

## RESOLUTION NO. 08-72

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT  
WITH NCDOT FOR INSTALLATION OF SIDEWALK ALONG THE WEST SIDE OF NC 191  
(BREVARD ROAD) FROM I-26 TO I-40

---

WHEREAS, pursuant to N.C.G.S. 160A-296, the City has general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under project U-3601, Buncombe County, said plans to consist of the improvement of NC 191 (Brevard Road) from I-26 to I-40; and

WHEREAS, NCDOT and the City propose to enter into an agreement for the above-referenced project whereby the City agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to NCDOT; and (2) to provide for the adjustment of any municipally-owned utilities without cost to NCDOT, except that NCDOT will reimburse the City in accordance with NCDOT's Municipally-Owned Utility Policy; and

WHEREAS, NCDOT agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

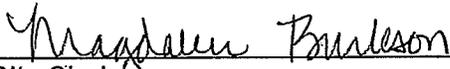
WHEREAS, at the request of the City, NCDOT shall construct a concrete sidewalk along the west side of the roadway for the entire length of the project, and shall reimburse NCDOT 40% of the actual cost of the work, which is estimated to be \$56,000; and

WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor be, and is hereby, authorized to execute an agreement with NCDOT for the installation of sidewalk along the west side of NC 191 (Brevard Road) from I-26 to I-40, known as Project U-3601

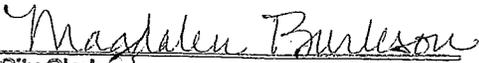
Read, approved and adopted this 8<sup>th</sup> day of April, 2008.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
City Clerk

## RESOLUTION NO. 08-73

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A MUNICIPAL AGREEMENT WITH NCDOT APPROVING THE REPLACEMENT OF BRIDGE #39 OVER THE SWANNANOA RIVER ON NC 81 IN ASHEVILLE

---

WHEREAS, pursuant to N.C.G.S. 160A-296, the City has general authority and control over public streets, sidewalks, alleys, and bridges, and pursuant to N.C.G.S. 136-41.3 the City is authorized to enter into agreements for maintenance, repair, construction, widening or improving streets; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under project B-2515, Buncombe County, said plans to consist of the replacement of Bridge #39 over the Swannanoa River on NC 81; and

WHEREAS, NCDOT and the City propose to enter into an agreement for the above-mentioned project whereby the City agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to NCDOT; and (2) to provide for the adjustment of any municipally-owned utilities without cost to NCDOT, except that said NCDOT will reimburse the City in accordance with NCDOT's Municipally-Owned Utility Policy; and

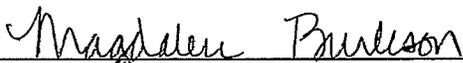
WHEREAS, NCDOT agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor be, and is hereby, authorized to execute a municipal agreement with NCDOT for the replacement of Bridge # 39 over Swannanoa River on NC 81, Project B-2515.

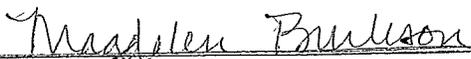
Read, approved and adopted this 8<sup>th</sup> day of April, 2008.

  
 \_\_\_\_\_  
 City Clerk

  
 \_\_\_\_\_  
 Mayor

Approved as to form:

  
 \_\_\_\_\_  
 City Attorney

  
 \_\_\_\_\_  
 City Clerk

RESOLUTION NO. 08-74

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A MUNICIPAL AGREEMENT WITH NCDOT APPROVING THE REPLACEMENT OF BRIDGE #85 OVER HOMINY CREEK ON NC 112 (SAND HILL ROAD) IN ASHEVILLE

WHEREAS, pursuant to N.C.G.S. 160A-296, the City has general authority and control over public streets, sidewalks, alleys, and bridges, and pursuant to N.C.G.S. 136-41.3 the City is authorized to enter into agreements for maintenance, repair, construction, widening or improving streets; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under project B-4033, Buncombe County, said plans to consist of the replacement of Bridge #85 over Hominy Creek on NC 112 (Sand Hill Road); and

WHEREAS, NCDOT and the City propose to enter into an agreement for the above-mentioned project whereby the City agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to NCDOT; and (2) to provide for the adjustment of any municipally-owned utilities without cost to NCDOT, except that said NCDOT will reimburse the City in accordance with NCDOT's Municipally-Owned Utility Policy; and

WHEREAS, NCDOT agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

WHEREAS, the agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor be, and is hereby, authorized to execute a municipal agreement with NCDOT for the replacement of Bridge # 85 over Hominy Creek on NC 112 (Sand Hill Road), Project B-4033.

Read, approved and adopted this 8<sup>th</sup> day of April, 2008.

Magdalen Bouderson  
City Clerk

Jewyn Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bouderson  
City Clerk

## RESOLUTION NO. 08-75

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CITY OF ASHEVILLE DESIGNATION AS A RECIPIENT OF THE JOB ACCESS AND REVERSE COMMUTE, AND NEW FREEDOM FUNDS

---

WHEREAS, pursuant to N.C.G.S. 160A-17.1, the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the FTA initiated in 2006 the Job Access and Reverse Commute (JARC) formula grant program oriented to provide job access in the urbanized and suburbanized area; and

WHEREAS, the FTA also initiated the New Freedom formula grant program to provide public transportation service to individuals with disabilities with transportation, including transportation to and from jobs and employment support services; and

WHEREAS, these funds totalize \$364,493 for JARC and \$228,799 for New Freedom, and represent the Federal allocations for FY 2006, 2007 and 2008; and

WHEREAS, the City of Asheville has initiated the planning process to identify needs, gaps and set goals, and the stakeholders have been invited to participate in this process; and

WHEREAS, the funds allocated to fulfill some of these needs will benefit the region;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council authorizes the Mayor to accept the City of Asheville designation as a recipient of the Job Access and Reverse Commute, and New Freedom funds.

Read, approved and adopted this 8<sup>th</sup> day of April, 2008.

Margalen Boulson  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margalen Boulson  
City Clerk

RESOLUTION NO. 08-76

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
 AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE  
 REIMBURSEMENT OF FUNDS TO BE EXPENDED FOR BUS SERVICE TO  
THE TOWN OF WEAVERVILLE

WHEREAS, the City is in need of, and in receipt of demand for, intercity transit service, specifically to the Weaverville area north of the City of Asheville; and

WHEREAS, N.C.G.S. §160A-17.1, authorizes the City to apply for and accept grants-in-aid and loans from the federal and State governments; and

WHEREAS, the City has received a grant from NCDOT to reimburse the City Of Asheville for the cost of operating intercity service to Weaverville; and

WHEREAS, City staff recommends that the City enter into an Agreement with NCDOT for the reimbursement of funds to be expended for service to Weaverville.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to enter into an agreement with the North Carolina Department of Transportation for the reimbursement of funds to be expended for service to Weaverville.

Read, approved and adopted this the 8<sup>th</sup> day of April 2008.

Magdalen Bourleson  
 City Clerk

Jerry Bellamy  
 Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalen Bourleson  
 City Clerk

RESOLUTION NO. 08-77

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
 AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE  
 REIMBURSEMENT OF FUNDS TO BE EXPENDED FOR BUS SERVICE TO  
 THE TOWN OF BLACK MOUNTAIN

---

WHEREAS, the City is in need of, and in receipt of demand for, intercity transit service, specifically to the Black Mountain area east of the City of Asheville; and

WHEREAS, N.C.G.S. §160A-17.1, authorizes the City to apply for and accept grants-in-aid and loans from the federal and State governments; and

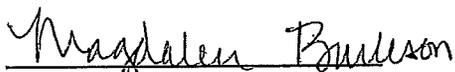
WHEREAS, the City has received a grant from NCDOT to reimburse the City Of Asheville for the cost of operating intercity service to Black Mountain; and

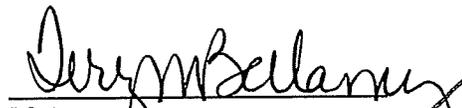
WHEREAS, City staff recommends that the City enter into an Agreement with NCDOT for the reimbursement of funds to be expended for service to Black Mountain.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

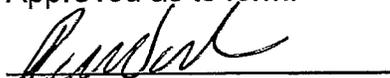
The Mayor is hereby authorized to enter into an agreement with the North Carolina Department of Transportation for the reimbursement of funds to be expended for service to Black Mountain.

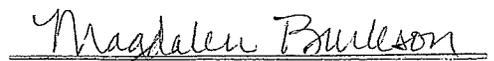
Read, approved and adopted this the 8<sup>th</sup> day of April 2008.

  
 City Clerk

  
 Mayor

Approved as to form:

  
 City Attorney

  
 City Clerk

RESOLUTION NO. 08-78

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA MOUNTAIN ROOFING AND CONSTRUCTION, INC. IN THE AMOUNT OF \$121,700 FOR ROOF REPLACEMENT AT MONTFORD RECREATION CENTER, EAST ASHEVILLE RECREATION CENTER, AND OAKLEY RECREATION CENTER

WHEREAS, pursuant to N.C.G.S. 160A-11, the City may enter into contracts with private entities; and

WHEREAS, the existing roof systems at Montford Recreation Center, East Asheville Recreation Center, and Oakley Recreation Center have outlived their useful lives and functioning inadequately and in need of full replacement; and

WHEREAS, City Council approved \$150,000 as part of the City's FY 07/08 capital improvement budget for roof replacement at Montford Recreation Center, East Asheville Recreation Center, and Oakley Recreation Center; and

WHEREAS, new roofs at Montford Recreation Center, East Asheville Recreation Center, and Oakley Recreation Center will prevent further leaking and damage to the interiors of the centers and significantly reduce maintenance costs; and

WHEREAS, the City issued a request for proposals to commercial roofing contractors and received a proposal from Carolina Mountain Roofing and Construction, Inc. for \$121,700 as the lowest, qualified bid, and within the amount allocated for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into a contract with Carolina Mountain Roofing and Construction, Inc. in the amount of \$121,700 for roof replacement at Montford Recreation Center, East Asheville Recreation Center, and Oakley Recreation Center.

Read, approved and adopted this 8<sup>th</sup> day of April, 2008.

Magdalen Bureson  
City Clerk

Jerry M Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL UTILITY AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$918,851.30 FOR THE PROJECT KNOWN AS R-2813 B.**

---

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into agreements to carry out any public purpose the City is authorized to engage in; and

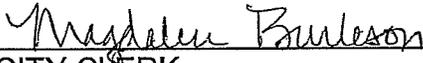
WHEREAS, the Water Department determined that it is in the public interest to have and execute a Supplemental Utility Agreement for the upgrade of an 8 inch and 6 inch water line to a 24 inch and 12 inch water line on Long Shoals Road from west of Clayton Road to east of I-26 for the City of Asheville's water system; and

WHEREAS, the Water Resources staff recommends that City Council to approve the Supplemental Utility Agreement with NCDOT for the water line improvement project; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

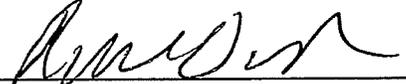
The Mayor, on behalf of the City of Asheville, is hereby authorized to execute a Supplemental Utility Agreement for the installation of a 24 inch and 12 inch water line on Long Shoals Road from west of Clayton Road to east of I-26 in the amount of \$918,851.30 and further authorizes the City Manager to execute any change orders to said contract or other documents which might arise during said project up to the budgeted amount in a contract agreement form approved by the City Attorney.

Read, approved, and adopted this 8th day of April 2008.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 08-80

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$75,000.00 FOR PROJECT 13CR.10111.7

---

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into agreements to carry out any public purpose the City is authorized to engage in; and

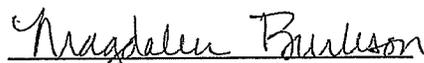
WHEREAS, the Water Department determined that it is in the public interest to have and execute a Maintenance Agreement for the milling and resurfacing of US 70-74 Tunnel Road from the tunnel to Kenilworth Road; and

WHEREAS, the Water Resources staff recommends that City Council to approve the Maintenance Agreement with NCDOT for the roadway improvement project; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute a Maintenance Agreement for the roadway improvements of US 70-74 Tunnel Road from the tunnel to Kenilworth Road in the amount of \$75,000.00 and further authorizes the City Manager to execute any change orders to said contract or other documents which might arise during said project up to the FY 2007-2008 budgeted amount in a contract agreement form approved by the City Attorney.

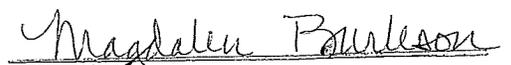
Read, approved, and adopted this 8th day of April, 2008.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 08- 81

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE EARTH DAY CELEBRATION ON SATURDAY, APRIL 19, 2008 FROM 10:00 A.M. – 10:00 P.M. AT MARTIN LUTHER KING JR. PARK.

---

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Earth Day Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Earth Day Celebration area. The Asheville Earth Day Celebration area described is as follows: within the boundaries of the designated area of Martin Luther King Jr. Park, as set forth in Exhibit A attached to this resolution.
2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Earth Day Celebration on the days and during the times specified as follows: Saturday, April 19, 2008 from 10:00 a.m. until 10:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Earth Day Celebration area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Earth Day Celebration area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.
4. The location of the Asheville Earth Day Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the Festival area.

Read, approved and adopted this 8<sup>th</sup> day of April 2008.

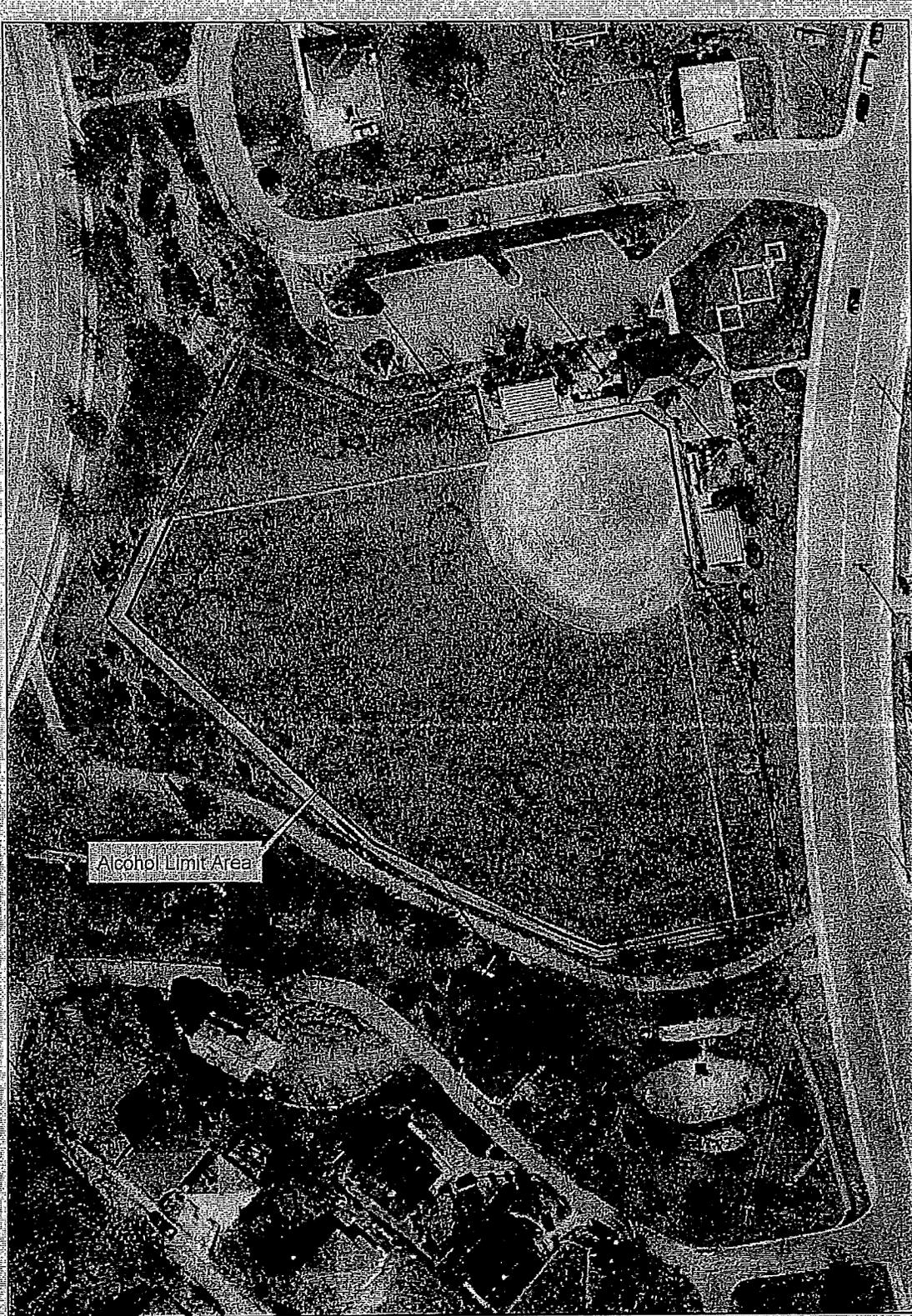
Magdalen Boulton  
City Clerk

John Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulton  
City Clerk



Martin Luther King, Jr. Park