

RESOLUTION NO. 08- 47RESOLUTION REMOVING A MEMBER FROM THE ASHEVILLE REGIONAL AIRPORT  
AUTHORITY AND APPOINTING A NEW MEMBER TO THE UNEXPIRED TERM

WHEREAS, the Asheville City Council desires for one of its appointments to the Asheville Airport Authority to be a current member of City Council; and

WHEREAS, Councilman Bryan Freeborn, who was appointed to the Airport Authority pursuant to Resolution No. 06-38 is no longer a member of City Council;

WHEREAS, on January 15, 2008 it was consensus of Council to appoint Councilman Brownie Newman to fill this vacancy;

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

Councilman Bryan Freeborn be, and is hereby, removed from the Asheville Airport Authority;

Councilman Brownie Newman, 4 Arborvale Road, Asheville, North Carolina, be and he is hereby appointed, as a member of the Asheville Regional Airport Authority, to fill the unexpired term of Bryan Freeborn, term to expire June 30, 2008. If at any time during this term Brownie Newman ceases to be a member of the City Council, it shall be cause for removal from the Airport Authority.

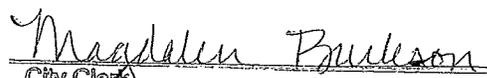
Read, approved and adopted this 11<sup>th</sup> day of March, 2008.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 08- 48

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, Councilwoman Robin Cape has resigned from the ex-officio non-voting member on the Citizens/Police Advisory Committee, thus creating a vacancy for a City Council representative;

WHEREAS, on January 15, 2008 it was consensus of Council to appoint Vice Mayor Jan Davis to fill this vacancy;

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

Vice-Mayor Jan Davis, 31 Graystone Road, Asheville, N.C. be and he is hereby appointed as the ex-officio non-voting City Council representative on the Citizens/Police Advisory Committee to serve a term according to the length of his Council term of office.

Read, approved and adopted this 11<sup>th</sup> day of March, 2008.

*Keisha Spe*  
CITY CLERK

*Jeff Bellamy*  
MAYOR

Approved as to form:

*Randall*  
CITY ATTORNEY

*Magdalen Bourleson*  
City Clerk

## RESOLUTION NO. 08-49

RESOLUTION REMOVING A MEMBER FROM THE METROPOLITAN SEWERAGE DISTRICT BOARD AND APPOINTING A NEW MEMBER TO THE UNEXPIRED TERM

WHEREAS, Councilman Brownie Newman has resigned from the Metropolitan Sewerage District Board, thus creating a vacancy;

WHEREAS, on January 15, 2008 it was consensus of Council to appoint Councilman Bill Russell to fill this vacancy;

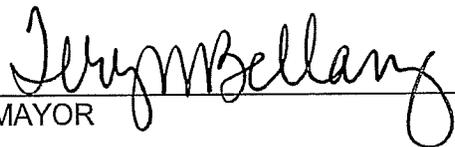
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Brownie Newman be, and is hereby, removed from the Metropolitan Sewerage District Board;

Councilman Bill Russell, 51 Brookwood Road, Asheville, North Carolina, be and he is hereby appointed, as a member of the Metropolitan Sewerage District Board, to fill the unexpired term of Brownie Newman, term to expire July 1, 2009.

Read, approved and adopted this 11<sup>th</sup> day of March, 2008.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 08-50

RESOLUTION MODIFYING THE 2008 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

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

The City Council worksessions will be held on the third Tuesday of each month at 3:00 p.m. in the Council Chamber, located on the 2<sup>nd</sup> Floor of the City Hall Building, Asheville, North Carolina.

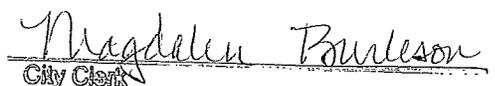
Read, approved and adopted this 11<sup>th</sup> day of March, 2008.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 08- 51

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING PROPERTY AT THE CORNER OF BAXTER STREET AND MARTIN LUTHER KING JR. DRIVE

WHEREAS, the City of Asheville owns certain property on Baxter Street and Martin Luther King Jr., Drive, being PIN 9649.19-60-6731; and

WHEREAS, the City of Asheville has received an offer to purchase said property from David Freck of Asheville in the amount of \$18,000; and

WHEREAS, the property has been appraised by Richard Smith and corresponding bid is equal to the appraisal value; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids; and

WHEREAS, the City has no anticipated need for the property;

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

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell the parcel of real property at the corner of Baxter Street and Martin Luther King Jr. Drive, PIN 9649.19-60-6731 to David Freck for \$18,000.00. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first \$1,000.00 and 5% of the remainder of the purchase price of \$18,000.00.

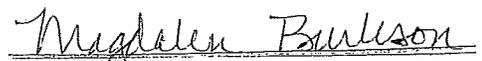
Read and approved and adopted this 11<sup>th</sup> day of March, 2008.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 08-52

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A FINAL CHANGE ORDER FOR HOBSON CONSTRUCTION COMPANY FOR THE HOMINY CREEK WATERLINE CROSSING PROJECT

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 desires to make water system improvements known as Hominy Creek Waterline Crossing; and

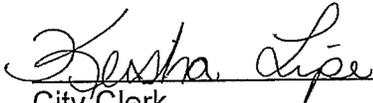
WHEREAS, Hobson Construction Company submitted and was awarded the low bid in the amount of \$384,299.99 for the Hominy Creek Waterline Crossing Project; and

WHEREAS, Hobson Construction Company encountered conditions requiring the installation of additional linear feet of water line in the amount of \$37,166.01 for a total project cost of \$421,466.00;

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the change order with Hobson Construction Company in the amount of \$37,166.01 for a total project cost of \$421,466.00 for the construction of the Hominy Creek Waterline Bridge Crossing project, and further authorized to execute any additional change orders to said contract or documents which might arise during construction of said project up to the budgeted amount.

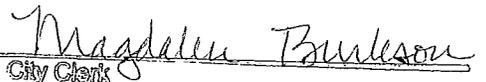
Read, approved and adopted this 11<sup>th</sup> day of March, 2008.

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

  
\_\_\_\_\_  
Mayor

Approved as to form:

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

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

RESOLUTION NO. 08-53

RESOLUTION TO AMEND THE CITY'S 2006 AND 2007 CONSOLIDATED ACTION PLANS

WHEREAS, the City of Asheville receives an annual entitlement grant from the federal Community Development Block Grant (CDBG) program to meet the housing needs of low- and moderate-income residents, improve their living conditions and economic opportunities, and eliminate slum and blight; and

WHEREAS, City Council adopted an Action Plan on April 24, 2007, for the use of funds in FY 2008; and

WHEREAS, CDBG funds in the amount of \$10,000 were allocated to Neighborhood Housing Services of Asheville, Inc. (NHS) for the purpose of community organizing to assist revitalization in the West Riverside Weed and Seed area; and

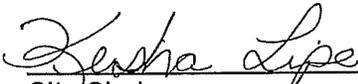
WHEREAS, NHS ceased operating its programs on June 30, 2007, and

WHEREAS, it is in the public interest that this program be implemented,

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

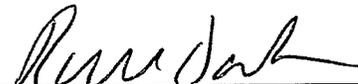
The balance of \$10,000 in CDBG funds be reallocated to the City of Asheville's Parks & Recreation Department and used to contract with a community organizer to provide technical assistance to the Weed & Seed program in the West Riverside Neighborhood Revitalization Strategy area.

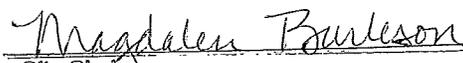
Read, approved and adopted this 11th day of March, 2008.

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

  
\_\_\_\_\_  
Mayor

Approved as to form:

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

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

## RESOLUTION NO. 08- 89 /

## RESOLUTION APPROVING SETTLEMENT OF CLAIM BY ASHEVILLE CLAIMS CORPORATION (BFS RETAIL AND COMMERCIAL OPERATIONS, LLC, CLAIMANT)

WHEREAS, BFS Retail and Commercial Operations, LLC (herein "BFS") has filed a lawsuit (WDNC #1:07 CV019) against the City alleging that the City is liable to BFS for damage to its commercial building (the Firestone tire store) on Tunnel Road in the amount of \$567,000 as a result of a waterline rupture that occurred on December 1, 2004; and

WHEREAS, the lawsuit was mediated on January 17, 2008, and the parties agreed to a settlement of \$185,000 to be paid by Asheville Claims Corporation on behalf of the City of Asheville to BFS, subject to approval by the Asheville City Council, which occurred in closed session on January 22, 2008; and

WHEREAS, pursuant to Resolution No. 93-145, the City Council must approve settlements of claims covered by the Asheville Claims Corporation if the amount of the settlement exceeds \$25,000; and

WHEREAS, the settlement has now been finalized;

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

As required by N.C.G.S. 143-318.11(a)(3), the terms of the settlement of the above-described matter are hereby made a matter of public record, and the City Clerk is directed to enter this resolution in the official minutes of the City Council.

All settlement documents in this matter are hereby made a matter of public record, as required by N.C.G.S. 132-1.3.

Nothing herein may be construed as a waiver of governmental immunity with respect to any claims against the City of Asheville.

Read, approved and adopted this 11th day of March, 2008,

Magdalen Boulson  
City Clerk

Ingolf B. Bell  
Mayor

Approved as to form:

Russell  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 08-90

RESOLUTION APPROVING SETTLEMENT OF CLAIM BY ASHEVILLE CLAIMS CORPORATION (HAUSERS, CLAIMANT)

WHEREAS, the Hausers have made a claim against the City alleging that the City is liable to them for damage to their house at 27 Melrose Place as a result of a water intrusion into the house from a leaking waterline, with estimates of damages exceeding \$200,000; and

WHEREAS, after being notified of the problem in September of 2006, the City attempted unsuccessfully to locate a leak in its line, but did not locate the leak until March of 2007; and

WHEREAS, the claim was referred to the Asheville Claims Corporation, which negotiated a settlement of \$150,000, which was approved by the Asheville City Council in closed session on January 22, 2008; and

WHEREAS, pursuant to Resolution No. 93-145, the City Council must approve settlements of claims covered by the Asheville Claims Corporation if the amount of the settlement exceeds \$25,000; and

WHEREAS, the settlement has now been finalized;

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

As required by N.C.G.S. 143-318.11(a)(3) the terms of the settlement of the above-described matter are hereby made a matter of public record, and the City Clerk is directed to enter this resolution in the official minutes of the City Council.

All settlement documents in this matter are hereby made a matter of public record, as required by N.C.G.S. 132-1.3.

Nothing herein may be construed as a waiver of governmental immunity with respect to any claims against the City of Asheville.

Read, approved and adopted this 11th day of March, 2008,

Magdalen Boulton  
City Clerk

[Signature]  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulton  
City Clerk