

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

JOHN P. MIALL, JR., ROBYN HITE,  
DAVID SHAW, DANIE JOHNSON, and  
WILLA GRANT,

Plaintiffs,

v.

CITY OF ASHEVILLE,  
DEBRA CAMPBELL, in her official  
capacity as City Manager of the City of  
Asheville, and  
ESTHER MANHEIMER, in her official  
capacity as Mayor of the City of Asheville,

Defendants.

Civil Action No. 1:23-cv-00259-MR-WCM

**FIRST AMENDED CLASS ACTION  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF AND  
NOMINAL DAMAGES**

**INTRODUCTION**

1. For many residents of Asheville, North Carolina, civic duty goes beyond the ballot box. Residents offer their voices to local leaders and provide guidance on important policies shaping Asheville’s future by serving on a city board or commission. But the opportunity to serve the public is not provided equally. For Asheville’s Human Relations Commission, Asheville prefers individuals from certain races and ethnicities.

2. John Miall, Jr., sought appointment to the Human Relations Commission of Asheville. His experience and commitment to his community ought to make him a valuable member on the Commission. For nearly thirty years, Mr. Miall worked for the City of Asheville, including as the Director of Risk Management for several of those years. He worked closely with other City staff, citizens, and community groups. Mr. Miall was also the cocreator of the Asheville Project, an innovative disease management initiative. Despite his background of service to the

City, an Asheville ordinance mandates that the City Council disfavor Mr. Miall's inclusion on the Commission because of his race.

3. Like Mr. Miall, Robyn Hite, David Shaw, Danie Johnson, and Willa Grant are all citizen servants qualified to serve on the Human Relations Commission but are disadvantaged because of their race under the City's ordinance. The City's discriminatory treatment violates the U.S. Constitution and the long-held principles of equality that are vital to civic participation. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution forbids the government from discriminating against individuals on the basis of their membership in a racial group. Plaintiffs bring this lawsuit to ensure the equal protection of the laws and restore equality to public service in the city.

#### **JURISDICTION AND VENUE**

4. This action arises under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §§ 1981 and 1983. This Court has jurisdiction over these federal claims under 28 U.S.C. §§ 1331 (federal question) and 1343(a) (redress for deprivation of civil rights). Declaratory relief is authorized by the Declaratory Judgment Act, 28 U.S.C. §§ 2201 & 2202.

5. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claim occurred or will occur in this District.

#### **PARTIES**

6. Plaintiff John P. Miall, Jr., is a citizen and resident of Buncombe County, North Carolina, and resides within the city limits of Asheville, North Carolina. He applied for an appointment from the Asheville City Council to the Human Relations Commission of Asheville. Mr. Miall is white.

7. Plaintiff Robyn Hite is a citizen and resident of Buncombe County, North Carolina. She applied for an appointment from the Asheville City Council to the Human Relations Commission of Asheville. Ms. Hite is white.

8. Plaintiff David Shaw is a citizen and resident of Buncombe County, North Carolina, and resides within the city limits of Asheville, North Carolina. He applied for an appointment from the Asheville City Council to the Human Relations Commission of Asheville. Mr. Shaw is white.

9. Plaintiff Danie Johnson is a citizen and resident of Buncombe County, North Carolina, and resides within the city limits of Asheville, North Carolina. He applied for an appointment from the Asheville City Council to the Human Relations Commission of Asheville. Mr. Johnson is white.

10. Plaintiff Willa Grant is a citizen and resident of Buncombe County, North Carolina, and resides within the city limits of Asheville, North Carolina. She applied for an appointment from the Asheville City Council to the Human Relations Commission of Asheville. Ms. Grant is white.

11. Defendant City of Asheville is a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina. It has all the powers given to a municipal corporation by general law in the State of North Carolina and all such other powers, rights, and privileges as may be useful and/or necessary to carry on the government of the City of Asheville. It maintains and administers the Human Relations Commission of Asheville, to which its City Council appoints members.

12. Defendant Debra Campbell is sued in her official capacity as the City Manager of the City of Asheville. As City Manager, Ms. Campbell's duties include supervising the administration of the affairs of the City and seeing that the ordinances of the City are enforced

therein, including the ordinance establishing the membership and appointment of the Human Relations Commission of Asheville.

13. Defendant Esther Manheimer is sued in her official capacity as the Mayor of the City of Asheville. As Mayor, Ms. Manheimer presides over City Council meetings and serves as the head of city government. In addition to the City Council and City Manager, the corporate powers of the City of Asheville are vested in and exercised by the Mayor.

14. Defendants City of Asheville, Campbell, and Manheimer are collectively referred to as “Defendants.”

### **FACTUAL ALLEGATIONS**

#### **Creation of the Human Rights Commission of Asheville**

15. The City of Asheville has a variety of boards and commissions that give residents a voice in their local government and a means of influencing decisions that shape their community. The City Council appoints members to these boards and commissions following the recommendations of the Boards & Commissions Committee, a group composed of several members of the City Council that is responsible for reviewing citizens’ applications for appointment. Appointees typically serve on these boards and commissions for a set term without compensation and meet regularly throughout the year.

16. On May 23, 2017, the Boards & Commissions Committee recommended that the City create the Human Relations Commission of Asheville (HRCA). To that end, the City Council formed a Blue Ribbon Committee to determine and recommend the mission, scope, and duties of the HRCA.

17. The Blue Ribbon Committee presented its recommendations to the City Council on February 13, 2018. Among those recommendations was the implementation of racial quotas for

the membership of the HRCA. Specifically, the HRCA would have at least 6 African Americans and at least 2 “Latinx” members, along with 2 LGBTQ members, 3 “professionals with influence,” at least 2 to 3 youth members, a representative from each of the City’s geographical areas, 2 to 3 citizens living in public housing, and 2 individuals with a disability.

18. On April 10, 2018, pursuant to the Blue Ribbon Committee’s recommendations, the City Council unanimously passed Ordinance No. 4663, codified in the Asheville Code of Ordinances, Chapter II, Article III, Division 14, Sec. 2-185.23 *et seq.*, establishing the HRCA. The Commission’s purpose would be to “promote and improve human relations and achieve equity among all citizens in the city by carrying out the city’s human relations program.” The HRCA would further “prioritize racial equity” and “encourage and ensure diversity, fairness, equity and inclusion throughout the city.”

19. Section 2-185.25(b) set forth the criteria for membership and appointment to the Commission, providing for a 15-member commission appointed by the City Council to serve staggered two-year terms. The section further implemented a membership quota for various categories, including race. Specifically, the section provided that “In appointing members to the HRCA, the Council should endeavor to use the following criteria:

...

b. Membership should reflect the groups of individuals that the human relations program is intended to assist and protect, including but not limited to individuals from different races, ethnicities, sexual orientation and socioeconomic backgrounds. With the recognition that there will have to be members who meet more than one of the following, the City Council should endeavor to appoint individuals meeting the following criteria:

- 6 African Americans;
- 2 Latinx individuals;
- 2 members of the LGBTQ+ community;
- 2 Youth members between the ages of 18 and 25;
- 2 to 3 individuals who live in public housing;

- 2 individuals with a disability;
- 3 individuals who are recognized as community leaders.”

20. The City Council appointed the HRCA’s first members on May 22, 2018, largely adhering to the quotas set forth in the ordinance. The City Council strived to adhere to these quotas in its subsequent appointments to vacant positions on the HRCA, including confirming with the Boards & Commissions Committee that newly appointed members satisfied the requisite numbers.

### **Amendment of the Quotas and Preservation of Racial Preferences**

21. In a June 16, 2022, HRCA meeting, Alayna Schmidt, the City Equity & Inclusion Consultant, and Aarin Miles, City Attorney, presented amendments to the HRCA’s membership criteria that would eliminate the numerical racial quotas. Ms. Miles explained that state and federal law prohibit racial quotas. Tanya Rodriguez, the HRCA Chairperson, inquired about alternatives to the numerical quota, such as implementing specific percentages of members based on race instead so that “our color isn’t diluted out of the Commission.”

22. The HRCA voted in favor of the proposed amendments to the membership criteria on July 21, 2022. The City Council then adopted Ordinance No. 4967 on September 13, 2022, amending the membership criteria to remove the numerical quotas. As such, section 2-185.25(b)(2) was revised to state: “In appointing members to the HRCA, the Council should endeavor to use the following criteria:

- a. Members should have demonstrated an interest and experience in human relations;
- b. Membership should reflect the groups of individuals that the human relations program is intended to assist and protect, including but not limited to individuals from different races, ethnicities, sexual orientation and socioeconomic backgrounds. Commission representation shall take into consideration the diverse nature of the Asheville community. Membership on the Commission shall include, but not be limited to, the following:
  - Black or African Americans;

- Latino/a or Hispanic individuals;
- Native Americans and Indigenous People;
- Asian Americans;
- members of the LGBTQ+ community;
- Youth members between the ages of 18 and 25;
- Individuals who live in public housing;
- Individuals with a disability or disabled individuals;
- Individuals who are recognized as community leaders.”

23. Under the HRCA’s membership criteria, the City Council will not endeavor to appoint white residents unless they also satisfy a separate category, such as being a member of the LGBTQ+ community, a youth member, disabled, living in public housing, or recognized as a community leader. On the other hand, the City Council will automatically prefer minority applicants without requiring those applicants to satisfy a separate category.

24. On January 10, 2023, the City Council reduced the number of members on the HRCA from 15 to 9 members. It also allowed up to 3 members to be non-city residents of Buncombe County.

25. Following the revisions, the HRCA’s racial preferences persisted, and examples of these preferences appeared in City Council meeting materials. At the October 11, 2022, and June 13, 2023, City Council Meetings, for example, spreadsheets displaying the racial demographics of the HRCA members and applicants were included in meeting materials with reminders stating, “Endeavor to appoint ...” following a list that included African Americans and “Latinx” individuals. Neither Asian Americans nor Native Americans were listed despite the City Council adding them to the ordinance’s preferred racial categories. Copies of these spreadsheets are provided as Exhibit 1 to this Amended Complaint.

26. Updates to the City’s website for the HRCA around January 17, 2023, reflected the Commission’s enduring racial preferences, stating, “City Council will endeavor to appoint city residents (with up to three members residing in Buncombe County), meeting the following criteria

...” followed by a list that included the racial categories of Black or African American, Latino/a or Hispanic, Native American, and Asian American. The website also asked applicants to indicate on the separate Human Relations Commission Form whether they satisfy these qualifications. The website provided a link to the Human Relations Commission Form. A copy of the HRCA website from around January 17, 2023, is provided as Exhibit 2 to this Amended Complaint.

27. The City required applicants to the HRCA to fill out and submit the separate Human Relations Commission Form in order to be considered for an appointment. The form stated, “because the City Council will endeavor to appoint city residents meeting the following criteria, please list and further describe, as desired, any that may apply to you ....” This was again followed by a list that included the racial categories of Black or African American, Latino/a or Hispanic, Native American, and Asian American. A copy of the Human Relations Commission Form linked to the HRCA website from around January 17, 2023, is provided as Exhibit 3 to this Amended Complaint.

### **The City Council Declines to Appoint Plaintiffs to the Human Relations Commission**

28. Around March 2023, the City advertised that it was accepting applications to the HRCA. To apply, the City required applicants to complete and submit the Boards & Commissions Application Form, which asks applicants to identify their race. Applications were due on April 30, 2023. Plaintiffs timely submitted their applications for appointment and noted on their applications their backgrounds, areas of expertise, education, and other factors that demonstrate their interest and experience in human relations.

29. David Shaw submitted his application for appointment to the HRCA on March 17, 2023. He indicated on his application that he was completing a master’s degree in social work and



interning at a hospital. He stated that he cared about the health of the City and its residents. He indicated his race as white.

30. John P. Miall, Jr., submitted his application around March 21, 2023. He attached his resume to his application, which listed his extensive experience as a speaker on behalf of pharmaceutical companies, and work with the American Pharmacists Association Foundation, in addition to his time as an employee for the City of Asheville. He indicated his race as white.

31. Robyn Hite submitted her application on March 27, 2023. Her application mentioned her time on the North Buncombe Elementary PTO, her presidency of the North Windy Ridge PTO, and her experience organizing fundraisers, facilitating meetings with parents and staff, and writing newsletters. She indicated her race as white.

32. Danie Johnson submitted his completed Human Relations Commission Form on April 21, 2023. He stated on the form that while he does not meet any of the criteria for residents that the City Council would endeavor to appoint, he was concerned with the human rights of all individuals and that "I feel I could contribute diverse viewpoints to the Commission's discussions."

33. Willa Grant submitted her application around April 24, 2023. She mentioned on her application that she was serving at the WNC Rescue Mission and assisted homeless persons with regaining housing and stability. She had also completed around nine years of social work. She indicated her race as white.

34. On June 13, 2023, the Boards & Commission Committee made recommendations for the appointment of applicants to six positions on the HRCA. The Committee recommended that two other applicants, Candace Blanchard and Susan Ann Sacco, be appointed to the HRCA and that the other four remaining positions be readvertised to the public.

35. The City Council subsequently adopted the Committee's appointment recommendations on June 13, 2023, appointing Ms. Blanchard and Ms. Sacco to the HRCA. Prior to making these appointments, the City Council had information and materials that identified applicants' races, including copies of applications and spreadsheets listing applicant racial data.

36. Thereafter, the City advertised vacancies on the HRCA, with applications for appointments due on August 27, 2023. The City Council is scheduled to make appointments at its October 10, 2023, meeting. A copy of the City's announcement of board and commission vacancies is included as Exhibit 4 to this Amended Complaint.

37. At the September 21, 2023, HRCA meeting, City Attorney Brad Branham presented a revision to the language of the ordinance setting the Commission's membership. Section 2-185.25(b.)(2) would be potentially revised to state:

“Membership should reflect the groups of individuals that the human relations program is intended to assist and protect, including but not limited to individuals from different races, ethnicities, sexual orientation and socioeconomic backgrounds. Commission representation shall take into consideration the diverse nature of the Asheville community. The Consideration of appointment of members shall provide equal access and opportunity to serve upon the Commission to all historically disadvantaged groups, including but not limited to the following ....”

The specific racial categories of Black or African Americans, Latino/a or Hispanic individuals, Native Americans and Indigenous People, and Asian Americans were not revised and followed that section. Mr. Branham explained that the HRCA was the only board that “calls out a requirement to guarantee access to those individuals.” The City's adoption of this revision would thus preserve and continue the race-based appointment preferences for the HRCA.

38. The City Council will decide on the proposed revision at its meeting on October 10, 2023.

39. The City Council has not appointed any of the Plaintiffs to the HRCA.

## **FIRST CLAIM FOR RELIEF**

### **(42 U.S.C. § 1983 – Violation of the Equal Protection Clause)**

40. Plaintiffs incorporate and reallege each and every allegation contained in the preceding paragraphs of this Amended Complaint.

41. 42 U.S.C. § 1983 provides a private right of action to those aggrieved by constitutional violations undertaken by municipalities acting under color of law.

42. State actors and their agents, under the color of state law, will enact and enforce the City of Asheville's racial preferences for appointment to the HRCA. Defendants authorized, developed, and implemented the preferences for minority applicants to the HRCA.

43. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1.

44. The City of Asheville's appointment preference for minority applicants to the HRCA treats Plaintiffs differently than similarly situated applicants on the basis of race.

45. The City of Asheville's appointment preference for minority applicants to the HRCA is subject to strict scrutiny because it classifies individuals on the basis of race.

46. Defendants do not have a compelling interest in giving appointment preferences to applicants to the HRCA on the basis of race.

47. Defendants have not identified with specificity any past racial discrimination to be remedied by making racial classifications in the City of Asheville's appointments to the HRCA.

48. Defendants cannot prove that the City of Asheville's appointment preference for minority applicants to the HRCA is narrowly tailored to a compelling interest.

49. Plaintiffs are qualified to be appointed to and serve on the HRCA. Yet because the Plaintiffs are not racial minorities, they are disadvantaged in competing for an appointment to the HRCA pursuant to the City of Asheville's appointment preference for minority applicants.

**SECOND CLAIM FOR RELIEF**

**(42 U.S.C. § 1981 – Deprivation of Civil Rights Based on Race)**

50. Plaintiffs incorporate and reallege each and every allegation contained in the preceding paragraphs of this Amended Complaint.

51. Section 1981 prohibits discrimination on the basis of race and protects the right of all persons in every State to the full and equal benefit of all laws and proceedings for the security of persons and property.

52. Defendants violated section 1981 by purposefully and willfully denying Plaintiffs the equal opportunity to be considered for an appointment to the HRCA because of Plaintiffs' race.

53. Defendants' actions were in accordance with an official policy and custom of the City of Asheville, specifically and not limited to the City of Asheville's ordinance requiring the City Council to provide an appointment preference for minority applicants to the HRCA. Defendants' actions caused the deprivation of Plaintiffs' rights.

54. Plaintiffs are members of the racial category that Defendants disfavor for appointment to the HRCA. Defendants were aware of Plaintiffs' race at the time Defendants considered Plaintiffs' applications for appointment to the HRCA and carried out the race-based appointment preferences in determining appointments. Defendants' deprivation of Plaintiffs' rights occurred due to Plaintiffs' race.

### **CLASS ACTION ALLEGATIONS**

55. Plaintiffs incorporate and reallege each and every allegation contained in the preceding paragraphs of this Amended Complaint.

56. Plaintiffs bring this class action under Rule 23(b)(2) of the Federal Rules of Civil Procedure.

57. Plaintiffs seek to represent a class of all nonminority applicants that are qualified to apply for appointment to the HRCA.

58. The number of individuals in this class makes joinder of individual class members impracticable.

59. There are questions of law common to the class, such as whether the City of Asheville's appointment preference for minority applicants to the HRCA violates the Equal Protection Clause of the Fourteenth Amendment.

60. Plaintiffs' claim is typical of those of other members of the class. Each of them would benefit from a decision enjoining Defendants and their agents from enacting the City of Asheville's appointment preference for minority applicants to the HRCA.

61. Plaintiffs adequately represent the interests of the class and have no interests antagonistic to the absent class members.

62. A class action is appropriate under Rule 23(b)(2) because Defendants are acting on grounds generally applicable to the class, so that final injunctive and declaratory relief is appropriate respecting the class as a whole.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the Court:

- (a) Declare the City of Asheville’s appointment preference for minority applicants to the HRCA unconstitutional under 42 U.S.C. §§ 1981 & 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;
- (b) Permanently enjoin Defendants and their agents from enforcing or giving any effect to the City of Asheville’s ordinance and any other policy, practice, or procedure in existence or being proposed that provides appointment preferences to minority applicants to the HRCA, and from otherwise discriminating on the basis of race in making appointments to the HRCA;
- (c) Issue an award of attorneys’ fees and costs in this action pursuant to Federal Rule of Civil Procedure 54(d) and 42 U.S.C. § 1988;
- (d) Issue an award of nominal damages in the amount of \$1.00; and
- (e) Provide such other and further relief as the Court deems just and proper.

DATED: September 26, 2023.

Ruth C. Smith  
N.C. Bar No. 26754  
The Elmore and Smith Law Firm, P.C.  
79 Woodfin Place, Suite 103  
Asheville, NC 28801  
Tel.: (828) 367-7998  
Fax: (828) 367-7991  
ruth@mywncattorney.com

Respectfully submitted,  
/s/ Jessica L. Thompson  
Jessica L. Thompson  
N.C. Bar No. 48112  
Pacific Legal Foundation  
3100 Clarendon Blvd., Suite 1000  
Arlington, VA 22201  
Tel.: (202) 888-6881  
Fax: (916) 419-7747  
JLThompson@pacificlegal.org

Andrew Quinio\*  
Cal. Bar. No. 288101  
Pacific Legal Foundation  
555 Capitol Mall, Suite 1290  
Sacramento, CA 95814  
Tel.: (916) 419-7111  
AQuinio@pacificlegal.org  
*\*Pro Hac Vice motion forthcoming*

*Counsel for Plaintiffs*

## CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2023, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following:

Eric P. Edgerton  
City of Asheville  
7 Carraway Street  
Woodfin, NC 28804  
eedgerton@ashevillenc.gov  
*Counsel for Defendants*

/s/ Jessica L. Thompson  
Jessica L. Thompson





<u>APPLICANT FName</u>	<u>APPLICANT LName</u>	<u>Email Address</u>	<u>DATE SUBMITTED APPLICATION</u>	<u>RESIDENT</u>	<u>HOMEOWNER</u>	<u>RACE</u>	<u>SEX</u>	<u>AREA</u>	<u>OCCUPATION</u>	<u>Both forms submitted</u>	<u>Interested in other boards?</u>
Ellen	Kathrein	[REDACTED]	09-20-22	City	N	W	F	West	School-based therapist MAHEC	Yes	
Donald T.	Post	[REDACTED]	09-25-22	City	N	W	M	North	Financial Associate Bank of America Merrill Lynch	Yes	

<u>APPLICANT FName</u>	<u>APPLICANT LName</u>	<u>Email Address</u>	<u>DATE SUBMITTED APPLICATION</u>	<u>Resider</u>	<u>HOME OWN ER</u>	<u>RACE</u>	<u>ENDER</u>	<u>II</u>	<u>AREA</u>	<u>OCCUPATION</u>	<u>Both forms submit ted</u>	<u>Interested in other boards?</u>	<u>Supporting documents APPLICATION (optional)</u>
Babette	Freund	[REDACTED]	08-29-22	NO	Y	W	F		East	Execuive Vice President Dave Steel Co/	Yes		<a href="#">APPLICATION RESUME</a>
Jack	Hoda	[REDACTED]	01-04-23	City	N	W	NB		South	LGBTQ+ Health Coordinator Western North Carolina Community Health Services	No	Advised no openings and that supp form would be needed for automatic future consideration.	
Susan Ann	Sacco	[REDACTED]	01-18-23	City	Y	W	F		West	Asheville Regional Center's Manager NC Division of Services for the Deaf and Hard of Hearing	Yes		<a href="#">APPLICATION BIO</a>
Candace	Blanchard	[REDACTED]	03-16-23	City	Y	W	F		North	Director Marketing Ansira	Yes	Gave her until 5/3/23 to return HRC Supp Form	<a href="#">APPLICATION COVER</a>
David	Shaw	[REDACTED]	03-17-23  (in person)	NO	N	W	M		South	Sales Manager Concrete Driveway Company	Yes		<a href="#">APPLICATION/HRC SUPP/RESUME</a>
John	Miall, Jr.	[REDACTED]	03-20-23 (mail)	City	N/R	W	M		North	Retired	No	Gave him until 5/3/23 to return HRC Supp Form	<a href="#">APPLICATION/RESUME</a>
Robyn	Hite	[REDACTED]	03-27-23 (in person)	NO	Y	W	F		N/A	Retired	Yes		<a href="#">APPLICATION/HRC SUPP</a>
Andy	Bobowski	[REDACTED]	04-28-23	NO	Y	W	M		South	Co-Founder and CEO Backrs	Yes		<a href="#">APPLICATION</a>
Willa	Grant	[REDACTED]	04-28-23 (in person)	City	Y	W	F		North	Retired	Yes		<a href="#">APPLICATION/HRC SUPP</a>

**TWO YEAR TERMS - Eff. 1/10/23 - Membership reduced from 15 to 9. Up to 3 members may be non-City residents from Buncombe County**

FName Member	LName Member	Email	TERM EXPIRES	APPOINTED	TERMS	RESIDENT	RACE	HOMEOWNER	SEX	AREA	OCCUPATION
			6/1/2024	6/1/2022	2						
Brandon	Oliver (Vice-Chair)	[REDACTED]	6/1/2022	12/8/2020	1	County	B	N	M	East	Owner/Operator
Tanya	Rodriguez (Chair)	[REDACTED]	6/1/2023	5/11/2021	2	City	Taino/Inc	N	F	East	Self Educator
			6/1/2021	6/11/2019	1						
DeLores	Venable	[REDACTED]	6/1/2023	5/11/2021	2	City	AA/B	N	F	Central	Medication Aid
			6/1/2021	6/11/2019	1						
Daniel	Young	[REDACTED]	6/1/2023	1/12/2021	1	City	B	N	M	West	Property Manager F RC Maintenance & Property Mgmt
			6/1/2021	1/12/2021	unexp						
Crystal Michelle	Reid	[REDACTED]	6/1/2023	6/8/2021	1	City	B	N	F	North	Resident Chair Residents' Council of Asheville Housing Authority
Harvey Dean	Harold	[REDACTED]	6/1/2024	6/14/2022	1	City	AA	N	M	South	Retired
			6/1/2022	10/12/2021	unexp						Disability
Nnweyna	Smith	[REDACTED]	06-01-22	05-10-22	unexp	City	AA	N	F	East	Community Case Manager, Housing Helpmate
			06-01-24	05-10-22	1						
Alma	Adams	[REDACTED]	06-01-24	06-14-22	unexp	City	AA	Y	F	South	Maternity Care, DSS, PLU Board Member Disabled
											Disability
Ellen	Kathrein	[REDACTED]	06-01-23	10-11-22	unexp	City	W	N	F	West	School-based therapist MAHEC
Donald	Post	[REDACTED]	06-01-23	10-11-22	unexp	City	W	N	M	North	Financial Associate Bank of America Merrill Lynch
											LGBTQ+

Council Liaison Kim Roney  
 Chair Tanya Rodriguez 03/18/21  
 Vice-Chair Brandon Oliver 03/18/21  
 Staff Alayna Schmidt

**HRCRA Demographics**

Name	Male	Female	AA/ Black	White	Latinx	Multi	Area	LGBT ( or advocacy)	Youth (18-25 )	Public Housing	Disability (or support)	City	Homeowner
Smith		X	X				East			X		X	N
Kathrein		X		X			West					X	N
Reid		X	X				North			X		X	N
Post	X			X			North	X				X	N
Harold	X		X				South				X	X	N
Adams		X	X				South				X	X	Y
Oliver	X		X				East						N
VACANT													
Young	X		X				West					X	N

Veteran

**Endeavor to appoint:**

- African Americans
- Latinx individuals
- members of the LGBTQ community
- youth members between the ages of 18 and 25
- individuals who live in public housing
- individuals with a disability
- individuals who are recognized as community leaders

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# City Clerk

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## Human Relations Commission of Asheville

Last updated or reviewed on January 17, 2023

The Human Relations Commission of Asheville (HRCA) members will be eligible to serve two consecutive two-year terms and their duties include, but are not limited to:

- Making policy recommendations to the City Council which promote and improve human relations and advance equity in the City
- Supporting the City's Office of Equity and Inclusion
- Providing a forum where residents can raise issues and complaints relating to human relations in the City
- Engaging the community regarding the utilization of City-funded programs and policies for the promotion of human relations
- Promoting and improving human relations and advance equity in the following areas: public safety; educational, art and cultural opportunities; economic development; health and human services; and housing.

The Human Relations Commission of Asheville (HRCA) will be composed of no more than nine members, which should reflect the groups of individuals that the human relations program is intended to protect. City Council will endeavor to appoint **city residents** (with up to three members residing within Buncombe County) meeting the following criteria:

- Black or African Americans
- Latino/a or Hispanic individuals
- Native Americans
- Asian Americans
- Members of the LGBTQ+ community
- Youth members, between the ages of 18 and 25
- Individuals who live in public housing
- Individuals with a disability or disabled individuals
- Individuals who are recognized as community leaders

Please indicate any of the above qualifications and/or any experience, knowledge, and/or skills with equity on your [Human Relations Commission Form](#).

## Regular Meeting Schedule

The Human Relations Commission of Asheville meets in-person on the third Thursday of every other month (in Jan., Mar., May., Jul., Sep., Nov.) from 6:00 p.m. – 7:30 p.m. in the First Floor Conference Room in City Hall, unless otherwise posted.

**Notice:** The next scheduled meeting is January 19, 2023 at 6:00 p.m. unless otherwise noted.

## Members

For current openings and an application please visit the [Boards and Commissions page](#).

Agendas and Documents		
Agenda	Documents	Recording
<a href="#">January 19, 2023</a>	<a href="#">January 19, 2023 Documents</a>	<a href="#">January 19, 2023 Recording</a>
<a href="#">November 17, 2022 Agenda</a>	<a href="#">November 17, 2022 Documents</a>	<a href="#">November 17, 2022 Recording</a>
<a href="#">October 20, 2022 Agenda</a>	<a href="#">October 20, 2022 Documents</a>	<a href="#">October 20, 2022 Recording</a>
<a href="#">September 15, 2022 Agenda (Updated)</a>	<a href="#">September 15, 2022 Documents</a>	<a href="#">September 15, 2022 Recording</a>
<a href="#">August 18, 2022 Agenda</a>	<a href="#">August 18, 2022 Documents</a>	<a href="#">August 18, 2022 Recording</a>
<a href="#">July 21, 2022 Agenda</a>	<a href="#">July 21, 2022 Documents</a>	<a href="#">July 21, 2022 Recording</a>
<a href="#">June 16, 2022 Agenda</a>	<a href="#">June 16, 2022 Documents</a>	<a href="#">June 16, 2022 Recording</a>
May 19, 2022 – MEETING CANCELED	May 19, 2022 Documents	May 19, 2022 Recording
<a href="#">April 21, 2022</a>	<a href="#">April 21, 2022 Documents</a>	<a href="#">April 21, 2022 Recording</a>
<a href="#">March 17, 2022</a>	<a href="#">March 17, 2022 Documents</a>	<a href="#">March 17, 2022 Recording</a>
<a href="#">February 17, 2022</a>	<a href="#">February 17, 2022 Documents</a>	<a href="#">February 17, 2022 Recording</a>
<a href="#">January 20, 2022</a>	<a href="#">January 20, 2022 Documents</a>	<a href="#">January 20, 2022 Recording</a>
<a href="#">December 11, 2021</a>	<a href="#">December 11, 2021 Documents</a>	This meeting was held in person
<a href="#">November 18, 2021 Agenda</a>	<a href="#">November 18, 2021 Documents</a>	<a href="#">November 18, 2021 Recording</a>
<a href="#">October 25, 2021 Agenda</a>	<a href="#">October 25, 2021 Documents</a>	<a href="#">October 25, 2021 Recording</a>
<a href="#">September 16, 2021 Agenda</a>	<a href="#">September 16, 2021 Documents</a>	<a href="#">September 16, 2021 Recording</a>
<a href="#">August 19, 2021 Agenda</a>	<a href="#">August 19, 2021 Documents</a>	<a href="#">August 19, 2021 Recording</a>
<a href="#">July 15, 2021 Agenda</a>	<a href="#">July 15, 2021 Documents</a>	<a href="#">July 15, 2021 Recording</a>
<a href="#">June 24, 2021 Agenda</a>	<a href="#">June 24, 2021 Documents</a>	<a href="#">June 24, 2021 Recording</a>
<a href="#">May 20, 2021 Agenda</a>	<a href="#">May 20, 2021 Documents</a>	<a href="#">May 20, 2021 Recording</a>
<a href="#">April 15, 2021 Agenda</a>	<a href="#">April 15, 2021 Documents</a>	<a href="#">April 15, 2021 Recording</a>
<a href="#">March 18, 2021 Agenda</a>	<a href="#">March 18, 2021 Documents</a>	<a href="#">March 18, 2021 Recording</a>
<a href="#">February 18, 2021 Agenda</a>	<a href="#">February 18, 2021 Documents</a>	<a href="#">February 18, 2021 Recording</a>
<a href="#">September 30, 2020 Agenda</a>	<a href="#">September 30, 2020 Documents</a>	
<a href="#">August 27, 2020 Agenda</a>	August 27, 2020 <a href="#">Documents</a>	
<a href="#">July 16, 2020 Agenda</a>	<a href="#">July 16, 2020 Documents</a>	
<a href="#">January 16, 2020 Agenda</a>	<a href="#">January 16, 2020 Documents</a>	

Agendas and Documents		
Agenda	Documents	Recording
<a href="#">November 21, 2019 Agenda</a>	<a href="#">November 21, 2019 Documents</a>	
<a href="#">September 19, 2019 Agenda</a>	<a href="#">September 19, 2019 Documents</a>	
<a href="#">August 15, 2019 Agenda</a>	<a href="#">August 15, 2019 Documents</a>	
<a href="#">July 18, 2019 Agenda</a>	<a href="#">July 18, 2019 Documents</a>	

## Review and Resource Documents

[Ordinance Establishing Human Relations Commission](#)

## Contact Information

Alayna Schmidt | Equity & Inclusion Department




[ASchmidt@AshevilleNC.gov](mailto:ASchmidt@AshevilleNC.gov)

Updated 1/17/23

Tags: [Department Page](#)

### The City of Asheville

70 Court Plaza  
P.O. Box 7148  
Asheville, NC 28802

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## HUMAN RELATIONS COMMISSION APPLICATION FORM

**THIS FORM MUST BE FILLED OUT ENTIRELY AND SUBMITTED WITH YOUR APPLICATION IN ORDER TO BE CONSIDERED FOR A HUMAN RELATIONS COMMISSION APPOINTMENT**

Applicant Name:

Contact email:

Date submitted application:

The HRCA will be composed of fifteen members, which should reflect the groups of individuals that the human relations program is intended to protect.

Because City Council will endeavor to appoint **city residents** meeting the following criteria, please list and further describe, as desired, any that may apply to you:

- Black or African Americans;
- Latino/a or Hispanic individuals;
- Native Americans;
- Asian Americans;
- members of the LGBTQ+ community;
- Youth members between the ages of 18 and 25;
- Individuals who live in public housing;
- Individuals with a disability or disabled individuals; and
- Individuals who are recognized as community leaders.

**Note:** If you need more space than what is provided below, use the paperclip to attach a PDF to this

Please indicate any of the above qualifications and describe any experience, knowledge and/or skills with equity, or any of the factors that support your interest in serving on the Human Relations Commission of Asheville:





# BE A LOCAL LEADER

The City of Asheville has various openings on various committees. Do you want to have a voice in the City's growth and future? If yes, take that initial step forward and put your perspective, leadership and knowledge to task by serving on one of the many committees the City has to offer.

Please visit the City's Boards and Commissions webpage for a [Boards and Commissions Application](#) or contact the City Clerk's Office at 259-5839 or by email to [boards@ashevillenc.gov](mailto:boards@ashevillenc.gov).

## CURRENT VACANCIES

Application deadline is Sunday, August 27, 2023 at 5:00 p.m.

unless otherwise noted

Consideration of these appointments  
are scheduled for the October 10, 2023 Council meeting.

**AFFORDABLE HOUSING ADVISORY COMMITTEE** – Some duties of the Committee include: (1) to consider affordable housing policy issues and advise City leadership about those policies; (2) to develop concrete action steps to implement the highest priorities of the Affordable Housing Plan, and to update that Plan as appropriate over time; and (3) to advise City leadership and staff regarding affordable housing priorities for the investment of City-controlled funds.

**CIVIC CENTER COMMISSION** – Some duties of the Commission include (1) reviewing and making recommendations on programming goals and objectives for each venue in the Civic Center; (2) establishing a method for handling of customer service complaints; (3) developing and making recommendations regarding long range plans for the Civic Center; (4) reviewing and making recommendations on proposals for changes in the fees and charges for use of Civic Center facilities; (5) encouraging promotion of sports, recreation, entertainment and cultural events and activities, and to facilitate the use of the services and facilities of the Civic Center; and (6) performing other such tasks and functions as the City Council may direct.

**CIVIL SERVICE BOARD** – The Board works with the Human Resources Department to resolve employee grievances on an as-needed basis, as well as meets periodically to discuss personnel administration issues. Candidates for membership on the Civil Service Board must be “qualified voters of the City and not employed by the City.” To be a qualified voter of the City, the candidate must live inside the City limits and be registered to vote. Qualified candidates for the Civil Service Board must have been separated from employment or contract with the City of Asheville for at least 7 years, and not have a spouse currently employed with the City of Asheville.

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**DOWNTOWN COMMISSION** – (The Commission was established for the sustainability and continued development of downtown, a vital urban center of western North Carolina’s economic, cultural and visitor activity. The Commission’s purposes include: (1) recommend to City Council an overall policy for the continued development and sustainability of downtown; (2) provide recommendations for effective management of the public resources for downtown and actively pursue and assist private sector investment in the downtown area for the welfare of the citizens of Asheville; (3) carry out the powers and duties assigned to the Commission regarding downtown design review; and (4) cooperate with and evaluate and represent the recommendations of other organizations.

**HUMAN RELATIONS COMMISSION** - Duties of the commission include, but are not limited to: (1) Make policy recommendations to the City Council which promote and improve human relations and advance equity in the City; (2) Support the City’s Office of Equity and Inclusion; (3) Provide a forum where residents can raise issues and complaints relating to human relations in the City; (4) Engage the community regarding the utilization of City-funded programs and policies for the promotion of human relations; and (5) Promote and improve human relations and advance equity in the following areas: public safety; educational, art and cultural opportunities; economic development; health and human services; and housing.

**NOISE ADVISORY BOARD** - The Board is advisory to the Council and shall meet when called upon. Duties include 1) Evaluate the effectiveness of Ordinance No. 4390 regarding Noise Regulation and related city policies with the goal of developing recommendations regarding amendments, additions, or deletions; 2) Evaluate the effectiveness of enforcement of this article, including but not limited to response times, compliance rates, distribution of complaints, and ensuring equitable outcomes; 3) Propose long-term objectives for achieving reduction of sound levels in the community, and propose means for implementing such objectives; 4) Develop rules relative to the conduct of its meetings in accordance with City rules and policies governing advisory boards and commissions.

**PLANNING AND ZONING COMMISSION** – *(extended deadline is September 17. Please note interviews may be required)*. The Commission is an advisory board to City Council and shall (1) review all new text for proposed amendments to the Unified Development Ordinance (UDO), and proposals to zone or change the zoning of all property regulated under the UDO and to make recommendations to City probable future development of the City and its environs, including, but not limited to, studies and surveys of land uses, population, traffic, parking, and redevelopment needs; (3) formulate and recommend to City Council the adoption or amendment of a comprehensive plan and other plans, as necessary, for the City and its environs ; (4) review the terms of the UDO from time to time, as it deems appropriate, and to recommend to City Council any changes that the Commission considers necessary to regulate properly the development and use of land, buildings and structures; (5) review applications for planned unit development designation and the preliminary plans for such planned unit developments and to make recommendations to City Council for final action thereon; and (6) review and decide on approval of all proposed preliminary plats of major subdivisions.

**PUBLIC ART AND CULTURAL COMMISSION** – The Commission is responsible for promoting and maintaining art displays in public buildings and public spaces in the City of Asheville. In addition, the Commission (1) facilitates public art in public buildings and public spaces; (2) engages the creative sector as a major attraction for artists, cultural tourism and economic development; (3) encourages public confidence for and appreciation of the arts in Asheville; (4) works to build partnerships and collaborations throughout Asheville’s creative community; and (5) aids in strengthening the organizational structure of public and cultural arts delivery. The Public Art and Cultural Commission shall follow its Public Art Policy and Implementation Guidelines as modified and/or amended every five years, and (6) recommends to City Council the acceptance of works of art.

**SUSTAINABILITY ADVISORY COMMITTEE** - This Committee is responsible for developing and recommending policy to support topics such as sustainable energy, waste reduction, sustainable economic development and land use planning. The committee consists of nine Asheville City residents that are appointed by City Council. The term of office is three years.

**URBAN FORESTRY COMMISSION** – The purpose of the Urban Forestry Commission is to foster the preservation, planting, replacement and removal of trees without denying the reasonable use and enjoyment of real property. The Commission’s responsibilities include: facilitate the planting, growth and protection of trees within the City; foster the communication and coordination among the citizens of the City that would provide the needed support for protection of trees within the City; conduct continuing research, planning and feasibility assessments required to support the purposes of the Commission; and work with City staff to promote and enforce Chapter 20 of the Code of Ordinances of the City of Asheville regarding the regulation of planting, protection, preservation and removal of trees.

**TRANSIT COMMITTEE-** Notice: [This vacancy is open until filled.](#) The Committee functions as an advisory board to the Multimodal Transportation Commission and to the City staff on matters affecting the transit system and its operation. The Transit Committees consists of at least seven members and up to eleven members. All Transit Committee members are appointed by the Multimodal Transportation Commission. The terms of office are three years. Notice: For an application form, click [HERE](#), or contact Amber Wagner for more information.