Tuesday – June 23, 2020- 5:00 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; live call in; and email.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 9, 2020

B. RESOLUTION NO. 20-117 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE INSTALLMENT LOAN CONTRACT WITH JPMORGAN CHASE FOR FISCAL YEAR 2020 CAPITAL IMPROVEMENT PROGRAM VEHICLES AND EQUIPMENT

Action Requested: Adoption of a resolution authorizing execution of an installment financing contract for Fiscal Year (FY) 2020 Capital Improvement Program (CIP) vehicles and equipment in an amount not to exceed $4,750,000.

Background:

- The City annually finances the purchase of necessary vehicles and equipment through an installment loan program.
- In May, the City distributed a Request for Proposal (RFP) seeking competitive bids for this year's installment loan financing to several money-center, regional and local banks including HomeTrust Bank and First Citizens Bank.
- Nine proposals were received and reviewed.
- The most favorable proposal was submitted by JPMorgan Chase with an interest rate of 1.16% per annum for both a term of 48 months (computer equipment) and a term of 59 months (vehicles).

Council Goal:

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides funding of capital expenditures at a favorable interest rate.

- Spreads capital costs over the purchased asset life.

Con(s):
- Increases the lifetime cost of acquisition through interest and cost of debt issuance expenses.

Fiscal Impact:
- The interest payments range from $55 thousand in the first year to under $10 thousand in the fifth year as the principal balance is paid down. Funds are included in the City's debt service budget.

Motion:
- Motion to adopt the resolution authorizing the City Manager to execute the installment loan contract with JPMorgan Chase for the acquisition of vehicles and equipment.

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C. ORDINANCE NO. 4809 - ORDINANCE TO DISCONTINUE CHARGING WATER CAPITAL IMPROVEMENT FEE FOR WATER RESOURCES CUSTOMERS

Action Requested: Adoption of an ordinance authorizing the discontinuation of the Capital Improvement (CIP) Fee for Water Resources Customers.

Background:
- In 2006, an engineering evaluation of the Asheville Water System revealed that reinvestment in existing water infrastructure was imperative to the system's ability to continue to provide water service to its existing customers. The evaluation identified funding mechanisms to accommodate the reinvestment and address the deferred maintenance issues.
- Applying a CIP fee based on the maximum volume (gallons per minute) that will pass through a meter was chosen and approved as the funding mechanism.
- The water system regularly reinvests an average of $10,000,000 to $12,000,000 annually into the system.
- The reinvestments include, but are not limited to,:
    - water treatment plant projects,
    - water line replacement projects,
    - water meter and vault replacement projects,
    - water pump station and water storage tank projects, and
    - debt service payments.
- In June of 2018, a lawsuit was filed against the City of Asheville (Alexander vs. The City of Asheville, 18 CVS 2231), which alleged that charging the CIP fee was beyond the City's legal authority.
- At that time and continuing through the present, the City remains steadfast in its assertion that its water fees were valid and defended the lawsuit accordingly.
- The parties eventually reached an agreement to settle the lawsuit in December 2019. As part of that settlement and without admitting any liability, the City agreed to discontinue charging the CIP fee.

Council Goal(s):
- A financially resilient city

Committee(s):

- None

Pro(s):
- Compliance with the settlement agreement.

Con(s):
- Failure to comply could result in further litigation expenses.

Fiscal Impact:
- The Water Resources Department will experience an approximately $7.5 million reduction in CIP funding in Fiscal Year 2020-21.
- Staff is working with consultants to develop scenarios for future annual rate adjustments that will mitigate this capital revenue loss over time.

Motion:
- Motion to adopt an ordinance authorizing the discontinuation of charging the Capital Improvement Fee for Water Resources Customers.

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D. RESOLUTION NO. 20-118 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIDWEST MAINTENANCE INC. FOR THE ASHEVILLE CITY HALL - BELFRY ROOF REPLACEMENT AND TERRA COTTA MASONRY REPAIRS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Midwest Maintenance, Inc., in the amount of $ 880,706, for the Asheville City Hall - Belfry Roof Replacement and Terra Cotta Masonry Repairs project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 5% ($44,035).

Background:
- The Belfry is the very top, peak section of the roof. It contains the bell and chimes. It has an asphalt roof that forms the floor of this open-air area.
- This work is essential to complete. The roof and masonry are leaking and are significantly deteriorated which has caused interior damage.
- The City Hall main roof was last restored in 2001 and is in acceptable condition.
- An Historic Resources Minor Work Certificate of Appropriateness has been issued.
- A Request for Bids was first advertised on February 25, 2020. A Mandatory pre-bid meeting was held on March 10, 2020. The original bid date was March 26, 2020. The Bid receipt deadline was delayed as COVID-19 procedures were developing.
- Informal bids were received April 14, 2020. The bids were not responsive because there were no bids provided that met the allocated budget and NCGS Informal requirements.
- The Request for Bids was re-advertised on April 29, 2020 after an additional budget amount was allocated to the project from other facility maintenance project funding sources.
- A pre-bid meeting was not offered or required due to mass gathering restrictions related to COVID-19. Contractors were offered site visits following current COVID-19 restrictions per the State of North Carolina, Buncombe County, and the City of Asheville. More Contractors showed interest in the project and made site visits to City Hall.
- Construction will begin in mid-July 2020 with completion expected in November 2020.
- Four bids were received and opened on May 28, 2020. The low bid was deemed non-responsive because they did not submit all of the paperwork required to document

business inclusion efforts. The resulting responsive base bids (including bid alternates) are listed below:

Contractor	Location	Amount
○ Baker Roofing Company	Charlotte, NC	$ 2,012,420
○ J. Wayne Poole, Inc.	Greensboro, NC	$ 1,282,963
○ Midwest Maintenance, Inc.	Piqua, OH	$ 880,706

Midwest Maintenance, Inc. was the lowest responsive, responsible bidder.

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. The low bid Contractor did document outreach to MWBE subcontractors. Results: Welling, Inc. of Cincinnati, OH, WBE, material supplier, $17,397 and Dillion Construction Services, Irmo, SC, MWBE (Woman and Minority owned), plaster repair, $3,560.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- None

Pro(s):

- The roof system will be insulated per current building codes and will be leak free.
- The historic landmark of City Hall will be provided with necessary repairs.

Con(s):

- The contractor will take the back row of City parking spots along Davidson Drive during construction for staging and logistics.

Fiscal Impact:

- Staff will utilize existing building maintenance funding within the Adopted Capital Improvement Program (CIP) to fund this contract.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Midwest Maintenance, Inc. in the amount of $ 880,706, for the Asheville City Hall - Belfry Roof Replacement and Terra Cotta Masonry Repairs project and further authorizing the City Manager to execute any change orders that may arise during the project up to the 5% contingency amount of $ 44,035.

RESOLUTION BOOK NO. 41 - PAGE 370

E. RESOLUTION NO. 20-119 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MARTIN EDWARDS & ASSOCIATES TO PROVIDE SECURITY GUARD SERVICES TO PUBLIC WORKS AND CITY HALL BUILDINGS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Martin Edwards and Associates in the amount not to exceed $140,000 for a period

of one year with the option of four, one-year renewals to provide security services for no more than five consecutive years.

Background:

- The City Hall Operations (CHO) Division of the Capital Projects Department provides a variety of services including overseeing Security Guards to Public Works and City Hall Buildings.
- Security guard services were previously provided by GuardOne at a not to exceed amount of $140,000 per year.
- A Request for Proposals was issued recently requesting proposals and costs for providing Security Guard services.
- Scoring proposals was based upon a weighted combination considering qualifications and costs.
- The recommendations were not based exclusively on the lowest cost. The use of the following criteria ensures an overall approach to work is best suited vs just being the lowest bid.
    - Experience and capacity weighting of 40% comprised two tiers
        - Development of Team 25%
        - Portfolio Summary 15%
    - Approach to work weighted at 20%.
    - Proposed cost has a 40% weighting.
- Six companies submitted proposals and costs. Using a weighted scoring system, Martin Edwards and Associates scored the highest and is being recommended as the service provider.
    - Martin Edwards & Associates - Linden NC - 8.69
    - Strategic Security Corp - Commack NY - 8.52
    - GuardOne Security - HQ Lawrenceville GA (Local branch Matthews NC) - 8.51
    - Allied Universal Security Services - HQ Conshohocken, PA (Local branch Charlotte, NC) - 8.39
    - SAKOM -- HQ Appleton WI (Local branch Greenville SC) - 8.13
    - Global Guardian - McLean VA - 4.56
- The transition of these service providers will coordinate with the reopening of city facilities during the COVID-19 pandemic.
- Annually, renewals will be brought before City Council for authorization to extend the contract.

Vendor Outreach Efforts:

- Staff performed outreach through solicitation processes using the State's Interactive Purchasing System. Martin Edwards and Associates is a certified Historically Underutilized Business (HUB) identified on the HUB website as a female-owned business out of Linden, NC.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Provides security to both staff and visitors
- Consistent security services at multiple buildings
- Flexibility to staff additional people if security needs change

Con(s):

- Security personnel will be learning about the security of City facilities in a transition period post COVID.

Fiscal Impact:

- Costs for the first year of these services are included in the FY 2020-21 Proposed General Fund Budget in the City Hall Operations Division of the Capital Projects Department.
- The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Martin Edwards and Associates in the amount not to exceed $140,000 for a period of one year, with the option of four, one year renewals to provide City security guard services for no more than five consecutive years.

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F. RESOLUTION NO. 20-120 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR GENERAL SERVICES AGREEMENT WITH THE MILLS RIVER PARTNERSHIP INC. FOR THE MILLS RIVER WATERSHED BEST MANAGEMENT PRACTICES PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a multi-year general services agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year. The level of participation recommended is an amount up to $60,000 per fiscal year with the understanding that funding is project-specific and subject to the appropriation of funds.

Background:

- On November 12, 2016, City Council authorized a three-year agreement between the City of Asheville Water Resources Department and the Mills River Partnership (MRP) for a not-to-exceed amount of $180,000 [$60,000 per fiscal year; approximately $0.01 per centum cubic feet (CCF) system-wide] to provide financial support of projects intended to protect and/or improve water quality in the Mills River Watershed. The department desires to continue to partner with the MRP to help fund water quality projects in the Mills River Watershed.
- The Water Resources Department is willing to provide cost-share funding for projects that are directly related to water quality protection and/or improvement.
- These activities include;
    - selection and installation of best management practices to control contamination of the river from storm runoff,
    - stream bank restoration,
    - planting trees to protect the river buffer zone, educational materials and activities that involve working with agriculture farms to develop buffer zones.
- These projects maintain the water quality of the river and thereby reduce water treatment costs & protect the environment of the watershed.
- The City of Asheville has an ongoing interest in watershed management. Water quality in the upper watershed continues to be excellent and overall water quality indices have improved during the past ten years. The strategy is to continue focusing on efforts to protect and improve water quality.

- Funding initiatives are to be considered with an understanding of their long-term impact on water quality.

Vendor Outreach Efforts:

- This is a continuation of contracted services with a vendor that has a unique and singular focus, with no comparable vendors/non-profits. As such, no additional outreach has been conducted.

Council Goal(s):

- This project aligns with the City Council 2036 Vision of providing A Clean and Healthy Environment.

Committee(s):

- None

Pro(s):

- Opportunity to partner with the Mills River Partnership to strategically address areas of concern in the Mills River watershed.
- Funding from the City of Asheville could make some water quality projects feasible.
- Funding from the City of Asheville could support public education efforts related to water quality protection.
- Projects in the watershed could improve source water and drinking water quality.
- The City of Asheville Water Resources Department wants to maximize benefits to water quality.

Con(s):

- If the City does not participate in the funding of specific water quality projects, these projects may not occur and there could be potential negative impacts on water quality.

Fiscal Impact:

- The full amount needed for the three year agreement is currently allocated within the Water Resources Operating Fund for Fiscal Year 2020-21. The total not-to-exceed contract amount of $180,000 will be encumbered upon City Council approval, even though the MRP will only be allowed to request a not-to-exceed amount of $60,000.00 per fiscal year for the next three years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a multi-year general services agreement for the entire agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year. The level of participation recommended is an amount up to $60,000 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

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G. RESOLUTION NO. 20-121 - RESOLUTION AUTHORIZING THE CITY MANAGER TO REIMBURSE THE ASHEVILLE ART MUSEUM FOR EXPENSES INCURRED TO REPAIR STRUCTURAL ISSUES TO THE FACILITY THAT WERE DISCOVERED DURING THE RENOVATION PROJECT

ORDINANCE NO. 4810 - BUDGET AMENDMENT REGARDING ASHEVILLE ART MUSEUM EXPENSES INCURRED TO REPAIR STRUCTURAL ISSUES TO THE FACILITY THAT WERE DISCOVERED DURING THE RENOVATION PROJECT

Action Requested: Authorize the City Manager to reimburse the Asheville Art Museum (AAM) in the amount of $427,788.61 for expenses incurred to repair facility structural issues that were discovered during the renovation project and adopt a budget amendment in the amount of $233,866 from General Fund Assigned Fund Balance (funds previously assigned for capital expenditure) to aid in funding the reimbursement payment.

Background:

- In 2017, AAM began a project to make major renovations to the interior spaces of the museum. These renovations made improvements to the gallery areas throughout the building and modernized the climate control system for the facility.
- Part of the renovation work included the tear out and remodel of the old public library space.
- During the demolition of this space it was discovered that during a previous renovation project, contractors had made penetrations through structural beams.
- These penetrations raised concerns and it was determined that they would need to repair the previous damage in order to restore the building to a condition that would meet building safety codes.
- Through a change order with their contractor they made repairs to the beams and continued on with the renovations of this space.
- The discovery and subsequent repair of this compromised structure resulted in a significant unexpected cost for the museum.
- The AAM has requested that they be compensated in the amount of $427,788.61 for the repairs that were made.

Vendor Outreach Efforts:

- This work was performed as a change order to an existing contract that the AAM has with Beverly-Grant Inc.

Council Goal(s):

- Thriving City

Committee(s):

- None

Pro(s):

- Projects on City-owned property will be complete and fully compliant with City code.
- All buildings will have required egress that is functional and aesthetically similar to the surrounding structures.

Con(s):

- The money that is being used to reimburse AAM could be put to use to fund other City capital rehabilitation projects.

Fiscal Impact:

- A portion of the reimbursement payment ($193,923) will be funded with Capital Improvement Program (CIP) contingency funding that was included in the FY 2019-20 Adopted Budget Ordinance. The remaining amount of $233,866 will come from

Infrastructure Reserve funding that was set aside in General Fund Assigned Fund Balance in fiscal year 2016. The amendment will have no impact on the City's unassigned (available) fund balance.

Motion:

- Move to authorize the City Manager to reimburse the Asheville Art Museum in the amount of $427,788.61 for expenses incurred to repair facility structural issues that were discovered during the renovation project and adopt a budget amendment in the amount of $233,866 from General Fund Assigned Fund Balance (funds previously assigned for capital expenditure) to aid in funding the reimbursement payment.

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H. RESOLUTION NO. 20-122 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM CONNECT BUNCOMBE TO BE USED TO PRODUCE PUBLIC OUTREACH MATERIALS FOR THE CITY'S GREENWAY, ADA, AND PEDESTRIAN FACILITY PLANNING PROJECT

ORDINANCE NO. 4811 - BUDGET AMENDMENT TO BUDGET THE REVENUE AND INCREASE THE EXPENSE BUDGET IN THE CITY'S GREENWAY, ADA, AND PEDESTRIAN PLANNING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to accept $7,000 from Connect Buncombe to be used to produce public outreach materials for the City's greenway, ADA, and pedestrian facility planning project ("GAP" project); and, approve a budget amendment in the amount of $7,000 in the City's Special Revenue Fund to budget the revenue and increase the expense budget in the GAP project.

Background:

- The GAP project is greenway, ADA, and pedestrian facility planning project.
- Connect Buncombe is a 501c-3 non-profit whose mission is to educate, advocate and fundraise for greenways throughout Buncombe County.
- Connect Buncombe awarded $7,000 to the City as a mini-grant to create educational and public outreach materials to help obtain input from the public on the pedestrian and ADA improvement needs of the community, which will help develop the plan.
- The mini-grant does not require matching funds.

Council Goal(s):

- Transportation and Accessibility and An Equitable and Diverse Community

Committee(s):

- None

Pro(s):

- The outreach materials will be used to attract diverse public input and will be part of a larger public engagement plan intended to reach all segments of the community to gather input on pedestrian and ADA improvement needs in Asheville.
- The outreach materials will provide information about the GAP project and tell people how to get involved or provide input.

Con(s):

- None

Fiscal Impact:

- No negative fiscal impact. Matching funds are not required for this grant.

Motion:

- Move to adopt a resolution authorizing the City Manager to accept $7,000 from Connect Buncombe to be used to produce public outreach materials for the City's greenway, ADA, and pedestrian facility planning project (GAP project) ; and, approve a budget amendment in the amount of $7,000 in the City's Special Revenue Fund to budget the revenue and increase the expense budget in the GAP project.

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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.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously by roll call vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

City Manager Campbell provided Council with the presentation overview as follows: She provided an update on our work to reopen for business in the midst of public health pandemic; and clarified the 30/60/90 day work plan presented by both Chief Zack and herself related to Police Reform initiatives and responses to community demands.

She then provided an update on reopening: (1) Council Committees Resuming (a) Public Safety - 3:30 on June 25th; and (b) Boards and Commissions - 2:00 on June 26th; (2) Some Boards and Commissions Resuming; (3) Re-opening remaining City Facilities (a) Early July - Staff; and (b) Mid July - Public; (4) Public Space Usage/Street Openings (a) **Temporary Parklet** - **use of 1-3 parking spaces** adjacent to their storefronts for outdoor dining, merchandise sales or other safe distancing; (b) **Shared Streets** - converts entire blocks to **"pedestrian priority"** areas to enable outdoor dining, merchandise sales or other uses by businesses and organizations in the area; (c) Businesses can also expand seating or merchandise onto **public sidewalks** in front of their businesses; and (d) Businesses can also expand onto private properties including **parking lots and landscaped areas.** More details at website:www.ashevillenc.gov/publicspaceresponse; (5) Parks and Recreations Summer Programing (a) Rec N Roll - community based onsite programs; (b) Virtual Camps - staff lead activities and virtual field trips; and (c) Nature Center - educational videos online; and (6) Red Roof Inn COVID-19 Shelter Guests (a) 65 people currently being housed; (b) 11 households with confirmed plans to move into permanent housing; and (c) Collaborations with Homeward Bound, Vaya Health, and the Housing Authority of Asheville.

Regarding 30/60/90 Day Initiatives, on June 9, 2020, staff presented 30/60/90 day initiatives on ongoing efforts in the Police Department and efforts in response to Black Asheville Demands coalition. These efforts: (1) Represent the beginning of the work that needs to be

done; (2) Will happen on a parallel track with other efforts and requests from the community; and (3) Are a foundation and only the beginning of work that will lead to long term collaborative problem solving. She said they received a lot of feedback on the plans presented at the June 9 Council meeting. In our effort to be responsive, it came across that this was the extent of the police plan and the efforts from the police were separate from the other demands from the Black Asheville Demands coalition. That is not the case. There will be opportunities for engagement. It was to demonstrate that work had already begun and in no way was it to suggest that the work was so far that we would not get community input on how to re-imagine the Police Department and City services. We know that the initiatives laid out June 9 are only the beginning of efforts and changes that need to be made. The bulk of work and attention will focus on the 60 day community conversations around the budget to support transparency and needs. This is only the beginning. We cannot address all systemic racism in 90 days. We are building a foundation of work that needs to be done, long term, but there are short term items that need to happen, i.e., passing a budget, etc..

We are hearing (1) Defund the Police Department to fund other services; (2) Ensure police accountability, both individually and organizationally; and (3) Repair past and continuing harm to Asheville's black community.

Moving forward, we want to respond and move forward together. Racism is a systemic problem, bigger than police and the City cannot solve it alone and within 90 days. The solutions need to be strategic and collaborative. We will engage with the public as well as the County government, schools, health care providers, the private sector and other organizations to address social and economic disparities.

Next steps of the 30/60/90 Day initiatives, (1) Public Engagement that includes community input on re-imagining policing and delivering services collaboratively with our partners; (2) Work with the community to determine how to structure department responsibilities and partnerships in a way to: (a) *Deliver exemplary services in a manner that achieves social and economic equality; (b) Build community trust in government and especially APD; and (c) Identify and allocate resources commensurate with roles and responsibilities;* (3) Community engagement process to launch in the next two weeks. Phase of COVID-19 will determine specific outreach strategies; and (4) Concurrently work on list of other demands with the community i.e. Formation of the Task Force for Vance Monument, Renaming of streets, Addressing Achievement/Opportunity Gap in ACS, Disparity Study race and gender policies, etc.

When Councilman Haynes asked if the proposed Community Engagement Division will fall under the Asheville Police Department, City Manager Campbell said that the concept will be discussed with the community. Conceptually the idea is good, but where it is housed and how it is implemented still needs to be worked out.

In response to Councilwoman Mayfield, City Manager Campbell said that not only are the ideas proposed by Police Chief Zack going to be a part of the community conversation, but we are looking at re-imagining the police and how we deliver not only those services, but many other City services. We are looking at this as a true opportunity to deliver services in a way that begins to address social and economic disparity. It may take us more than 90 days but we want to get started.

In response to Vice-Mayor Wisler, City Manager Campbell said that it makes sense to get Buncombe County involved in looking at service delivery.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT 5-YEAR CONSOLIDATED ACTION PLAN

Councilwoman Smith moved to continue this public hearing to consider a resolution to amend the U.S. Dept. of Housing & Urban Development 5-Year Consolidated Action Plan until August 25, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

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

Councilman Young moved to continue this public hearing to consider an ordinance to amend the Unified Development Ordinance to update open space requirements until July 28, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING TO AMEND THE 2019-20 U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN

Community Development Programs Director Paul D'Angelo said that this is a public hearing to amend the 2019-20 Annual Action Plan to allocate funds to help prevent, prepare for, and respond to COVID-19. This public hearing was advertised on May 15 and 22, 2020. On May 26, 2020, this public hearing was continued to June 9, 2020. On June 9, 2020, this public hearing was continued to this date.

Background:

- The City of Asheville will be receiving a special COVID-19 funding allocation from the Department of Housing & Urban Development (HUD) in the amount of $615,934.
- The funds are to be used to prevent, prepare for, and respond to the coronavirus / COVID-19.
- In order to strategically utilize these funds for individuals and families affected by COVID-19, it is important to understand where there are gaps in existing relief funding, unmet needs, difficulty in accessing relief funds, and not to duplicate services, efforts and other federal & state dollars.
- Specifically from HUD, "Grantees must prevent duplication of benefit, i.e. the use of CDBG-CV funds to pay costs if another source of financial assistance is available to pay that cost".
- Our proposal to HUD for this special allocation must show "Clarity of Need" and fund individuals and families under 80% Area Median Income (AMI) and/or Low & Moderate Income (LMI) areas.
- In order to be timely, strategic and effective with these HUD dollars, as well as working within the parameters of Community Development (CD) capacity, CD staff strongly recommends directly partnering with local agencies ("sole sourcing", contracts under $250k) who can:
    - target and address immediate needs,
    - have the expertise to carry out the eligible activity,
    - have experience working with CDBG and/or HUD funds,
    - have the capacity as an agency to be an effective partner, and
    - have the ability to produce monthly or quarterly reports and measurable outcomes.

Proposal:

- **SERVICES BREAKDOWN OF THE $<u>615,934</u> BUDGET**
    - Rental Assistance **$399,500**

        - Homelessness Prevention & Rapid Rehousing
        - Eviction Prevention/LMI Individuals & Families

    - COVID-19 Emergency Response Homeless Populations **$156,434**
        - Security charges at congregate shelter / Operational costs at non-congregate shelter not covered by FEMA

    - Grant administration and compliance **$60,000**
        - Part-time staff for grants management
        - HUD reporting & compliance / technical assistance

$615,934

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- None.

Pro(s):
- Efficient use of funding
- Preserves and protects affordable housing
- Targets populations most impacted by COVID-19
- Reduces spread of COVID-19

Con(s):
- Staff hours will be dedicated to administering this grant.

Fiscal Impact:
- This special allocation is fully funded from HUD authorized by The CARES Act of 2020. Staff costs to administer the program are also fully paid from federal sources. This funding will provide rental assistance to Ashevillians in danger of homelessness or eviction as well as additional homeless services including reimbursement for costs associated with homeless sheltering.

In response to Councilwoman Mayfield, Mr. D'Angelo explained in detail the Homelessness Prevention & Rapid Rehousing and Eviction Prevention/LMI Individuals & Families programs. He also provided the organizations we are going to partner with to administer these funds.

There was considerable discussion, initiated by Councilman Young, about whether individuals who receive housing vouchers are eligible for this assistance. He was concerned that if an individual before COVID-19 already needed assistance and they lost their job, that they can't apply for these funds. Mr. D'Angelo said that according to HUD guidelines (which are not final at this time regarding these COVID-19 special funds), when someone is already receiving housing assistance, there cannot be a duplication of benefits. Language specifically from HUD states, "Grantees must prevent duplication of benefit, i.e. the use of CDBG-CV funds to pay costs if another source of financial assistance is available to pay that cost". He said that the individuals with housing vouchers are already working with the Housing Authority to avoid eviction.

Councilwoman Mayfield said that if people have vouchers in private housing, Pisgah Legal Services will be there to represent them and help work out a payment plan, with support from the Housing Authority. Even though the individual is not receiving a direct benefit, it builds a network around them in a different way to keep them housed.

Councilman Young felt that this is a good example of why we need to restart the City Council Housing & Community Development Committee, so discussion regarding items like this can be vetted out before reaching Council. He asked for a definition of "duplication of funding."

Councilwoman Mayfield suggested that until we get the final regulations from HUD that we set aside $25,000 that can be used for people who already have housing vouchers. If the final regulations are received and we can't use the money for that purpose, the Housing & Community Development Committee can make the decision at that point to release the money to qualified individuals.

Mayor Manheimer opened the public hearing at 6:26 p.m.

Eight individuals spoke to urge the City to use the bulk of the Community Development Block Grant funds for a rental assistance program and to use City General Fund funds for rental assistance and housing.

Councilwoman Mayfield said that according to David Nash, Executive Director of the Housing Authority, in a text message, all rents have been adjusted and protected. He said they do not need this assistance and that the assistance should be made available to people who don't have federally subsidized rent. The Housing Authority is taking care of people who have vouchers. Given Mr. Nash's assurance, she removed her suggestion about setting aside $25,000.

Mayor Manheimer asked that a memorandum from Mr. Nash be provided to City Council prior to the vote at the July 14, 2020, meeting on this matter.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilman Kapoor moved to recess this item until July 14, 2020, at which time this public hearing will be voted on (with $25,000 being reserved to be used for those already receiving some other type of HUD financial aid if that is allowed once the HUD final regulations are received. If not permitted, all funds would be dispersed in accordance with staff recommendation). This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4812 - ORDINANCE TO AMEND A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 1500 TUNNEL ROAD KNOWN AS "TRU HOTEL" TO INCLUDE A FREE-STANDING IDENTIFICATION SIGN

Mayor Manheimer said that this public hearing was held on June 9, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to to recommend approval of the conditional zoning amendment to Ordinance 4604 for 1500 Tunnel Road - Lodging Conditional Zone (LODG-CZ) for the revised condition related to signage and find that the request is reasonable, is in the public interest, and is consistent with the comprehensive plan in that: 1) the amendment does not substantially deviate from the project details previously approved other than the addition of signage; 2) signage will benefit visitors coming to the site; and, 3) the signage will be compatible with the surrounding area. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

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VI. NEW BUSINESS:

A. RESOLUTION NO. 20-123 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ACCEPT THE DONATION OF OUTDOOR NEEDLE DISPOSAL KIOSKS FROM BUNCOMBE COUNTY AND AUTHORIZING THE OUTDOOR NEEDLE DISPOSAL KIOSKS TO BE PLACED ON OR IN THE CITY'S RIGHT-OF-WAY

Staff Report: "This is a request to authorize the Interlocal agreement with Buncombe County for installation and maintenance of needle disposal units and kiosks.

Background:

- Buncombe County has been significantly impacted by the opioid epidemic. In both 2018 and 2019, about 80 individuals who were temporary or permanent residents of Buncombe County died from an opioid overdose.
- Buncombe County is receiving multiple complaints by residents and businesses about used needles left in county buildings and on county and city property.
- Buncombe County has received funding from the Dogwood Trust Foundation in the amount of $24,364. The County would like to use these funds to purchase and donate six large outdoor needle disposal kiosks to be installed on City property and rights of ways and maintained by the City.
- The County will be responsible for removing the needles from the disposal kiosks.
- Five of the six locations have been identified: 40 Coxe Avenue; Haywood St. Congregation (sidewalk); State Street near Haywood Road; Hominy Creek Park; and Pisgah View Apartments (at Granada bus stop).
- An Interlocal agreement between the County and the City of Asheville is needed to define parameters around responsibilities related to the installation and maintenance of these units.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Partnership with Buncombe County and the Dogwood Trust Foundation

Con(s):
- None

Fiscal Impact:
- Costs are expected to be nominal and will be funded out of the existing General Fund Public Works budget."

Amy Upham, Buncombe County's Opioid Response Coordinator, provided an overview of the 2019 syringe disposal efforts: (1) 16 bathroom units installed at various locations; (2) Syringe handling training given as part of harm reduction training to over 400 community and business members; (3) Safe syringe disposal information distributed to area businesses, nonprofits, libraries, and City of Asheville; (4) "Safety is the Point" safe syringe disposal bus ads placed in 22 city buses; and (5) 6 large disposal units purchased for installation.

She said safe syringe disposal efforts (1) Evidence-Based research from Montreal, Canada shows community-based disposal units reduced needle litter by 95% within 200 yards of the unit; (2) Erie County, NY Department of Health provided technical assistance and guidance on policy and logistics of syringe disposal; and (3) Successful community disposal efforts include street sweep teams and large disposal units.

Ms. Upham said the logistics for the City & County Memorandum of Understanding include (1) 6 large disposal units will be donated to City of Asheville; (2) City of Asheville will install and maintain the units; and (3) Buncombe County will replace unit if needed and oversee collection of syringes. The locations based on community requests, consultation, and data: (1)DEA APD Liaison input; (2) Greenworks data collection; (3) Asheville City Sanitation; (4) Request by Pisgah View Community; (5) Consultation with Buncombe County Parks Department; and (6) Stakeholder engagement at Community Engagement Markets and door-to-door with business owners on Haywood Rd. (West Asheville) and in Downtown Asheville.

Some statistics for the Dogwood Grant awarded for safe syringe collection include: (1) $24,364; (2) Will pay for a part time position to manage collection from 6 units; (3) Grant covers end-point disposal bins; (4) Grant also pays for liability insurance for subcontracted agency; (5) Development of sustainability plan for collection as a part of opioid response efforts; and (6) Subcontracted agency identified as Sunrise Community for Recovery and Wellness.

The Community Engagement Plan includes (1) Opioid Response Coordinator working with City of Asheville and Buncombe County Community Engagement Teams; (2) Continued harm reduction education including safe disposal; (3) Safe syringe disposal materials for individuals and businesses; (4) Work with stakeholders including Buncombe CARE Team, nonprofit partners, and businesses; and (5) Website: buncombecounty.org/safer.

Next steps consist of (1) Continued community engagement and education; (2) Identify specific coordinates for 2 of the locations (Harris Center and Haywood St. Congregation); (3) Installation of units; (4) Train new Sunrise hire on pick-up and community engagement; and (5) Continue Needs Assessment of rural Buncombe County for substance use needs, including disposal.

In response to Councilwoman Smith, Ms. Upham said that part of the community engagement plan is to create a map.

When Mayor Manheimer asked for public comments, none were received.

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

Vice-Mayor Wisler moved to approve an interlocal agreement with Buncombe County for installation and maintenance of needle disposal units and kiosks. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 - PAGE 375

B. MOTION TO AMEND THE FISCAL YEAR (FY) 2020-21 BUDGET CALENDAR TO (1) RESCHEDULE THE AUGUST 25, 2020, FY 2020-21 ANNUAL OPERATING BUDGET PUBLIC HEARING TO JULY 28, 2020; (2) RESCHEDULE THE SEPTEMBER 8, 2020, FY 2020-21 ANNUAL BUDGET ORDINANCE ADOPTION UNTIL JULY 28, 2020; AND (3) DELETE THE SEPTEMBER 8, 2020, FY 2020-21 ANNUAL BUDGET ORDINANCE ADOPTION

ORDINANCE NO. 4813 - ORDINANCE APPROVING INTERIM BUDGET APPROPRIATIONS FROM JULY 1, 2020, TO JULY 31, 2020

Chief Financial Officer Barbara Whitehorn said that this action is to request a motion to: 1) adopt an ordinance approving interim budget appropriations from July 1, 2020 to July 31, 2020; and 2) amend the FY 2020-21 Budget Calendar to (a) reschedule the August 25, 2020, FY 2020-21 Annual Budget Ordinance Public Hearing to July 28, 2020; (b) reschedule the September 8, 2020 FY 2020-21 Annual Budget Ordinance Adoption until July 28, 2020; and (c) delete the September 8, 2020, FY 2020-21 Annual Budget Ordinance Adoption.

Background:

- The Fiscal Year (FY) 2020-21 Proposed Annual Operating Budget was presented to City Council on May 26, 2020.
- 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 May 29, 2020.
- Following presentation of the FY 2020-21 Proposed Budget, the City decided that adopting an interim budget would allow time to plan a public engagement process around reallocating resources to address equity, social disparity, and policing concerns voiced by the community.
- Per NC General Statutes, the City cannot adopt the annual property tax rate with an interim budget. The property tax rate can only be adopted as part of the annual budget ordinance and must be adopted by August 1.
- After meeting with faculty at the UNC School of Government, staff determined that delaying the annual budget adoption until September 8, 2020 would negatively impact the City's ability to establish a property tax rate in accordance with the state statutory deadline.
- As a result, staff is recommending that the City Council adopt a one-month interim budget from July 1, 2020 to July 31, 2020, and adopt the annual budget ordinance and set the property tax rate at its July 28, 2020 meeting.
- The revised FY 2020-21 budget calendar will be:
    - June 23, 2020: Adoption of one-month interim budget
    - July 28, 2020: FY 2020-21 Proposed Budget Public Hearing and Adoption of the FY 2020-21 Annual Budget Ordinance

- Pursuant to North Carolina General Statute §159-16, the interim budget allows the City to pay salaries, debt service payments, and the usual ordinary expenses that typically occur during the July 1, 2020 to July 31, 2020 time period. It does not allow for any new spending or capital projects.
- The interim budget ordinance, which was prepared in accordance with North Carolina General Statute §159-16, reflects the estimated cost of providing existing programs and services during the month of July, with adjustments made to account for any large expenses, such as debt service payments, that typically occur during this time.
- The annual budget ordinance that staff prepares for Council consideration at its July 28, 2020 meeting will include full annual budgets at the fund level but only provide three months' worth of funding for each department, with the remaining budget being held in reserve in a non-departmental section of the budget.
- During this time, the City Manager's Office will engage the community in a process to determine investments in the Asheville Police Department, other City departments, and various community programs.
- At the City Council's September 22, 2020 meeting, the City Manager will present a budget amendment that will reflect input received during the public engagement effort and provide all departments with additional budget authority for the remainder of fiscal year 2020-21.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Ensures the City's compliance with North Carolina General Statutes that require local governments to adopt either a balanced annual budget ordinance or interim appropriations by July 1 of each year.
- Provides for adoption of the City's property tax rate within state statutory guidelines.
- Provides expenditure authorization for ongoing City services while staff reevaluate investments in the Asheville Police Department, other City departments, and various other community services.

Con(s):

- The City cannot begin any new programs or initiatives or new capital projects until after July 28, 2020.
- Staff will be required to bring a budget amendment to City Council in late September to fully fund General Fund departmental operations for the entire fiscal year.

Fiscal Impact:

- Interim appropriations for the time period from July 1 to July 31, 2020 are financed with appropriations from fund balance for all operating funds.
- The property tax rate will be adopted on July 28, 2020 with the FY 2020-21 Annual Budget Ordinance.

Ms. Whitehorn responded to Councilman Haynes when he asked about public engagement.

Twenty-five individuals spoke about cutting the Asheville Police Department's (APD) interim budget by 50%; defunding the APD; removal of the Vance Monument and renaming streets; prioritizing black community needs; soliciting input from the black community;

abolishment of the APD; need for open forum for behavior of APD officers; request Mayor Manheimer and Police Chief Zack to resign; do not put mental health addiction coordinator or homeless outreach team in the APD but in the hands of experienced individuals who have been doing this work for years; reprogram organizations to overlook the safety of our community; minimum requirements for APD officers are not enough for those who will hold weapons; people have already voiced their demands so no need for further public engagement; need to end racism policing; and raise firefighter pay from $12/hour.

Vice-Mayor Wisler moved to amend the FY 2020-21 Budget Calendar to (A) Reschedule the August 25, 2020, FY 2020-21 Annual Budget Ordinance Public Hearing to July 28, 2020; (2) Reschedule the September 8, 2020, FY 2020-21 Annual Budget Ordinance Adoption until July 28, 2020; and (3) Delete the September 8, 2020, FY 2020-21 Annual Budget Ordinance Adoption. This motion was seconded by Councilman Kapoor and carried unanimously by roll call vote.

Councilman Kapoor moved to adopt an ordinance approving interim budget appropriations from July 1, 2020 to July 31, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

At the request of Councilman Haynes, it was the consensus of Council to instruct City Attorney Branham to research information regarding the possibility of banning the use of tear gas by the Asheville Police Department under any circumstances and providing feedback at the July 14, 2020, meeting.

In response to Councilman Haynes, regarding an incident of open carry at protest events, City Attorney Branham said that this is a difficult distinction in North Carolina. We are an "open carry" state. Therefore, licensed firearms are permitted to be carried in public. However, two important limitations exist which may be applicable here. First is the statute cited by this person which prohibits having a firearm when you are "participating in..... a demonstration," or are "present as a participant" at the demonstration. At times, it can be very difficult to determine if someone is or is not participating in a protest, or if their presence is as a spectator. The second is that our local ordinance Sec. 12-42 prohibits having a firearm in a public park. We are not permitted to prohibit the same on public streets or sidewalks. However, the people here do seem to be close to Pack Square Park. This second provision is much less subjective than the first, and can be enforced much easier. Councilwoman Haynes said having the Police Officers witness this event and do nothing is unacceptable. Councilwoman Mayfield agreed with Councilman Haynes and felt that anytime there is a group of white people standing around with guns is a demonstration. It is a statement of their power and it divides our community.

Nineteen individuals spoke to Council on various items, including: demand of 50% of the Asheville Police Department's (APD) budget should be invested in long-term safety strategies including supporting Black startups/business, eliminating the racial opportunity gap in Asheville City Schools, and funding an all-civilian oversight committee with the power to hold the APD and individual officers accountable; defund the APD; hoped that not only with solicit public input but give the public some decision-making power; remove Vance monument and Robert E. Lee monument; rename Vance Elementary school; request for status of shrouding Vance Monument; defund and abolish the APD; hold police accountable; request for signs in parks that prohibits firearms in a public park; request Mayor Manheimer and Police Chief Zack to resign; ban chemical weapons against citizens; ban the use of bean bags as weapons; and support of remote Council meetings.

One caller supported the APD and the good programs that the APD provides to our youth.

Closed Session

At 9:01 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) 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, specifically the handling or settlement of claims, including but not limited to the following matter: City of Asheville v. Carolina Riverside, LLC. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4); and (2) To discuss matters relating to the location or expansion of industries or other businesses in the City of Asheville, including on a list of potential economic development incentives The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilman Kapoor carried unanimously by roll call vote.

At 9:21 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:21 p.m.

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CITY CLERK MAYOR