Tuesday – June 28, 2022 - 5:00 p.m.

Regular Meeting

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

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JULY 2022, AS "PARKS AND RECREATION MONTH"

Mayor Manheimer read the proclamation proclaiming July 2022 as "Parks and Recreation Month" in the City of Asheville. She presented the proclamation to Parks & Recreation Director D. Tyrell McGirt, and other Parks & Recreation staff, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING THE AFFIRMATION OF FUNDAMENTAL REPRODUCTIVE FREEDOMS

Councilwoman Roney read the proclamation proclaiming the affirmation of fundamental reproductive freedoms in the City of Asheville, condemning the criminalization of accessing or providing essential healthcare, including full-spectrum reproductive and gender-affirming health care, and proclaiming that people deserve access to high-quality healthcare without fear of judgment, harassment, coercion, reprisal, or punishment. She presented the proclamation to Shelley Brown of Planned Parenthood South Atlantic, who briefed City Council on some activities taking place.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 14, 2022

B. SECOND AND FINAL READING OF ORDINANCE NO. 4951 - ORDINANCE AUTHORIZING ASSIGNMENT OF THE FRANCHISE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE EDUCATION AND RESEARCH CONSORTIUM OF THE WESTERN CAROLINAS, LLC TO ERC BROADBAND, LLC

Action Requested: Adoption of an ordinance by City Council to authorize the assignment of the City of Asheville's franchise agreement with the Education and Research Consortium of the Western Carolinas, LLC ("ERC") to ERC Broadband, LLC.

Background:

- The Asheville City Council previously authorized the granting of franchises to install telecommunications facilities within the City of Asheville's right-of-ways.

- As a result, the City and the Education and Research Consortium of the Western Carolinas, LLC ("ERC") entered into a telecommunications franchise in 2004 (Ordinance No. 3127), and amended in 2012 (Ordinance No. 4124).
- This agreement provides fiber optic capability to the City of Asheville in lieu of franchise fees for the use of City right of way.
- ERC wishes to transfer this responsibility to a separate entity and requires consent of the City for the assignment.
- Assigning this agreement will allow the City to continue utilizing the fiber optic capability, and allow ERC to fully transfer ownership to a new entity, ERC Broadband, LLC.
- Because this is an assignment to a franchise agreement, two readings are required.
- The ordinance was adopted on its first reading on June 14, 2022.

Vendor Outreach Efforts:
- N/A

Council Goal(s):
- Core Services

Committee(s):
- N/A

Pro(s):
- Allows the City to continue receiving broadband services without interruption or changes to the existing terms of its franchise agreement.

Con(s):
- None noted.

Fiscal Impact:
- None. However, consenting to the assignment will allow the City to avoid the cost of installing its own fiber infrastructure, estimated at a cost of more than $4.9 million in 2012.

Motion:
- Motion to approve consent for the assignment of the City's franchise agreement with the Education and Research Consortium of the Western Carolinas, LLC to ERC Broadband, LLC and to authorize an amendment to the franchise agreement to reflect the assignment.

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C. **RESOLUTION NO. 22-139 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE INDEPENDENCE DAY CELEBRATION ON JULY 4, 2022**

RESOLUTION NO. 22-140 - RESOLUTION AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL ON SEPTEMBER 24, 2022

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Asheville Independence Day Celebration and the Blue Ridge Pride Festival.

Background:

- N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.
- The City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival.
- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:

    - Asheville Downtown Association for the Asheville Independence Day Celebration to occur at Pack Square Park on Monday, July 4, 2022 from 5:00 p.m. - 10:00 p.m.
    - Blue Ridge Pride Center, Inc. for the Blue Ridge Pride Festival, to occur at Pack Square Park on Saturday, September 24, 2022, from 11:00 a.m. - 7:00 p.m.

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

Council Goal(s):
- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):
- None

Pro(s):
- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Asheville Independence Day Celebration and the Blue Ridge Pride Festival

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RESOLUTION NO. 22-140 - RESOLUTION BOOK NO. 43 - PAGE 175

D. RESOLUTION NO. 22-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MAIL MANAGEMENT SERVICES LLC OF ASHEVILLE FOR MAIL SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to contract with Mail Management Services, LLC to provide mail services for the City of Asheville in the amount of $408,000 annually for one year and additionally authorize the City Manager to approve up to 4 annual renewals at an annual cost of $408.000 for a not to exceed a total five-year cost of $2,040,000.

Background:

- The Fiscal Year (FY) 2022-23 annual cost for this contract to provide for citywide postage and mail services is $408,000 across all departments.
- Allocations include $85,000 in General Services/Facility Operations, $300,000 in Water Resources, and $23,000 in Public Works/Stormwater.
- The City provides municipal services to more than 60,000 accounts, which primarily encompasses the following: water meters, business licenses, permits, and general correspondence to residents and visitors.
- The customer base is divided into multiple billing cycles and by general information correspondence each month.
- In response to a Request for Proposals, the following firms submitted proposals:
    - Mail Management Services (Asheville, NC) and
    - Williamsburg Mailing Systems (Maryville, TN)
- The initial contract term is proposed for one year, with the option upon approval by the City for up to four one-year renewals, for a maximum potential duration of five years not to exceed $2,040,000.00.
- The multi-year contract is subject to the annual appropriation process.
- If the adopted budget for any given fiscal year does not include an appropriation for the service, the City shall have the right to terminate the contract.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Williamsburg Mail Services is a Woman-owned firm.
- The proposal submitted by Mail Management Services demonstrated that the firm and its staff have excellent qualifications and experience directly related to the services being procured.
- Although WMS gained points with slightly lower costs on key charges/fees, Mail Management Services scored higher on the remaining factors with very high service levels and verified performance.
- Scoring by the review team indicated the submission from Mail Management Services as the highest-rated proposal.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Allows performance of a mandatory activity (mail service) necessary for the operation of municipal services, including billing;
- Facilitates key communication mechanism (written correspondence) to & from citizens, businesses, visitors, and other stakeholders; and
- Provides long-term cost containment while maintaining a verifiable high level of service delivery.

Con(s):

- None

Fiscal Impact:

- Funding is included in the City's FY 2022-23 budget for mail management services in both the General Fund and Enterprise Funds.

Motion:

- Motion to adopt a resolution authorizing the City Manager to contract with Mail Management Services, LLC to provide mail services for the City of Asheville in the amount of $408,000 annually for one year and additionally authorize the City Manager to approve up to 4 annual renewals at an annual cost of $408.000 for a not to exceed total five-year cost of $2,040,000.

RESOLUTION BOOK NO. 43 - PAGE 178

E. RESOLUTION NO. 22-142 - RESOLUTION SETTING A PUBLIC HEARING ON JULY 26, 2022, TO CONSIDER CLOSING AN UNOPENED RIGHT-OF-WAY WEST OF PEARL STREET, BETWEEN PATTON AVENUE AND HILLIARD AVENUE, AND DECLARING ITS INTENT TO CLOSE THIS RIGHT-OF-WAY

Action Requested: Adoption of a resolution setting a public hearing on July 26, 2022, to consider permanently closing an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue, associated with the Avery Project.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires City Council to consider whether the closure of the right-of-way has a negative impact to the public interest and whether the closure would impede access to parcels, utilities, and other public infrastructure.
- Delray Ventures has petitioned for this closure associated with the Avery Project located at 363 Hilliard.
- The City Council approved the Conditional Zoning request for the Avery Project on March 8, 2022.
- Another unopened right-of-way known as Rear Clingman Avenue associated with the Avery was previously closed by the City Council on April 26, 2022.
- The right-of-way under this request was not requested to be closed at that time because both staff and the applicant did not believe it to be necessary, however the applicant's title company, as well as the NCDEQ, which is providing Brownfield remediation funding, have indicated that it does in fact need to be closed.
- The Technical Review Committee (TRC) did not review this specific closure request due to time constraints; however, the overall project has been reviewed by TRC multiple times and the right-of-way was discussed as part of that process.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - June 22, 2022 - unanimously recommended approval of the request.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

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

Motion:

- Motion to approve the setting of a public hearing for July 26, 2022 for the request and intent to close an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue, associated with the Avery Project.

RESOLUTION BOOK NO. 43 - PAGE 179

F. RESOLUTION NO. 22-143 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH RAFTELIS FINANCIAL CONSULTANTS INC. FOR THE STORMWATER PROGRAM AND FEE STUDY

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Raftelis Financial Consultants, Inc. in the amount of $300,000.00 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $45,000.00 (15%) for a total budget of $345,000.00 for the Stormwater Program Analysis and Fee Study.

Background:

- This project is for professional services to be rendered to lead, facilitate, and implement a stormwater utility fee study that assesses our current stormwater program and future needs to determine the appropriate level of service and fee assessment while also incorporating public engagement and input.
- This is a multiphase project which will include (1) review of the City's current programs, (2) identify future needs, (3) provide recommendations, and (4) implementation.
- While the Stormwater Utility Fund fees were raised by approximately five percent every year from 2015 to 2019, stormwater utility rates were not increased in the Fiscal Year (FY) 2020-21 or FY 2021-22 budget years in order to mitigate the economic effects of the COVID-19 pandemic on the Asheville community.
- Increased runoff peak flows and volumes produced by more intense storm events due to climate change, more impervious surface from increased densities in land development, and the complexity of development in this area have dramatically accelerated stormwater management issues, including the need to apply additional measures to improve the water quality within our watersheds.
- Construction project costs due to supply chain issues and inflation as well as additional stormwater needs across the City continue to surpass existing resources.
- The Stormwater Program should have the appropriate balance among the many relevant stormwater issues that face the City and provide services that are commensurate with a level the community can afford and support.
- To begin addressing these issues and provide some additional revenue until a comprehensive fee study can be completed, fee increases of 15% were approved by the Finance & Human Resources Committee and City Council in spring 2022 to take effect beginning in FY 2022-23.
- The Request for Qualifications was advertised on October 15, 2021, and responses were due by November 22, 2021.
- Four responses to the RFQ were received:
  Raftelis Financial Consultants, Inc. of Charlotte, NC
  Wildlands Engineering, Inc. of Charlotte, NC

Wood Environment & Infrastructure Solutions, Inc. of Atlanta, GA
Willdan Financial Services, Inc. of Temecula, CA

- Raftelis received the highest score from the scoring committee.
- The scoring committee consisted of representatives from the Public Works Department and Stormwater Division, Finance Department, Equity and Inclusion Department, and Office of Sustainability.
- Staff have been in negotiations with Raftelis regarding the project's final scope and cost.

Vendor Outreach Efforts:

- Professional Services must be selected through a qualifications-based selection process, in which minority- and women-owned business enterprise (MWBE) participation cannot be used as a scoring factor.
- The City's Goal Setting Committee has set an annual aspirational goal for professional services at 24.6% MWBE participation, in alignment with the City's Business Inclusion Policy.
- Past firms who have shown interest in performing on City of Asheville projects were informed about the project's advertisement.
- During preparation for advertising this project, the RFQ was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Staff also performed outreach to minority- and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System and the City of Asheville website, as well as encouraging prime firms to reach out to minority- and women-owned business enterprise (MWBE) service providers for subcontracted services.
- Staff reviewed the City's List of Certified Businesses, NC Historically Underutilized Business, and NCDOT MWBE databases for potential firms.
- Eleven MWBEs were directly contacted regarding the RFQ; none of these companies submitted a response.
- Out of the four submissions received, none of the prime firms self-identified as a MWBE business owner.
- Two firms indicated that they would be utilizing a MWBE subcontractor and one firm indicated that they would seek to utilize MWBEs for subconsultant services should additional services be needed.
- One of the subcontractors on the selected team is a minority woman-owned business.

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment

Committee(s):

- Presentations were made to the Finance and Human Resources Committee on January 25 and March 22, 2022, regarding stormwater services and potential fee increases where this project was introduced.
- The Committee heard the stormwater presentations and on March 22, 2022, unanimously recommended to move forward to full Council.

Pro(s):

- The selected firm will perform a review of the City's current stormwater program as well as future stormwater needs, and will determine the appropriate level of service and fee assessment linking existing and future needs, financing, and policies.
- This study will also provide recommendations for potential funding scenarios based on public engagement and input.

- Successful completion of the project will assist in ensuring the proper level of investment in the program and efficient use of funding so that core service delivery is consistently provided to the community.
- With outside professional analysis of the stormwater program, we will be able to determine how our program compares to those in similar municipalities.

Con(s):

- Although the study is necessary to inform direction and growth of the program, costs associated with the study could otherwise be used to fund stormwater system improvements.

Fiscal Impact:

- Funding for this project is already budgeted in the Stormwater Operating Fund for Fiscal Year 2022-23.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Raftelis Financial Consultants, Inc. in the amount of $300,000.00 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $45,000.00 (15%) for a total budget of $345,000.00 for the Stormwater Program Analysis and Fee Study.

RESOLUTION BOOK NO. 43 - PAGE 181

G. RESOLUTION NO. 22-144 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DOGWOOD HEALTH TRUST TO ACCEPT FUNDING FOR A MULTI-YEAR STAFF POSITION AND TECHNICAL ASSISTANCE TO DEVELOP A STRATEGIC RESPONSE TO THE OPIOID EPIDEMIC

ORDINANCE NO. 4952 - BUDGET AMENDMENT TO BUDGET A GRANT FROM DOGWOOD HEALTH TRUST FOR ALL PERSONNEL AND TECHNICAL ASSISTANCE COSTS RELATED TO OPIOID EPIDEMIC RESPONSE IN THE HOMELESS STRATEGY DIVISION OF THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with Dogwood Health Trust to accept $375,500 for a multi-year staff position and technical assistance to develop a strategic response to the opioid epidemic with a focus on implementation of funds received through the National Opioid Settlement, and approval of a budget amendment in the City's Special Revenue Fund to budget the funds from Dogwood Health Trust for all personnel and technical assistance costs related to opioid epidemic response in the Homeless Strategy Division of the Community and Economic Development Department.

Background:

- The City is receiving a total of $1,519,518 in funding from the National Opioid Settlement, and expects to maximize the impact of these funds through strategic and coordinated efforts with Buncombe County and other key community partners.
- To achieve this goal, the City is proposing to hire a multi-year staff position within the Homeless Strategy Division of the Community and Economic Development Department to work with partners to develop a strategic plan and lead utilization of the settlement funds.

- Because of the correlation between the opioid epidemic and housing instability, this position will work closely with other departmental initiatives related to the intersecting issues of homelessness, affordable housing, and economic development.
- Dogwood Health Trust issued a Request for Proposals (RFP) open to local governments receiving opioid settlement funds to support planning activities to help make best use of settlement funds.
- The RFP allowed for grants of up to $300,000 per year for a maximum of two years.
- City staff submitted a proposal of $187,750 per year for two years to create a temporary staff position and provide for technical assistance.
- Dogwood Health Trust has awarded the City the full requested amount, for a total grant award of $375,500.
- The first disbursement of $187,750 will occur within 30 days of signing the grant agreement.
- The second disbursement of $187,750 will occur in July 2023.

Vendor Outreach Efforts:
- N/A

Council Goal(s):
- Quality affordable housing

Committee(s):
- None

Pro(s):
- Enables the City to best leverage new resources in response to the opioid epidemic
- Provides additional staff capacity and technical assistance resources to strategically and collaboratively respond to the opioid epidemic more holistically

Con(s):
- None

Fiscal Impact:
- Requested action will accept grant funding from Dogwood Health Trust to be applied in FY2023 and FY2024.
- No City match is required.

Motions:
- Motion to approve a resolution authorizing the City Manager to enter into an agreement with Dogwood Health Trust to accept funding to develop a strategic response to the opioid epidemic.
- Motion to approve a budget amendment in the City's Special Revenue Fund in the amount of $375,500 to budget a grant from Dogwood Health Trust for all personnel and technical assistance costs related to opioid epidemic response in the Homeless Strategy Division of the Community and Economic Development Department.

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ORDINANCE BOOK NO. 34 - PAGE 184

H. **RESOLUTION NO. 22-145 - RESOLUTION AMENDING A CONTRACT WITH RESPONDER SUPPORT SERVICES LLC FOR EMBEDDED BEHAVIORAL HEALTH SERVICES FOR PUBLIC SAFETY EMPLOYEES AND THEIR DEPENDENTS**

Action Requested: Adoption of a resolution amending a contract with Responder Support Services, LLC to initiate the final one-year renewal to the term of the contract and to increase the contract amount by $100,000 for a total contract of $396,000 to provide ongoing embedded behavioral health support to Fire and Police Department employees and their dependents.

Background:

- Responder Support Services currently provides embedded (on-site) behavioral health support to Fire and Police Departments four days per week for each department which is an increase from two days per week under the original scope of the contract.
- Behavioral support providers hold office hours on site in the City of Asheville Municipal Building for employees during regular business hours allowing access while on duty.
- Unique behavioral health services provided to police and fire employees only include:
    - One-on-one sessions available onsite with trained behavioral health providers.
    - Coordination of the City of Asheville Peer Response Network.
    - Provide appropriate services following critical incidents, acute stressors, or debilitating cumulative stress.
    - Implement a workforce resiliency plan for work-related stressors and symptoms/issues.
- The need by Fire and Police for behavioral health support has steadily increased since implementation of the contract.
- Ongoing uninterrupted behavioral health support to Public Safety employees is critical in maintaining the health and well-being of these employees and ensuring ongoing service delivery to the community.
- We are requesting to initiate the final one-year renewal to the term of the contract and to increase the contract amount by $100,000 for a total contract of $396,000 to provide ongoing embedded behavioral health support to Fire and Police Departments 4 days per week for each department.

Vendor Outreach Efforts:

- Current vendor for embedded behavioral health support is Responder Support Services, LLC. This vendor provides specialized support for Fire and Police employees.
- Staff was unable to identify other local vendors that provide dedicated service to Fire and Police Departments.

Council Goal(s):

- A connected and engaged community.

Pro(s):

- Support for public safety employees dealing with trauma on a daily basis
- Known provider who specializes in supporting public safety employees

Con(s):

- None

Fiscal Impact:

- Additional $100,000 added to the contract for a total investment of $396,000 over the three-year contract.
- These funds are available in the Health Fund and no additional funds are needed.

Motion:

- Motion to authorize the City Manager to execute a contract amendment with Responder Support Services, LLC to initiate the final one-year renewal to the term of the contract and to increase the contract amount by $100,000 for a total contract of $396,000 to

provide ongoing embedded behavioral health support to Fire and Police Department employees and their dependents.

RESOLUTION BOOK NO. 43 - PAGE 183

I. RESOLUTION NO. 22-146 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH MCLAUGHLIN YOUNG GROUP FOR BEHAVIORAL HEALTH SERVICES TO CITY EMPLOYEES

Action Requested: Adoption of a contract amendment to extend the term of the McLaughlin Young Group contract for the provision of the employee assistance program for up to three months.

Background:

- McLaughlin Young Group (MYgroup) serves as the City of Asheville employee assistance network providing employees with an Employee Assistance Program (EAP).
- EAP services include, but are not limited to, assistance with emotional, family, marital, alcohol, drug, financial, legal, and other personal issues.
- City of Asheville employees and their families have access to network resources at no cost.
- Assistance is available twenty-four hours a day, seven days a week. MYgroup offers face-to-face, video, and telephonic counseling sessions.
- Licensed clinicians take all calls for assistance and can provide in-the-moment support.
- In 2021, the City increased access to behavioral health support to Public Safety employees to maintain the health and well-being of these employees.
- The City issued a Request for Proposals for these services.
- To ensure a thorough process, an extension of up to three months to the term of the contract is requested.

Vendor Outreach Efforts:

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

Council Goal(s):

- A thriving local economy

Pro(s):

- Continued behavioral health support for employees and their families
- Support for public safety employees dealing with trauma on a daily basis
- Known provider who specializes in supporting employees and their families

Con(s):

- None

Fiscal Impact:

- There is no direct fiscal impact to this Council action.
- The cost of three months of service is up to $6,000 and sufficient funds are available in the budget to pay for this service.

Motion:

- Motion to approve contract amendment to provide an extension of the existing contract for three months to complete a Request for Proposal process so that behavioral health support for City of Asheville employees and their families will continue without interruption.

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

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

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

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING ORDINANCE ADOPTED ON OCTOBER 9, 2018 (ORDINANCE NO. 4702), LOCATED AT 511 BREVARD ROAD, TO REMOVE A RESTRICTION ON DRIVE-THROUGH USES

At the applicant's request, Councilwoman Roney moved to continue this public hearing until September 13, 2022. This motion was seconded by Councilwoman Turner and carried unanimously.

B. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 3124/3130 SWEETEN CREEK ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE

ORDINANCE NO. 4953 - ORDINANCE TO CONDITIONALLY ZONE 3124/3130 SWEETEN CREEK ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE

Principal Planner Will Palmquist said that this is the consideration of an ordinance to conditionally zone 3124/3130 Sweeten Creek Road from RM-16 Residential Multi-Family High Density District to Residential Expansion District/Conditional Zone. This public hearing was advertised on June 17 and 24, 2022.

Project Location and Contacts:

- The project site totals 7.68 acres located along Sweeten Creek Rd (PINs 9655-33-2749 and 9655-33-0929).
- Owners: Thomas Chapman JR Family Trust; Alfred Berlin & Melanie Berlin

Summary of Petition:

- The property is currently zoned Residential Multi-Family High Density District (RM-16) and is designated "Residential Neighborhood" on the city's Future Land Use (FLU) Map. A change in the FLU designation will not be required.

- New building construction includes three, four-story multifamily buildings with 77 affordable dwelling units.
- Other site improvements include a clubhouse, off-street parking, a playground and walking trails.
- Given the size of the project (over 50 residential dwelling units) a conditional zoning to the Residential Expansion (RES EXP) district is required.
- All the dwelling units will be affordable to households at various income ranges. All units will accept housing choice vouchers.
    - 20 units will be affordable to those earning at or below 30% Area Median Income (AMI).
    - 8 units will be affordable to those earning at or below 50% Area Median Income (AMI).
    - 23 units will be affordable to those earning at or below 60% Area Median Income (AMI).
    - 26 units will be affordable to those earning at or below 80% Area Median Income (AMI).
- The project is located in a steep slope area and therefore the development is clustered within the front half of the site, leaving the rear half of the site mostly undistributed.
    - 2.7 acres are located in a Zone A steep slope area (between 2,220' and 2,349' in elevation), with an average natural slope of 21.1%.
    - 5.0 acres are located in a Zone B steep slope area (above 2,350' in elevation), with an average natural slope of 20.8%.
- Front yard, rear yard and side yard setbacks of 15 feet are required in the RES EXP district, with which the proposed project is compliant.
- Access to the site will be provided by a new driveway on Sweeten Creek Rd located at the southern end of the project site.
- A total of 135 parking spaces are proposed, with 10 being handicap spaces and 18 being compact spaces. Based on the number of bedrooms and dwelling units the minimum/maximum number of required parking spaces is 117/194 for the RES EXP district.
- Landscape requirements apply, including street tree, street buffer, property line buffer, building impact, retaining wall and parking lot landscaping.
- The project has a 15% tree canopy requirement, as it is classified as "suburban" and has a classification of "Class C", with an existing canopy coverage (2018) of 100%. This requirement is met with the preservation of existing tree canopy.
- Open space shall be required at a rate of 15% of the total parcel, totaling 50,181 square feet, with at least one area being 7,700 square feet and having park or plaza-like features.
- Maximum impervious surface in the RES EXP district for multifamily uses is 80%. The proposed project would result in a total impervious area of 28.9%.

<u>Technical Modifications</u>

- The project is seeking modifications through the conditional zoning process including:
    - The maximum residential density in steep slope areas for Zone A and Zone B, with an average natural slope between 20% and 24%, is 11.1 units/acre and 5.6 units/acre, respectively. Due to the project preserving more than 60% of the Zone B area, there is a 60% density bonus over the base Zone B residential unit allowance.
        - For the project site this results in a maximum of 73 total units allowed, including:
            - 25 units in Zone A; and,
            - 48 units in Zone B
        - The project is seeking a technical modification to allow 77 total units (73

total units allowed by-right), including:
    - 39 units in Zone A (25 units allowed by-right); and,
    - 38 units in Zone B
- The maximum height of principal structures in steep slope areas is two stories (max 30 feet) on the uphill side of the structure and three stories (max 40 feet) on the downhill side of the structure. The project is seeking the following technical modifications for the number of building stories in excess of the maximum allowed in steep slope areas and total building height:
    - Building 1 - Proposed at three stories on the uphill side and four stories on the downhill side.
    - Building 2 - Proposed at two stories on the uphill side and four stories on the downhill side.
    - Building 3 - Proposed at three stories on the uphill side and four stories on the downhill side.
    - Build heights in excess of the maximum allowed in steep slope areas (30 feet on the uphill side and 40 feet on the downhill side, as measured from the existing grade to the midpoint of the peak and eave for structures with pitched roofs), but not to exceed 50 feet.
- The RES EXP district requires new 10 foot-wide sidewalks be constructed, both along the primary access corridor and internally throughout the site. The applicant is requesting a technical modification to install a six foot-wide sidewalk with a planting strip averaging 19 feet in width along Sweeten Creek Rd and six foot-wide sidewalks throughout the site.
    - Sweeten Creek Rd is maintained by NCDOT and there are plans to widen the roadway, which would likely demolish this portion of new sidewalk.
- The RES EXP district requires a "Type A" landscape buffer where the subject property is adjacent to any other residentially zoned property. A reduction of 90 linear feet of this landscape buffer is proposed to allow for vehicular access to a neighboring single-family house.
- No bike lanes are proposed into the development.

Comprehensive Plan Consistency:

- The proposed development supports a number of goals in the Living Asheville Comprehensive Plan including encouraging responsible growth by prioritizing greater densities of development overall, throughout the city as appropriate, by increasing the supply of housing, including affordable housing in proximity to schools, transit and parks, and by utilizing creative design solutions which minimize impacts to the natural environment such as natural open space and steep topography.
- The proposed development is compatible with the Future Land Use designation of "Residential Neighborhood" which is proposed, in part, that "residential neighborhoods can benefit from having more housing diversity such as accessory apartments, duplexes and other types of small scale infill housing".

Compatibility Analysis:

- The proposed multi-family residential project is compatible with the surrounding land uses, including:
    - Multi-family residential developments to the north (Pine Ridge Apartments) and the south (Kensington Place Apartments).
    - Suburban commercial uses to the west of the site along Sweeten Creek Rd and Hendersonville Rd.

Council Goal(s):

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

Committee(s):

- Technical Review Committee (TRC) - April 18, 2022 - approved with conditions.
- Planning & Zoning Commission (PZC) - June 1, 2022 - approved (Vote 6:0) with the following conditions: 1) That the number of bedrooms per dwelling unit be listed in the Exhibit E - Project Conditions; 2) That the landscape requirements for steep slope areas be met to the maximum extent feasible; and 3) That the building heights, as defined for steep slope areas, be allowed to exceed the maximum height.

Staff Recommendation:

- Staff recommends approval of this rezoning request based on the reasons stated above and finds that the affordable housing being proposed offsets the technical modifications requested for additional unit density and building height.

Mr. Palmquist reviewed the existing and proposed zoning, along with the aerial imagery and future land use map. He then reviewed the master site plan of (1) Three new, four-story multi-family buildings and clubhouse; (2) 77 affordable housing units; (3) New driveway on Sweeten Creek Road; (4) 135 parking spaces total; (5) Sidewalks: 6'-wide with 19'-wide planting strip on Sweeten Creek Road, 6'-wide internal sidewalks; (6) Landscaping and Open Space Standards; and (7) Tree Canopy Preservation standards met on-site. He briefly explained the grading plan, along with showing the building elevations. The project is (1) Consistent with the Future Land Use map ("Residential Neighborhood") by providing residential uses and a diversity in housing type; and (2) Supports a number of goals in the Living Asheville Comprehensive Plan: (a) Prioritizes greater densities of development overall; (b) Increases the supply of affordable housing in proximity to transit, schools and parks; and (c) Utilizes creative design solutions which minimize impacts to the natural environment such as natural open space and steep topography. The Technical Review Committee (TRC) - April 18, 2022, approved the project with conditions. The Planning & Zoning Commission (PZC) - June 1, 2022, approved the project with conditions (Vote: 6:0): (1) that the number of bedrooms per dwelling unit be listed in the Exhibit E - Project Conditions; (2) That the landscape requirements for steep slope areas be met to the maximum extent feasible; and (3) hat the building heights, as defined for steep slope areas, be allowed to exceed the maximum height. Conditions include (1) All 77 units (100%) will be designated affordable for a minimum of 30 years: (a) 20 units will be designated affordable to those earning at or below 30% AMI; (b) 8 units will be designated affordable to those earning at or below 50% AMI; (c) 23 units will be designated affordable to those earning at or below 60% AMI; and (d) 26 units will be designated affordable to those earning at or below 80% AMI; and (2) All 77 units (100%) will accept HACA Housing Choice vouchers. Technical modifications include (1) 6'-wide sidewalks instead of the required 10'-wide standard; (2) No bike lanes into the development; (3) Reduction of the Type A landscape buffer of 90 linear feet to allow access to adjacent property; (4) Residential density in excess of the maximum allowed in steep slope areas: (a) 77 total units proposed (73 total units allowed by-right); and (b) 39 units proposed in the "Zone A" steep slope area (25 units allowed by-right); (5) Building stories in excess of the maximum allowed in steep slope areas: 2 stories on uphill side and 3 stories on the downhill side allowed by-right, and 2-3 stories on uphill side and 4 stories on downhill side proposed; and (6) Build heights in excess of the maximum allowed in steep slope areas (30 feet on the uphill side and 40 feet on the downhill side, as measured from the existing grade to the midpoint of the peak and eave for structures with pitched roofs), but not to exceed 50 feet. Staff concurs with the Planning & Zoning Commission and recommends approval of the proposed conditional zoning.

At 5:25 p.m., Mayor Manheimer opened the public hearing.

Two individuals from Kensington Place Apartments expressed concern of the already congested traffic on Sweeten Creek Road with no plans for the expansion of the road; the building height variance; and the need to leave ample forested areas between apartment communities to serve as sound buffers and wildlife corridors.

At 5:30 p.m., Mayor Manheimer closed the public hearing.

Councilwoman Wisler noted that the N.C. Dept. of Transportation has taken the widening of Sweeten Creek Road off their State Transportation Improvement Program list due to a lack of funding.

Mr. Palmquist responded to the concerns, noting that other projects have recently made some improvements to the intersection on Mills Gap Road; explained where the buffering on the east of the site will remain undisturbed and what type of vegetation would be planted in buffer area on the west of the site; and the 5-8 feet height variance.

Councilwoman Roney said that in the absence of a community benefits table for conditional zoning, did staff discuss with the developer about any solar or renewable energy for this development. Mr. Palmquist replied that they did not.

Councilwoman Turner was pleased with all the different funding sources that this developer has been able to compile for this 100% affordable housing project.

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

Councilwoman Turner moved to approve the conditional zoning request for the property located at 3124/3130 Sweeten Creek Rd from Residential Multi-Family High Density District (RM-16) to Residential Expansion - Conditional Zone (RES EXP-CZ) 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) prioritizes greater densities of development overall; 2) increases the supply of affordable housing in proximity to transit, schools and parks; and, 3) utilizes creative design solutions which minimize impacts to the natural environment such as natural open space and steep topography. This motion was seconded by Councilwoman Kilgore and carried unanimously.

ORDINANCE BOOK NO. 34 – PAGE 185

C. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF A RIGHT-OF-WAY EAST OF WILMINGTON ROAD AND SOUTH OF 907 OLD FAIRVIEW ROAD

RESOLUTION NO. 22-147 - RESOLUTION PERMANENTLY CLOSING A RIGHT-OF-WAY EAST OF WILMINGTON ROAD AND SOUTH OF 907 OLD FAIRVIEW ROAD

Transportation Director Ken Putnam said that this is the consideration of a resolution to permanently close a right-of-way east of Wilmington Road and south of 907 Old Fairview Road. This public hearing was advertised on June 3, 10, 17 and 24, 2022.

Background:

- City Council passed a resolution May 24, 2022 to set a public hearing for the proposed closure on June 28, 2022.

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Beverly Cozort, owner of 907 Old Fairview Road has petitioned for this closure.
- Ms. Cozort owns the property at 907 Old Fairview Road and wishes to close the unopened right of way behind her parcel in order to allow her neighbor at 24 Wilmington to subdivide and add the eastern half of her parcel to Ms. Cozort's.
- The Technical Review Committee reviewed the closure request and recommended approval at their April 18, 2022 meeting.
- The Multimodal Transportation Commission reviewed the closure request and recommended approval at their April 27, 2022 meeting.
- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right of way.
- Signs were placed at two locations along the right-of-way announcing the public hearing and potential closure.

Council Goal(s):
- Well-planned and livable community

Committee(s):
- The Technical Review Committee reviewed the closure request and recommended approval at their April 18, 2022 meeting.
- The Multimodal Transportation Commission reviewed the closure request and recommended approval at their April 27, 2022 meeting.

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

Con(s):
- None

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

Mr. Putnam said the Beverly Cozort, property owner, has petitioned for this closure. Ms. Cozort owns the property at 907 Old Fairview Road and wishes to close the unopened right-of-way behind her parcel in order allow her neighbor at 24 Wilmington to subdivide and add the eastern half of her parcel to Ms. Cozort's. The length of the proposed closure is approximately 128 ft and the width is 12 ft. The Technical Review Committee met on April 18, 2022, and their recommendation was to approve the closure. The Multimodal Transportation Committee met on April 27, 2022, and their recommendation was to approve the closure. There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.

Mayor Manheimer opened the public hearing at 5:44 p.m., and when no one spoke, she closed it at 5:44 p.m.

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

Councilwoman Mosley moved to permanently close an unopened right-of-way east of Wilmington Road and south of 907 Old Fairview Road. This motion was seconded by Councilwoman Turner and carried unanimously.

RESOLUTION BOOK NO. 43 – PAGE 185

D. **PUBLIC HEARING TO SOLICIT COMMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2022-23**

RESOLUTION NO. 22-148 - RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S ANNUAL ACTION PLAN FOR FISCAL YEAR 2022-23 TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL CONTRACTS OR AGREEMENTS REQUIRED FOR THE IMPLEMENTATION OF THE FISCAL YEAR 2022-23 ACTION PLAN

Community Development Program Manager Jonathan Jones said that this is a public hearing and consideration of a resolution authorizing submission of the 2022-2023 Annual Action Plan for Community Development Block Grants (CDBG) and HOME Investment Partnerships Program (HOME) to the U.S. Department of Housing and Urban Development along with Annual Action Plan Amendments for years 2016-2017, 2019-2020, 2020-2021, and 2021-2022 that include prior year resources to be rolled forward into 2022-2023 CDBG and HOME projects and authorizing the City Manager to sign all necessary documents to this effect. This public hearing was advertised on June 17 and 24, 2022.

Background:

- The City of Asheville is an entitlement community and participating jurisdiction with the US Department of Housing and Urban Development (HUD) and receives formula funding through the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME).
- The City receives these allocations annually through a federal formula allocation process.
- CDBG funds support housing and community development activities within the City of Asheville. HOME funds support affordable housing activities within the four-county Asheville Regional Housing Consortium region including Buncombe, Madison, Transylvania and Henderson counties.
- All funded activities must meet the goals and priorities as outlined in the City's Five Year Consolidated Plan 2020-2025
- On May 13, 2022, HUD released the 22-23 formula allocation for CDBG and HOME.
- The City was awarded $1,028,896 in CDBG funding and $1,411,582 in HOME funding.
- In addition, $335,960 in CDBG prior-year resources and $318,250 in HOME prior-year resources have been rolled forward into the funding available for the 2022-2023 Annual Action Plan funding allocations.
- Staff have incorporated pre-award costs into the existing policies and procedures in order to facilitate timely reimbursement to the City's partner agencies and to ensure compliance with HUD's timeliness requirements for CDBG funding.

Council Goal(s):

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

Committee(s):

- Housing and Community Development Committee - March 24, 2022 - recommended to Council with a 2-1 vote. Councilwoman Turner and Vice-Mayor Smith voted for, Councilwoman Mosley - against.

- Housing and Community Development Committee- May 17, 2022 - recommended to Council with a unanimous vote in favor of updated funding recommendations
- Asheville Regional Housing Consortium Board - March 23, 2022 - updated recommendation to Council, unanimous vote in favor of funding recommendations
- Asheville Regional Housing Consortium Board May 25, 2022 - updated recommendation to Council with a unanimous vote in favor of updated funding recommendations

Pro(s):

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

Con(s):

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

Fiscal Impact:

- The Annual Action Plan is fully funded from federal CDBG and HOME entitlement grants, unspent funds from prior-year allocations, and estimated program income.
- Staff costs to administer the program are paid from federal sources
- The 2022-2023 budgets for both the CDBG and HOME programs will be included in the annual budget ordinance adopted by the City Council.

Mayor Manheimer opened the public hearing at 5:47 p.m., and when no one spoke, she closed it at 5:47 p.m.

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

Councilwoman Turner moved to adopt a resolution authorizing the submission of the City's FY 2022-23 Annual Action Plan to the US Department of Housing and Urban Development along with Annual Action Plan Amendments for years 2016-2017, 2019-2020, 2020-2021, and 2021-2022 that include prior year resources to be rolled forward into 2022-2023 CDBG and HOME projects and authorizing the City Manager to sign all necessary documents to this effect. This motion was seconded by Vice-Mayor Smith and carried unanimously.

RESOLUTION BOOK NO. 43 - PAGE 186

V. UNFINISHED BUSINESS:

A. FISCAL YEAR 2022-23 ANNUAL OPERATING BUDGET

ORDINANCE NO. 4954 - ORDINANCE ADOPTING THE FISCAL YEAR 2022-23 ANNUAL OPERATING BUDGET

ORDINANCE NO. 4955 - FISCAL YEAR 2022-23 BUDGET AMENDMENT IN THE GENERAL FUND TO ALLOCATE BUDGET FROM CITY MANAGER'S CONTINGENCY TO FUND THE CITY'S ANNUAL CONTRIBUTION TO NONPROFITS WITH WITH MEMBERS OF COUNCIL ARE ASSOCIATED (ECONOMIC DEVELOPMENT COALITION)

ORDINANCE NO. 4956 - FISCAL YEAR 2022-23 BUDGET AMENDMENT IN

THE GENERAL FUND TO ALLOCATE BUDGET FROM CITY MANAGER'S CONTINGENCY TO FUND THE CITY'S ANNUAL CONTRIBUTION TO NONPROFITS WITH WITH MEMBERS OF COUNCIL ARE ASSOCIATED (SPORTS COMMISSION)

Mayor Manheimer said that the public hearing on the budget was held on June 14, 2022, and no further public comment will be accepted.

"Staff Report: Consideration of (1) Adoption of an ordinance adopting the Fiscal Year 2022-23 Annual Budget; (2) Motion to recuse Mayor Manheimer from voting on the budget amendment in accordance with N.C. Session Law 2021-191 (S.B. 473) (Economic Development Coalition); (3) Adoption of a Fiscal Year 2022-23 budget amendment in the amount of $100,000 in the General Fund to allocate budget from City Manager's Contingency to fund the City's annual contribution to nonprofits with which members of council are associated (Economic Development Coalition); (4) Motion to recuse Councilwoman Turner from voting on the budget amendment in accordance with N.C. Session Law 2021-191 (S.B. 473) (Sports Commission); and (5) Adoption of a Fiscal Year 2022-23 budget amendment in the amount of $45,000 in the General Fund to allocate budget from City Manager's Contingency to fund the City's annual contribution to nonprofits with which members of council are associated (Sports Commission).

Background:

- The Fiscal Year (FY) 2022-23 Proposed Annual Operating Budget was presented to City Council on May 24, 2022.
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on June 3, 2022.
- The Proposed Budget, which totals $217.6 million dollars: is a balanced and fiscally responsible spending plan that:
    - Recommends no change in the current property tax rate;
    - Continues funding core community services in a time of rising costs and provides additional investments that align with Council priorities,
    - Funds employee compensation adjustments that reflect inflation in the labor market and local cost of living increases;
    - Strategically utilizes fund balance and American Rescue Plan (ARPA) funding to advance Council's priorities and balance the budget.
- City Council conducted a Public Hearing on the Proposed Budget on June 14, 2022.
- Speakers at the Public Hearing expressed support for several items already included in the Proposed Budget, such as:
    - The recommended living wage increase for City employees;
    - The inclusion of an Urban Forester position in the revised Proposed Budget; and
    - Funding for the relocation of the Parks and Recreation maintenance facility.
- Several speakers also raised concerns about the amount of funding included in the proposed Police Department's budget.
- The following changes to the Proposed Budget that was presented on May 24, 2022 are included in the budget ordinance that Council is considering tonight:
    - Increase the FY 2022-23 budget for Reparations from $365,000 to $500,000.
    - In addition, in future fiscal years staff will plan on budgeting Reparations similar to how the current annual funding is handled for the Housing Trust Fund (also $500,000).
    - Specifically, staff will include at least $500,000 for Reparations in future base budgets, subject to financial feasibility and eventual final budget approval by City Council;

    - Adjust the compensation plan for FY 2022-23 to include an additional increase in January 2023 to bring the City's minimum annual full-time salary to $36,816 (for 40-hour per week employee) and make associated compression adjustments;
    - Add an Urban Forester position in FY 2022-23 to enhance staff capacity and professional expertise to implement the Tree Canopy Protection Ordinance Amendment (e.g., development project review, field implementation), disburse fee-in-lieu funds, provide cross-departmental coordination, and effectively engage community partners.
    - In order to keep the FY 2022-23 General Fund Budget balanced staff is proposing the following revenue adjustments:
        - Fund the $135,000 increase in the Reparations budget by making minor adjustments to several small revenues based on updated trend data.
        - Utilize an additional $408,000 in American Rescue Plan (ARPA) funding to support the January 2023 salary adjustments ($300,000) and the addition of the Urban Forester position ($108,000).
    - Staff also made revisions totaling approximately $190,000 in Enterprise Fund budgets associated with the additional January 2023 salary adjustments.
- Under N.C. Session Law 2021-191 (S.B. 473), councilmembers are prohibited (subject to certain exceptions) from participating in making or administering a contract, including the award of money, with any nonprofit with which the public official is associated, effective January 1, 2022.
- In accordance with this law, funding that was included in the Proposed Budget for the Economic Development Coalition and the Sports Commission has been moved to City Manager's Contingency.
- City Council must take separate actions via the budget amendments to allocate funding to the Economic Development Coalition and the Sports Commission.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- Ensures City's compliance with North Carolina General Statutes that require local governments to adopt a balanced budget ordinance by July 1 of each year.
- General Fund and Enterprise Fund budgets are balanced for ongoing operating expenses, and all essential City services are continued.

Con(s):

- The revised Proposed Budget recommendations includes an additional $408,000 allocation from ARPA American Rescue Plan (ARPA) funding.

Fiscal Impact:

- As noted above, the FY 2022-23 General Fund budget is balanced and recommends no change to the current property tax rate of $0.403 per $100 of assessed valuation."

City Manager Campbell said that we are at a pivotal point in the budget process which is, she hoped, the adoption of the City of Asheville's operating and capital budget for the next fiscal year, which begins on July 1, 2022, and runs through June 30, 2023. On May 24, 2022, when the Manager's budget was first presented, this proposed budget is a balanced and fiscally

responsible spending plan. She hoped the adjustments presented at the June 14, 2022, meeting to the proposed budget are consistent with and support both the Council and community priorities. She thanked the Mayor and Council for their time, energy, passion, guidance and advocacy in helping staff develop this proposed budget. She also acknowledged and thanked City of Asheville employees that were involved in developing this budget, but especially staff in our Finance Department, including Finance Director Tony McDowell and staff in the Budget Division, including Budget Manager Taylor Floyd, Heather Curry and Abigail Riley.

Finance Director Tony McDowell said that under N.C. Session Law 2021-191 (S.B. 473), councilmembers are prohibited (subject to certain exceptions) from participating in making or administering a contract, including the award of money, with any nonprofit with which the public official is associated, effective January 1, 2022. In accordance with this law, funding that was included in the Proposed Budget for the Economic Development Coalition and the Sports Commission has been moved to City Manager's Contingency. City Council must take separate actions via budget amendments to allocate funding to the Economic Development Coalition and the Sports Commission.

Mayor Manheimer said that this Fiscal Year 2022-23 budget, which totals $216.9 Million, contains no change to the current property tax rate of $0.403 per $100 of assessed valuation. We have included in this budget a $500,000 allocation for reparations, with an ongoing annual allocation of $500,000 in future budgets. We are also looking to see if that should change to a percentage of the budget. Buncombe County's budget includes $2.0 Million for reparations, including payments received through the new Community Benefits Table. We have an increase in pay for City employees with a minimum of $17/hour starting July 1, 2022 and on January 1, 2023, a minimum of $17.70/hour. There will be a 5% increase if hired on or before December 31, 2021, or a 2.5% increase if hired after that date. We have also added some new positions - an urban forester, GIS specialist, and a houseless strategy project specialist. In addition, we have some new software, sanitation and waste reduction program funding, emergency preparedness planning, and a disparity study (which is required to support minority contracting). Along the front of reimaging public safety, the City and the County consolidated the 911 call center which establishes an important foundation to provide emergency response that better fits the needs of the community, integrating the county's community paramedic program into the first responder protocol. The City also funded additional training for firefighter EMTs to handle opioid overdose related calls. In addition to the City's many housing initiatives, this budget (1) funds a missing middle housing study, to identify regulatory and policy barriers to building missing middle housing, such as townhomes, accessory dwelling units, duplexes and triplexes - the study will, for example, look at specific ordinance amendments needed to facilitate the growth of missing middle housing; and (2) continue to fund the City's participation in the Buncombe County Homeowner Grant Program, to provide property tax relief for income qualified homeowners. In addition, in this next year we will strategize and prioritize how to spend the remaining $8.5 Million in funding from the $25 Million 2016 General Obligation Bond Program for affordable housing. There are some great projects utilizing city-owned land in the pipeline and we will need to continue to move those forward. The Council has made several large funding allocations toward permanent supportive housing, domestic violence victim shelter and Code Purple shelter funding. Some other items to highlight in the budget are (1) funding to reallocate the parks maintenance operations from Hunt Hill Place/East End Valley Street neighborhood; (2) complement funding earmarked for the enhancement of Memorial Stadium to include a new track; and (3) continue and expand after school programs at community centers and schools.

Councilwoman Roney expressed gratitude for the urban forester position, which the Urban Forestry Commission has advocated for the last four years. She also thanked the Reparations Commission for their recommendation that the reparations funding allocation be a percentage of the budget, which City Council will discuss. She will not be supporting the budget because she remains committed to affordability and to public safety and she has concerns about

"how" we're doing the budget. We are not doing a living wage yet, but delaying it until January 1, which is when the living wage is anticipated to go up as well. She felt we are backing out of our commitment to expand transit funding. We do have to shore up our core service first, but we need to expand and not back out of transit. Transit can't wait. We have a lot of work to do on public safety and she hears a lot of conversations about partners who are already doing the work but they need funding and space. These programs are not conceptual, but are actually happening in our community and we could make a big difference in public safety in our community if we were to fund and get behind our partners. Then it's the "how" we do it. For her, using the ARPA funds perpetuates a scarcity narrative and she already has a deep concern about backing out of the commitments that we've made to addressing the need for an emergency shelter, but also how do we get these budget commitments we made this year in the budget next year when we don't have ARPA funds.

City Manager Campbell responded to Councilwoman Mosley regarding the City's commitment to address compression.

Councilwoman Wisler said that creating the budget is the hardest and most important thing that a Council member does. She said that this Council has spent more time and energy with more passion around the budget adoption than she has seen since her service on Council.

Mayor Manheimer said that members of Council have previously received a copy of the Fiscal Year 2022-23 annual operating ordinance and budget amendments and they would not be read.

Councilwoman Wisler moved to adopt the Fiscal Year 2022-23 Annual Operating Budget. This motion was seconded by Councilwoman Turner and carried on a 6-1 vote, with Councilwoman Roney voting "no".

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Councilwoman Wisler moved to recuse Mayor Manheimer from voting on the budget amendment in accordance with N.C. Session Law 2021-191 (S.B. 473)(Economic Development Coalition). This motion was seconded by Councilwoman Mosley and carried unanimously on a 6-0 vote, with Mayor Manheimer being recused.

Mayor Manheimer handed over the gavel for Vice-Mayor Smith to conduct this portion of the meeting.

Councilwoman Wisler moved to adopt a Fiscal Year 2022-23 budget amendment in the amount of $100,000 in the General Fund to allocate budget from City Manager's Contingency to fund the City's annual contribution to nonprofits with which members of council are associated (Economic Development Commission). This motion was seconded by Councilwoman Kilgore and carried on a 5-2 vote, with Councilwoman Roney voting "no" and Mayor Manheimer being recused.

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Vice-Mayor Smith handed the gavel over to Mayor Manheimer to conduct the remainder of the meeting.

Councilwoman Wisler moved to recuse Councilwoman Turner from voting on the budget amendment in accordance with N.C. Session Law 2021-191 (S.B. 473) (Sports Commission). This motion was seconded by Councilwoman Mosley and carried unanimously on a 6-0 vote, with Councilwoman Turner being recused.

Councilwoman Wisler moved to adopt a Fiscal Year 2022-23 budget amendment in the amount of $45,000 in the General Fund to allocate budget from City Manager's Contingency to fund the City's annual contribution to nonprofits with which members of council are associated (Sports Commission). This motion was seconded by Councilwoman Kilgore and carried on a 5-2 vote, with Councilwoman Roney voting "no" and Councilwoman Turner being recused.

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VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Several individuals spoke to Council on various matters, some being, but are not limited to: appreciation for adoption of the budget; need for dedicated pickleball courts; appreciation for funding the Asheville Police Department in order to rebuild and strengthen the police force; concern that water taps and meters take up to 6 months to be installed; thank you for updating the Council Chamber; need to commit to expand public transit as additional income become available; appreciation for funding urban forester; and appreciation for new artwork in Council Chamber.

PRIMARY ELECTION RESULTS - CITY OF ASHEVILLE - MAY 17, 2022

Attached hereto as Exhibit "A" is the abstract containing the number of legal votes in the Primary Election, City of Asheville, held on May 17, 2022.

Closed Session

At 6:36 p.m., Councilwoman Roney moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling of the following matter: City of Brevard vs. HCA Healthcare, Inc. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Wisler carried unanimously.

At 6:59 p.m., Councilwoman Turner moved to come out of closed session. This motion was seconded by Councilwoman Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:59 p.m.

CITY CLERK MAYOR

Exhibit A

RECOUNT OF 2022 PRIMARY ELECTION
05/17/2022
ABSTRACT OF VOTES
FOR
BUNCOMBE COUNTY, NORTH CAROLINA

INSTRUCTIONS
The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the clerk of superior court for the county and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163-182.6)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 3rd day of June, 2022.

Board Chair

Board Member

Board Member

Board Secretary

Board Member

This day personally appeared before me, Jake Quinn, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 3rd day of June, 2022.

Official Signature of Notary Public

Karen Rae
Printed/Typed Name of Notary Public

My Commission Expires: 3-17-27

(Seal)

	TOTAL VOTES	%	ED	OS	ABS	PROV	TR
0016_ASHEVILLE MAYOR CITY OF ASHEVILLE							
(VOTE FOR) 1							
Cliff Feingold.	3,339	16.00	1,753	1,469	111	6	0
Michael L. Hayes	1,418	6.80	825	555	35	3	0
Esther Manheimer	8,817	42.26	3,972	4,381	454	10	0
Kim Roney	6,978	33.44	4,092	2,726	146	14	0
Jonathan Wainscott	313	1.50	179	120	10	4	0
Over Votes	6		1	4	1	0	0
Under Votes	545		301	222	19	3	0
0017_ASHEVILLE COUNCIL CITY OF ASHEVILLE							
(VOTE FOR) 3							
Maggie Ullman Berthiaume	9,617	16.79	4,736	4,477	389	15	0
Doug Brown	3,968	6.93	2,093	1,743	126	6	0
Alex Cobb	3,266	5.70	1,742	1,405	112	7	0
Andrew Fletcher	4,400	7.68	2,522	1,749	118	11	0
Will Hornaday	4,077	7.12	2,179	1,737	154	7	0
Andy Ledford	3,647	6.37	1,896	1,603	140	8	0
Grant Millin	812	1.42	421	348	40	3	0
Antanette Mosley	8,511	14.86	4,158	4,001	343	9	0
Allison Scott	5,709	9.97	2,953	2,522	222	12	0
Sheneika E. Smith.	8,726	15.23	4,436	3,980	294	16	0
Nina Tovish.	4,549	7.94	2,433	1,963	147	6	0
Over Votes	207		135	66	6	0	0
Under Votes	6,759		3,665	2,837	237	20	0
0018_ASHEVILLE BOARD OF EDUCATION							
BOARD OF EDUC-ASHEVILLE							
(VOTE FOR) 4							
Pepi Acebo	4,656	13.04	2,742	1,776	129	9	0
Liza English-Kelly	4,535	12.70	2,465	1,920	146	4	0
Miri Massachi	1,786	5.00	1,102	636	44	4	0
Amy Ray	6,137	17.19	3,247	2,717	167	6	0
Sara Shea	1,167	3.27	665	471	29	2	0
Rebecca Strimer	5,102	14.29	2,589	2,330	178	5	0
Sarah Thornburg	5,801	16.25	3,027	2,595	172	7	0
Jesse J. Warren	4,098	11.48	2,152	1,830	110	6	0
William (Bill) Young, Jr.	2,427	6.80	1,339	1,009	70	9	0
Over Votes	24		8	12	4	0	0
Under Votes	12,483		7,284	4,852	291	56	0