council on the engagement on the Biltmore Village Infrastructure Project. He explained the project seeks to restore the "Gateway to the Biltmore Estate", one of the most highly trafficked commercial nodes in the City. He reviewed the timeline, along with the public engagement piece and the key next steps.

Mr. Ear then reviewed some capital project milestones for the public art, greenway connector, Malvern Hill Park improvements, Lexington Avenue sidewalk, Oakley Fire Station #9, Riverfront recovery projects, and Transit Maintenance Garage Federal Transit Administration grant application.

Mr. Walter responded to questions from Councilwoman Roney, noting that he will have to follow-up on the pedestrian activated signal on Boston Way at Hendersonville Road.

IV. Public Hearings:

V. Unfinished Business:

VI. New Business:

A. Ordinance Number 5261 - Ordinance amending Chapter 4 of the Code Of Ordinances of the City of Asheville by adding a new Section 4-209(c) in order to provide additional protections for tenants from unsafe dwelling conditions - Ordinance Book No. 37 - Page 137

- The Asheville Area Tenants Union is requesting the City Council consider an amendment to the Asheville Housing Code to make it unlawful to collect rent if a dwelling contains a life safety/unsafe condition.
- This action will add new and heightened protections for tenants exposed to unsafe conditions.

- These protections are intended to assist tenants stay in their homes while ensuring that those dwellings are safe and fit for habitation.
- Four other North Carolina municipalities have enacted similar amendments to their housing codes. This includes Charlotte, Pineville, Pittsboro, and most recently Durham.
- Staff is supporting the development of agenda materials, but this ordinance is not staff initiated nor is staff providing a recommendation.

Mayor Manheimer read a portion of the ordinance as follows: "It shall be unlawful for the owner of a dwelling to collect rent from a tenant who occupies the dwelling at the time it becomes unfit for human occupancy, unsafe, and represents a threat to life or property, or to permit any other person to begin occupancy of such a dwelling. A dwelling shall be subject to this provision if any of the conditions contained in Section 4-209 (a) exist." City Attorney Branham suggested the following be added at the end of the sentence as follows: "... exist, and upon the issuance of an order prepared in accordance with Section 4-217 (b)". She said that would be an order from one of the City's inspectors. Currently, if an inspector is asked to perform an inspection on a property and they find that there is a problem, they will issue a notice of violation and an opportunity for the landlord to fix the violation. The landlord also has the opportunity to be heard. If this condition is not remedied, the inspector can issue an order. At that point, this ordinance will be triggered, which says that a tenant is not obligated to pay rent if the order has been entered. She noted though, that North Carolina legislation preempts cities and counties, largely, from regulating residential rentals. There is a statute (state law) that says the tenant may not unilaterally withhold rent prior to a judicial determination of a right to do so. The state law says you have to have a court order vs. what we are proposing with this ordinance, which says an order from a City inspector. We must be careful about the communication around this.

Councilwoman Ullman moved to adopt the ordinance amending Chapter 4 of the Code of Ordinances by adding a new Section 4-209 (c) in order to provide additional protections for tenants from unsafe dwelling conditions, with the amendment to Section 4-209 (c) as follows: addition of the "It shall be unlawful for the owner of a dwelling to collect rent from a tenant who occupies the dwelling at the time it becomes unfit for human occupancy, unsafe, and represents a threat to life or property, or to permit any other person to begin occupancy of such a dwelling. A dwelling shall be subject to this provision if any of the conditions contained in Section 4-209 (a) exist, and upon the issuance of an order prepared in accordance with Section 4-217 (b)". This motion was seconded by Councilwoman Turner.

Vice-Mayor Mosley said that Jen Hampton, Asheville resident and staff organizer for the Asheville Area Tenants Union, asked her to read the following statement: "Thank you so much for taking the time to listen to Asheville residents and for taking the housing habitability crisis in our city seriously. I especially want to express gratitude to y'all for hearing the stories shared by members of the Asheville Area Tenants Union (AATU). You heard directly from renters living with severe mold, unsafe electrical systems, lack of heat, and structural hazards highlights just how urgent this problem is for families in our

community. Right now, too many Asheville tenants are forced to pay rent for homes that are unsafe and unfit for human occupancy because they feel like they have to sacrifice dignity for affordability with very little legal leverage to get repairs made quickly. Passing the proposed "No Rent for Slumlords" ordinance change will create an avenue for tenants to hold negligent property owners accountable and ensure everyone in Asheville has a safe, healthy, and dignified place to live. This ordinance will also function to help preserve naturally occurring affordable housing. We should start shifting our focus to renovating the existing affordable housing that we already have in our community. Please vote yes to support the "No Rent for Slumlords" ordinance. Thank you again for hearing Asheville tenants and for your commitment to protecting Asheville renters."

Three individuals were not in opposition to the proposed ordinance, but asked City Council to delay consideration so that all interested parties and stakeholders (including rental owners and property managers) may participate in crafting an ordinance that holds bad actor landlords accountable while avoiding unintended consequences. They agreed with the overall intent of this proposed update; however, felt that additional language regarding notice, reasonable time to cure, and other objective standards should be considered.

Eight individuals spoke in support of the proposed ordinance, with one requesting that mold be included as a condition to render a dwelling unfit for human occupancy.

Councilwoman Roney wondered what the City's role is in the Bowen Report because we look at the numbers and not the quality of housing. She wondered what it would look like when we move forward and update the Bowen Report to look at the quality of housing. She did hear comments of support from landlords and property management and she hoped that would follow-through with the people from the Asheville Area Tenants Union. It seems like there is an opportunity across the state for us to work together.

Councilwoman Turner was pleased to be able to talk about help for our local renters. She hoped there would be more discussions about housing, eviction protections, working with the tenants union, schooling between landlords and tenants, down payment assistance, etc. Our overall goal is to keep people safely housed.

Mayor Manheimer reiterated the due process requirements.

In response to Councilwoman Turner regarding mold, City Attorney Branham said that there is currently no recognized national standard at the federal or state level for a safe and unsafe level of mold. That means that we, at the local level, have no standard to rely upon in order to say how much is too much. Until there is an actual legal standard for safe or unsafe mold it would be incredibly difficult for our code and building inspectors to review and manage that. Everything else they do is defined by the State Building Code and mold is not included in the State Building Code. To add this provision would require us to edit the State Building Code, and we can't do that.

In response to Councilman Hess, City Attorney Branham said that the proposed ordinance states that “the code enforcement officer shall give priority enforcement to any dwelling that falls within the provisions of Section 4-209.”

Councilwoman Ullman supported the ordinance, and felt more research needs to be done regarding mold. Councilwoman Turner suggested this issue and/or other items, such as communication to the community, be discussed at the next Housing & Community Development Committee. Councilwoman Roney also suggested that we also reach out to other disaster cities to see how they address mold.

In reply to Councilman Hess, City Attorney Branham said that there are private rights of action that a tenant could bring against a landlord, but that is not something that is involved in this ordinance. That is a private right of action and for a private party to bring.

The motion made by Councilwoman Ullman and seconded by Councilwoman Turner carried unanimously.

Councilwoman Ullman moved to adopt an ordinance amending Chapter 4 of the Code 0f Ordinances of the City of Asheville by adding a new Section 4-209(C) in order to provide additional protections for tenants from unsafe dwelling conditions This motion was seconded by Councilwoman Turner and carried unanimously.

VII. Informal Discussion And Public Comment:

Several individuals spoke to City Council about various matters, some being, but are not limited to: need stronger bear initiatives to include mandated bear-resistent trash cans and dumpsters, and support Pardon Dolly campaign; taxpayer mandates; need for transit to be for the people who need the bus service; homelessness population in west Asheville; City needs to partner with Buncombe County to grow the paramedic program; request Council support for EcoForesters plan to save Haw Creek Park, along with allows Parks and Recreation staff to initiate collaboration and allow staff participation to remove materials and periodic crew support, as needed; thanked City Council for canceling the Flock surveillance cameras; and need for more transparency of the budget.

Councilman Hess suggested the bear concerns be addressed in the Public Safety Committee, maybe making people who are feeding the bears be more accountable. He also asked that the homelessness issues in west Asheville be placed on the Public Safety Committee agenda, with Safe Shelter representatives present. He also asked for a standing order for antipsychotic and other medicine for firefighters who are EMTs, and we need to push Mission Hospital for direct admission for the psychiatric unit.

Councilwoman Turner asked for an update on the corridor work on Haywood Road and Tunnel Road, due to serious homelessness challenges, and to reschedule the west Asheville walk with the City Manager.

Councilwoman Roney asked for an update on the Continuum of Care and the N.C. Dept. of Transportation conversation regarding the displacement of people for the I-26 connector. Also she asked for an update on the backlog of bear-resistent trash cans, the cost of the cans and how long it will take for the cans to arrive.

Regarding the bears, Mayor Manheimer said that we need to touch base with the Wildlife Commission.

VIII. Adjournment:

Mayor Manheimer adjourned the meeting at 7:00 p.m.

_____
Esther E. Manheimer, Mayor

_____
Magdalen Burleson, City Clerk