

RESOLUTION NO. 08- 146

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R & W INCORPORATED NOT TO EXCEED \$111,655.00 TO SUPPLY AND CONSTRUCT A NEW HVAC SYSTEM FOR THE BURTON STREET COMMUNITY CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for construction and/or repairs with other entities; and

WHEREAS, City Council approved a budget amendment of \$215,000 (\$60,000 along with \$155,000 CDBG grant) as part of the City's FY 07/08 capital improvement budget costs associated with installing an HVAC system at Burton Street Recreation Center (and other improvements); and

WHEREAS, the City of Asheville is installing energy efficient windows, doors, fixtures and HVAC in compliance with the new Greening Initiates; and

WHEREAS, pursuant to N.C.G.S. 143-131, the City issued a request for proposals to HVAC contractors and received a proposal from R&W Incorporated for \$111,655.00 as the lowest responsible 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 R & W Incorporated for the supply and construction of a new HVAC System for the Burton Street Recreation Center for an amount not to exceed \$111,655.00.

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Paulson
City Clerk

Greg Bellamy
Mayor

Approved as to form: .

[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 08- 147

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A 5 YEAR SERVICE AGREEMENT WITH MCQUAY FACTORY SERVICE FOR MAINTENANCE AND REPAIR OF THE CIVIC CENTER CHILLER

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the city of Asheville requires maintenance coverage of its Civic Center chiller; and

WHEREAS, the amount of this contract is \$100,000 over five years payable in monthly installments; and

WHEREAS, the funding of \$18,000.00 for the first year of said contract is budgeted in the Civic Center's FY 2008-2009 Budget.

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

The City Manager is hereby authorized to enter into an agreement with McQuay Factory Service on behalf of the city of Asheville for the purpose of maintaining the city's Civic Center chiller for a 5 year period in the total amount of \$100,000.00. The City Manager is further authorized to execute any amendments to said contract which might arise during the term of the contract up to the budgeted amount.

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Boulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 08-148

RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY LOCATED ON HUNT HILL PLACE FOR PROPERTY LOCATED ON ARDMION PARK ROAD PLUS ADDITIONAL CONSIDERATION

WHEREAS, the City of Asheville (hereinafter referred to as "City"), owns real property located on Hunt Hill Place, further described as an 1.0592+/- acre portion of PINs 9648.07-57-5714 and 9648.11.57-5224, on the Buncombe County Tax Map; and

WHEREAS, Satchel's Development, Inc. has proposed to exchange real property located on Ardmion Park Road further described as an 0.854 +/- acre portion of PIN 9648.07-57-9853, on the Buncombe County Tax Map; and

WHEREAS, the City's property has an appraised value of \$130,300 per an appraisal performed by Underdown Ball and Associates, LLC; and

WHEREAS, the property owned by Satchel's Development, Inc. has an appraised value of \$120,900 per an appraisal performed by Underdown Ball and Associates, LLC; and

WHEREAS, to provide that the exchange is full and fair, Satchel's Development will provide additional consideration in the amount of \$9,400 in cash; and

WHEREAS, the City and Satchel's Development, Inc. has negotiated an exchange of the City property for the Satchel's Development, Inc. property; and

WHEREAS, notice was duly published in the Asheville Citizen-Times on June 27, 2008;

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

Pursuant to North Carolina General Statute Sec. 160A-271, the Mayor is hereby authorized to execute a deed of conveyance and all related documents in order to convey to Satchel's Development, Inc. real property located on Hunt Hill Place, being an 1.0592 +/- acre portion of PINs 9648.07-57-5714 and 9648.11.57-5224, on the Buncombe County Tax Map, in exchange for the property owned by Satchel's Development, Inc. further described as a 0.85 +/- acre portion of PIN 9648.07-57-9853 on the Buncombe County Tax Map, plus additional monetary consideration in the amount of \$9,400.

Read and approved and adopted this 22nd day of July, 2008.

Magdalen Boulson
CITY CLERK

[Signature]
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 08- 149

RESOLUTION EXTENDING THE TERM OF A MEMBER ON THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the term of Barbara Field, as a member of the Asheville Alcoholic Beverage Control Board, expired on November 13, 2007; and

WHEREAS, as the Board moves forward with the development of architectural plans for new stores on Tunnel Road, Leicester Highway and US 74A in the Reynolds area and as they continue their program of remodeling existing locations, Ms. Field's training as an architect will continue to prove useful;

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

Ms. Barbara Field, 33 Haywood Street, Asheville, N.C., be and she is hereby granted an extension of her term until April 1, 2009, or until her successor has been appointed.

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Boulson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 08- 150

RESOLUTION AUTHORIZING THE ASHEVILLE CITY COUNCIL TO SUPPORT
 A RESOLUTION RECOGNIZING OSOGBO, OSUN, NIGERIA AS AN OFFICAL
 SISTER CITY TO THE CITY OF ASHEVILLE

WHEREAS, the Asheville City Council supports the Asheville Sister Cities Program, administered by Asheville Sister Cities International, which encourages cultural exchanges, strengthens friendships and goodwill between nations, and increases the collaboration for the mutual benefit of both cities; and

WHEREAS, the addition of Osogbo, Osun, Nigeria as a new Sister City will expand the opportunities available to the people of City of Asheville to experience Nigerian culture, and offer the people of Osogbo the opportunity to exchange with citizens in Asheville, creating benefits for both communities; and

WHEREAS, Asheville Sister Cities representatives will travel to Osogbo, Osun, Nigeria in August 2008 to meet with head governmental officials to sign official documentation designating Osogbo, Osun, Nigeria and Asheville, North Carolina as Sister Cities under the auspices of Sister Cities International; and

WHEREAS, the Asheville City Council supports the recognition of Osogbo, Osun, Nigeria, as an official Sister City of the City of Asheville, North Carolina in order to promote and encourage cross-cultural exchange through the goodwill practices of Asheville Sister Cities International.

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

The Asheville City Council officially recognizes Osogbo, Osun, Nigeria as a Sister City of the City of Asheville and hereby authorizes the Mayor to enter into the Sister City Agreement with Osogbo, Osun, Nigeria.

Read, approved and adopted this 22nd day of July 2008.

Magdalen Burlington
 City Clerk

Jeff Bellamy
 Mayor

Approved as to form:

[Signature]
 City Attorney

Magdalen Burlington
 City Clerk

RESOLUTION NO. 08-151

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED PORTION OF PEACE STREET

WHEREAS, the City of Asheville is hereby declaring its' intent to permanently close an unopened portion of Peace Street be permanently closed to public use; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close an unopened portion of Peace Street as bounded by Parcel Identification Numbers: 9638.20.71.5460, 9638.20.71.5361, 9638.19.71.4323 & 9638.19.71.4432.
2. A public hearing on the question of the closing this street known as an unopened portion of Peace Street is hereby called for Tuesday, August 26, 2008, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers Room, 2nd floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on August 26, 2008.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned right-of-ways. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this right-of-ways not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Burlington
City Clerk

Irving Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlington
City Clerk

RESOLUTION NO. 08- 152

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, the terms of Scott Barnwell, Geoffrey Ferland and Jim Drummond, as members on the Recreation Board, expired on June 30, 2008;

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

Mr. Scott Barnwell, 21 Robindale Avenue, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve a three year term, term to expire on June 30, 2011, or until his successor has been appointed.

Mr. Geoffrey Ferland, 1-B Howland Road, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve an additional three year term, term to expire on June 30, 2011, or until his successor has been appointed.

Mr. Lonnie Gilliam 10 Gilliam Place, Asheville, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve a three year term, term to expire on June 30, 2011, or until his successor has been appointed.

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Brouleson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Brouleson
City Clerk

RESOLUTION NO. 08- 153

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DIXON HUGHES PLLC FOR AUDITING SERVICES FOR FISCAL YEAR 2007-08

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, Dixon Hughes has submitted a proposal to provide audit services to the City Council for Fiscal Year 2007-2008; and

WHEREAS, the City Council desires that the City's Fiscal Year 2007-2008 audit service contract be awarded to the firm Dixon Hughes; and

WHEREAS, the funds have been budgeted in the Accounting Division of the Finance Department's budget;

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

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Dixon Hughes PLLC, in the amount of \$98,900 for auditing services for Fiscal Year 2007-2008

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Paulson
City Clerk

Derry Bellamy
Mayor

Approved as to form:

Paul J. [Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 08- 154

RESOLUTION ACCEPTING HUNTINGTON CHASE DRIVE IN THE RECENTLY ANNEXED HUNTINGTON CHASE AREA OF THE CITY OF ASHEVILLE AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to N.C.G.S. 160A-296, the city of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Huntington Chase Drive is now located in the corporate limits of the City of Asheville; and

WHEREAS, Huntington Chase Drive is identified on the Buncombe County Tax Maps as PIN 9659.12-87-1295 in the Huntington Chase Annexation Area; and

WHEREAS, the Annexation Services Plan for the subject area states that the City will accept this street in the annexed area if the property owners provide the right-of-way; and

WHEREAS, dedication of the 50-foot right-of-way for Huntington Chase Drive has been recorded in Plat Book 66 at Page 63;

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

The City of Asheville hereby accepts Huntington Chase Drive as shown in Plat Book 66 Page 63, of the Buncombe County Registry and further described as PIN No. 0659.12-87-1295, on the Buncombe County Tax Map as a City-maintained street, effective the 31st day of July, 2008, and the City Attorney shall cause appropriate documents to be filed, if any, reflecting this acceptance.

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Boulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 08- 155

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ROCKIN THE RIVER RAFT RACE ON THE DATE OF SATURDAY, AUGUST 2, 2008 FROM 9:00 AM – 6:00 PM.

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 Rockin the River Raft Race.

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 Rockin the River Raft Race event area.

The Rockin the River Raft Race event area is within the boundaries of the French Broad River Park, as set forth on a map attached as Exhibit "A".

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 Rockin the River Raft Race on Saturday, August 2, 2008, from 9:00 AM – 6:00 PM.
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 Ingle's July 4th Celebration event 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 Rockin the River Raft Race event 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 Rockin the River Raft Race, 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 22nd day of July 2008.

Magdalen Boulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk



RESOLUTION NO. 08-156

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENTERPRISE LICENSE AGREEMENT WITH ESRI, INC FOR GEOGRAPHIC INFORMATION SYSTEMS (GIS) SOFTWARE LICENSING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the city of Asheville requires this software for support of numerous internal and external operations.

WHEREAS, the amount of this contract is \$150,000 over 3 years payable in \$50,000.00 yearly installments; and

WHEREAS, the funding for the first payment of \$50,000 is budgeted in the Information Technology Department's FY 2008-2009 Budget;

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with ESRI, Inc for \$150,000.00. The City Manager is further authorized to execute any amendments to said contract which might arise during the term of the contract up to the budgeted amount.

Read, approved and adopted this the 22nd day of July, 2008.

Magdalen Burlington
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

Russell
City Attorney

Magdalen Burlington
City Clerk

RESOLUTION NO. 08-157

RESOLUTION APPOINTING A MEMBER TO THE WNC REGIONAL AIR QUALITY AGENCY

WHEREAS, the term of Dean Kahl, as a member on the WNC Regional Air Quality Agency Board, expired on July 1, 2008;

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

Dean Kahl, 2 Fox Lair Court, Asheville, N.C., be and he is hereby reappointed, as a member on the WNC Regional Air Quality Agency Board, to serve a six-year term, term to expire July 1, 2014, or until his successor has been appointed.

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Paulson
CITY CLERK

Jerry M Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 08- 158

RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

WHEREAS, the terms of Cindy Weeks, C. Jerome Jones and Darryl Hart, as members on the Planning & Zoning Commission, expire on August 14, 2008;

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

Ms. Cindy Weeks, 132 Cambridge Road, Asheville, N.C., be and she is hereby reappointed a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2011, or until her successor has been appointed.

Mr. C. Jerome Jones, 42 Dover Street, Asheville, N.C., be and he is hereby reappointed a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2011, or until his successor has been appointed.

Mr. Darryl Hart, 60 Phifer Street, Asheville, N.C., be and he is hereby reappointed a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2011, or until his successor has been appointed.

Read, approved and adopted this 22nd day of July, 2008.

Magdalen Paulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

Russell
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 08- 159

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CORT ARCHITECTURAL GROUP, PA, TO PROVIDE A CONSTRUCTION PLANS AND DOCUMENTS, AND CONSTRUCTION ADMINISTRATION SERVICES TO REPLACE THE EXISTING ROOF ON THE CIVIC CENTER ARENA AND CONCOURSE WITH AN ENVIRONMENTALLY SENSITIVE HIGH EMISSIVITY ROOF

WHEREAS, the City of Asheville wishes to replace the roof on the Civic Center Arena and Concourse; and

WHEREAS, staff prepared a request for proposals to solicit an architect to provide a feasibility analysis of a "green" roof replacement, construction documents and construction management services; and

WHEREAS, two firms' submitted proposals and Cort Architect Group, PA, was determined to be the most qualified to perform this work; and

WHEREAS, Cort Architectural Group, PA has completed the structural analysis for the existing truss system.

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

The City Manager is authorized to execute a contract with Cort Architectural Group, PA in the amount not to exceed \$132,099 plus a contingency of \$20,000 to provide a construction plans and documents, and construction administration services to replace the existing roof on the Civic Center arena and concourse with an environmentally sensitive high emissivity roof.

Read, approved and adopted this the 22nd day of July 2008.

Magdalen Paulson
City Clerk

Greg Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk