

RESOLUTION NO. 08-220

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE DEPARTMENT OF JUSTICE, OFFICE OF THE JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR THE EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT FOR ASHEVILLE POLICE DEPARTMENT'S APPROPRIATE AND EFFECTIVE FORCE OPTIONS INITIATIVE (AEFOI)

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants: and

WHEREAS, the Department of Justice Programs, Bureau of Justice Assistance, has invited the City of Asheville to accept grant funds in the amount of \$201,228 for the purchase of specialized simulator training equipment. These items to assist the Asheville Police Department imitative to provide proper force options for the officer's on patrol, ultimately reducing injury, providing for stronger court cases and reduction departmental liability

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 the Department of Justice Office Programs, Bureau of Justice Assistance, for a grant in the amount of \$201,228 to assist the Asheville Police Department in the providing specialized training for appropriate force application.

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

Magdalen Bourleson
CITY CLERK

Jerry Bellamy
MAYOR

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO.08- 221

RESOLUTION AUTHORIZING THE PURCHASE OF GASID AND RESPONDER SPECTROMETER FOR THE CHEMICAL IDENTIFICATION OF UNKNOWN SOLIDS, GASES AND LIQUIDS FROM A SOLE SOURCE UTILIZING STATE HOMELAND SECURITY GRANT NUMBER 2007 -GE-T7-0048-1016

WHEREAS, N.C. General Chapter 143, Article 129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item(6) of G.S. 143-129(e) states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when "(ii) a needed product is available from only one source of supply or (iii) standardization or compatibility is the overriding consideration." and

WHEREAS, Smith Detection has been identified as the "sole source" for the GASID and Responder Spectrometer for the identification of unknown chemical gases, solids and/or liquids for hazardous material response and has submitted a proposal to the City in the amount of \$ 99,455.00 to furnish all items further described on the attached Exhibit A; and

WHEREAS, an advertisement notifying the public of the City's intent to make a sole source purchase has been published prior to the date of the Council formal work session; and

WHEREAS, funds from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management are available for the procurement of equipment to be used by Hazardous Materials Regional Response Team 6 – Asheville, State Homeland Security Grant FY07

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

City Council hereby authorizes the sole source purchase of the materials identified in Exhibit A as permitted under NCGS 143-129(e)(6) from Smith Detection in the amount of \$99,455.00

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

Magdalen Brulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Brulson
City Clerk

smiths

Smiths Detection

Quotation for:

Asheville Fire and Rescue Department
100 Court Avenue
Asheville, NC 28801

DATE: 5/9/2008

QUOTATION NO.: OFXZQA10003T

PAGE NO.: Page 1 of 9

TERMS: Net 30

VALID UNTIL: 11/21/2008

DELIVERY: See Terms & Conditions Summary Page

WARRANTY: One year parts and labor

DELIVERY TERMS: EX Works Danbury, CT

Federal ID#: 22-355-2823

Item	Qty	Part No.	Description	Base Price	Net Price
1	1	023-3005	GasID Partnership Package	\$62,500.00	\$62,500.00

The first, truly portable FT-IR gas and vapor identification tool designed for use by Emergency Responders.

Sample interfaces: A customized thermal desorption tube and sampling pump pre-concentrates the gas or vapor for analysis. Identification is performed by infrared analysis in a gas cell after the sample is pumped through the desorption tube. Alternatively, a Tedlar bag interface is provided for sample collection. Filling the Tedlar bag with a conventional sample pump or other non-destructive gas detector will facilitate analysis and identification with the GasID's internal gas cell.

Smiths Detection customized data collection: Includes software for advanced data manipulation, GasID software for control of the GasID system, and an embedded computer that features a touch screen interface. All screens have been customized for use by the Emergency Responder.

Power: 12VDC or 115/240 VAC 50/60 HZ

GasID package features:

1. Pelican hardened shipping case.
 2. Thermal Desorption Sampling Kit - includes 400 customized sample tubes for analysis and 100 standard tubes for training purposes.
 3. Two Intrinsically safe sampling pumps - UL certified.
 4. Two Tube Holder Modules.
 5. Tedlar Bag Sampling Kit - includes 10 Tedlar Bags.
 6. Data compartment - including USB port, Ethernet port, Keyboard/Mouse port, and Power port.
 7. Rechargeable batteries: Two batteries for GasID system, two batteries for heater and pump, one battery for sampling pump.
 8. External Battery Chargers.
 9. USB storage device.
 10. Keyboard and mouse to be used with GasID system.
 11. Standard one year Warranty and Partnership Program plus an additional 3 year Partnership Program extension for a total of 4 years. See Partnership Program below for details.
 12. On-Site Training-One day HazMat integration training held on-site at the customer's facility for up to sixteen people.
- *Best efforts will be made to arrange and complete training within 45 days after receipt of unit.
*A training day must be booked within one year after receipt of unit or training will be forfeited.

Partnership Program:

- Free software updates.
- All parts and labor to repair system.
- Free loaner (delivered by overnight carrier).
- Access to proprietary website: www.hazmatid.com.

smiths

Smiths Detection

Quotation for:

Asheville Fire and Rescue Department

100 Court Avenue

Asheville, NC 28801

DATE: 5/9/2008

QUOTATION NO.: OFXZQA10003T

PAGE NO.: Page 2 of 9

TERMS: Net 30

VALID UNTIL: 11/21/2008

DELIVERY: See Terms & Conditions Summary Page

WARRANTY: One year parts and labor

DELIVERY TERMS: EX Works Danbury, CT

Federal ID#: 22-355-2823

Item	Qty	Part No.	Description	Base Price	Net Price
			- 24/7 Reachback access to Ph.D. chemists, engineers and applications scientists for spectral interpretation assistance and/or technical support.		
			Included Libraries 000-0070 NIST / EPA Vapor Phase Infrared Library 000-0071 PNNL / DOE Vapor Phase Infrared Library 000-0072 WMD Vapor Phase Infrared Library		
2	1	024-1005	<p><u>Responder RCI Partnership Package</u></p> <p>The Responder RCI is a portable Raman spectrometer for the chemical identification of unknown solids and liquids. Samples are measured through included glass vials using an integrated sample compartment or in clear containers through the external sample port. The Responder RCI is a Class 3b laser system.</p> <p>Smith Detection's customized Responder data collection software includes Responder software for control of the Responder system, and an embedded computer system that features a touch screen interface. All screens have been customized for use by the first responder.</p> <p>Power: 12VDC or 115/240 VAC 50/60 HZ</p> <p>Responder package features:</p> <ol style="list-style-type: none"> 1. Pelican hardened shipping case. 2. Sealed data compartment - including USB ports and power port. 3. Internal battery with a 5 hour run time. 4. Point-and-shoot sampling capabilities. 5. Battery Charger. 6. 300 sample vials 7. USB storage device. 8. Keyboard to be used with Responder system. 9. 1 year Standard Warranty and Partnership Program plus an additional 3 year Partnership program extension for a total of 4 years. See Partnership Program below for details. 10. One day, on-site Responder training at customer's site for up to 16 people. <p>*Best efforts will be made to schedule training within 45 days of receipt of unit. *Training must be booked within one year from receipt of unit or training will be forfeited.</p> <p>Partnership Program: -Free software updates. -All parts and labor to repair system in the event of a malfunction. -Free loaner (Delivered by Overnight Carrier) if system malfunctions. -Responder refresher course for 1 person per yr. at a 1 day regional training course. Limited to the length of Partnership Program.</p>	\$40,000.00	\$33,000.00



Smiths Detection

Quotation for:

Asheville Fire and Rescue Department
100 Court Avenue
Asheville, NC 28801

DATE: 5/9/2008

QUOTATION NO.: OFXZQA10003T

PAGE NO.: Page 3 of 9

TERMS: Net 30

VALID UNTIL: 11/21/2008

DELIVERY: See Terms & Conditions Summary Page

WARRANTY: One year parts and labor

DELIVERY TERMS: EX Works Danbury, CT

Federal ID#: 22-355-2823

Item	Qty	Part No.	Description	Base Price	Net Price
			-24/7 ReachBack access to Ph.D. chemists, engineers, and application scientists for spectral interpretation assistance and/or technical support.		
			Included Libraries: 2579 spectra 000-1001 Raman Nerve and Blister Agents 000-5017 Raman Common Chemicals 000-1003 Raman Explosives 000-5018 Raman Solvents 000-5019 Raman Forensics		
3	1	000-1004	<u>ICHEM Raman Library from ST Japan Set I</u> The ICHM Raman Library Set 1 contains 5218 Raman spectra collected on the RespondeR RCI. It encompasses a broad range of chemicals including, Toxic Industrial Chemicals (TIC), solvents, and chemicals used in industries that include chemical and petrochemical, food and beverage, plastics, polymers and pharmaceutical. The spectra in this library were obtained through a collaboration with ST Japan.	\$3,900.00	\$3,705.00
4	1	000-5020	<u>Aldrich Raman Library Set I</u> The Aldrich Raman Library Set 1 contains 4780 Raman spectra collected on the RespondeR RCI. It encompasses a broad range of chemicals including, Toxic Industrial Chemicals (TIC), solvents, and chemicals used in industries that include chemical and petrochemical, food and beverage, plastics, polymers and pharmaceutical. This library is now included with part number 024-1005 at no extra charge.	\$3,600.00	\$0.00
5	1	Shipping	<u>Shipping Costs</u> US shipping costs for the Gas ID and Responder RCI	\$250.00	\$250.00
6	1	024-2000	<u>HazMatID/RespondeR RCI Communications Promotion</u> Requires purchase of RespondeR system. Includes the hardware and software required to upgrade the HazMatID to communicate wirelessly with the RespondeR. HazMatID must be returned to the factory for upgrade All customer contact information (name, alternate name, phone/fax numbers, and e-mail addresses) must be provided at the time of RespondeR order.	\$2,500.00	\$(0.00)



Smiths Detection

Quotation for:

Asheville Fire and Rescue Department
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DATE: 5/9/2008
QUOTATION NO.: OFXZQA10003T
PAGE NO.: Page 4 of 9
TERMS: Net 30
VALID UNTIL: 11/21/2008
DELIVERY: See Terms & Conditions Summary Page
WARRANTY: One year parts and labor
DELIVERY TERMS: EX Works Danbury, CT
Federal ID#: 22-355-2823

Item	Qty	Part No.	Description	Base Price	Net Price
				TOTAL:	\$ 99,455.00

RESOLUTION NO. 08-222

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE WACKENHUT CORPORATION FOR SECURITY SERVICES IN THE PARKING GARAGES

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 unarmed security patrols in the municipally owned parking garages; and

WHEREAS, the amount of the Agreement is \$63,492.00 per fiscal year and the monies have been budgeted in the Transportation & Engineering's 2009 Fiscal Year 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 three year contract on behalf of the City of Asheville with The Wackenhut Corporation, for \$63,492.00 per fiscal year for unarmed security patrols in the municipally owned parking garages and further authorized to execute any change orders to said contract or documents which may arise during the term of said contract up to the budgeted amount.

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

Magdalen Brunson
City Clerk

John Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Brunson
City Clerk

RESOLUTION NO. 08- 223

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED PORTION OF FERNWOOD AVENUE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened portion of Fernwood Avenue 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 Fernwood Avenue.
2. A public hearing on the question of the closing of the street known as an unopened portion of Fernwood Avenue located north of Locust Circle, east Of Property Identification Numbers 9628-13-23-1329, 9628-13-23-0256 and 9628-13-23-0151 and west of Property Identification Numbers 9628-13-23-2453, 9628-13-23-2239, 9628-13-23-2220, and 9628-13-23-2009, as depicted in Plat Book 7 Page 60, is hereby called for Tuesday, December 9th, 2008, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 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 December 9th, 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 way, 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 11th day of November, 2008.

Magdalen Boulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

Russell
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 08- 224

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE OPTION TO PURCHASE FOR A PORTION OF THE PROPERTY LOCATED AT 217 PEACOCK LANE

WHEREAS, the City has the authority, pursuant to G.S. 160A-240.1 to acquire real property by any lawful means for use by its departments; and

WHEREAS, the City desires to purchase a lot for an easement for the Weston Road Revenue Bond Project; and

WHEREAS, property described as Lot 1, Plat Book 120, Page 88 in the Buncombe County Registry consisting of 0.85 acres has been identified that meets the needs of the Water Resources Department; and

WHEREAS, the City of Asheville has entered into an option to purchase the property with Dunbar Apartments, LLC; and

WHEREAS, the City of Asheville wishes to execute the option and purchase the property for the agreed upon price of \$60,000.00; and

WHEREAS, the owner of the property, the Dunbar Apartments, LLC has agreed to a purchase price and other terms and conditions as specified in the Option to Purchase; and

WHEREAS, the Interim Water Resources Director recommends authorization for the City Manager to execute the option to purchase on behalf of the City of Asheville;

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

The City Manager is hereby authorized to purchase the parcel of property known as all of Lot 1, Plat Book 120, Page 88, recorded in the Buncombe County Registry of Deeds consisting of 0.85 acre and execute on behalf of the City of Asheville all necessary documents to implement the purchase of the property.

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

Magdalen Boulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 08- 225

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER INCREASING HICKORY CONSTRUCTION COMPANY'S CONTRACT FOR THE IMPROVEMENTS AT THE NORTH FORK AND WILLIAM DEBRUHL (BEE TREE) WATER TREATMENT PLANTS AND TO APPROVE THE PURCHASE OF MATERIALS NEEDED TO COMPLETE THIS PROJECT

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 contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the City of Asheville desires to make water system improvements known as Improvements at the North Fork and Williams DeBruhl (Bee Tree) Water Treatment Plants; and

WHEREAS, Hickory Construction Company was selected as the contractor and has an existing contract in the amount of \$6,432,361.43; and

WHEREAS, the existing contract amount of \$6,432,361.43 is increased to \$6,869,861.43; and

WHEREAS, the Water Resources staff recommends that City Council to authorize the City Manager to sign a change order increasing Hickory Construction Company's contract amount of \$6,432,361.43 for the improvements at the North Fork and William DeBruhl (Bee Tree) Water Treatment Plants to \$6,869,861.43 and to approve the purchase of materials needed to complete this project at an estimated cost of \$172,000.

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 sign a change order increasing Hickory Construction Company's contract amount of \$6,432,361.43 for the improvements at the North Fork and William DeBruhl (Bee Tree) Water Treatment Plants to \$6,869,861.43 and further authorized to execute any change orders to said contract or documents which might arise during construction of said project up to the budgeted amount and to approve the purchase of materials needed to complete this project at an estimated cost of \$172,000.

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

Magdalen Brunson
CITY CLERK

Jerome Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Brunson
City Clerk

RESOLUTION NO. 08- 226

RESOLUTION TO PERMANENTLY CLOSE EXCESS RIGHT OF WAY ON BOTH SIDES OF SUMMIT AVENUE

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute Section 160A-299 to permanently close streets or alleys within its jurisdiction, upon compliance with applicable law; and

WHEREAS, a joint petition has been filed by Victor G . Farmer, Theresa W. Hyler, Leonard C. and Nancy G. Hudgins, and Andrew J. and Kimberly L. Douglas, asking that excess right-of-way on both sides of Summit Avenue be permanently closed to public use; and

WHEREAS, City Council on the 14th day of October, 2008 adopted a resolution of intent to close said excess right-of-way and ordered a public hearing on the question of this closing for the 11th day of November, 2008 at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said hearing was published in the Asheville Citizen-Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to the Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for –public hearing was prominently placed at two places along said right-of-way, and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join in the petition to close; and

WHEREAS, at said public hearing no objections were made that the proposed closing of said portions of right-of-way would deprive any individual owning property in the vicinity in which said right-of-way is located of reasonable means of ingress and egress to their property;

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

1. Pursuant to North Carolina General Statute Section 160A-299, the excess right-of-way on both sides of Summit Avenue as described in Attachment A, attached hereto and made a part hereof be permanently closed to public use
2. The closing is subject to the retention by the Metropolitan Sewage District of Buncombe County, its successors and assigns, of a 20 feet wide permanent easement, for the operation and maintenance of a public sewer line, lying 10 feet on each side of said sewer line located and existing within the –portion of Summit Street proposed to be permanently closed.
3. The closing is subject to the retention by PSNC Energy of Buncombe County, its successors and assigns, of a 10 feet wide permanent easement for the operation and maintenance of an existing 2-inch steel gas main pipeline, lying 5 feet on each side of said gas line located and existing within the portion of Summit Street that is proposed to be permanently closed.

- 4. That a certified copy of this resolution and ordered be filed in the Buncombe County Register of Deeds Office.

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

Magdalen Brulson
City Clerk

W. Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Brulson
City Clerk

Attachment A

Metes and Bounds Description for the Closing of portions of Summit Avenue

Southern Margin of Summit Avenue

Beginning at a calculated point at the northwest corner of pin no. 9655.17.00-7986, being Deed Book 3505 at Page 467, recorded in the Buncombe County Register of Deeds Office; said northeast corner being the same real property described as lot 1 of block 11½ of Plat Book 1, Page 62, titled "Skyland Springs", recorded in the Buncombe County Register of Deeds Office, said point being South 13°43'12" West a distance of 15.34 feet from an existing right of way monument; thence with the margin of U.S. Highway 25 North, (a.k.a. Hendersonville Road), 13°43'12" East a distance of 34.64 feet to a calculated point; thence within the right of way of Summit Avenue South 88°19'10" East, 70.48 feet to a calculated point; thence within the right of way of Summit Avenue along a curve having a radius of 1060 feet a chord bearing of North 89°55'14" East, 65.12 feet to a calculated point; thence within the right of way of Summit Avenue along a curve having a radius of 1060 feet a chord bearing of North 82°15'50" East, 217.78 feet to a calculated point; thence within the right of way of Summit Avenue North 76°22'04" East, 59.87 feet to a calculated point within the right of way of Summit Avenue and Lee Street; thence with the right of way of Lee Street South 02°57'07" East, 46.52 feet to a ½" Iron Pipe Found at the northeast corner of lot 1 of Block 12 of the above referenced plat; thence with the northern margin of lots 1, 3, 5, 7, and 9 of block 12 and the northern margin of lot 1 of Block 11 ½ of the aforementioned plat and proceeding along the southern margin of Summit Avenue South 86°06'02" West, 421.13 feet to the point of beginning being 0.269 acres (11,720 square feet).

Northern Margin of Summit Avenue

Beginning at a Railroad Spike Found at the southwest corner of pin no. 9655.17-11-0092 being Deed Book 1791 at Page 783, recorded in the Buncombe County Register of Deeds Office; said southwest corner being the same real property described as lot 8 of Block 6 of Plat Book 1, Page 62, titled "Skyland Springs" recorded in the Buncombe County Register of Deeds Office; said spike being North 13°43'12" East, 95.20 feet from an existing right of way monument; thence along the southern margin of lot 8 of the aforementioned plat and with the northern margin of Summit Avenue, North 87°43'13" East, 46.29 feet to a calculated point; thence along the southern margin of the aforementioned lot 8 and the northern margin of Summit Avenue, North 87°43'13" East, 168.40 feet to a calculated point; thence along the southern margin of lot 7 of Block 6 of the aforementioned plat and with the northern margin of Summit Avenue, North 87°43'13" East, 160.05 feet to an Axle found at the southeast corner of said lot 7; thence within the right of way of Summit Avenue, South 76°22'04" West, 59.60 feet to a calculated point; thence within the right of way of Summit Avenue along a curve having a radius of 1000 feet, a chord bearing of South 79°22'11" West, 104.75 feet to a calculated point; thence within the right of way of Summit Avenue along a curve having a radius of 1000 feet a chord bearing of South 87°01'34" West, 162.29 feet to a calculated point; thence within the right of way of Summit Avenue North 88°19'10" West, 57.69 feet to a calculated point along the right of way of U.S. Highway 25 (a.k.a. Hendersonville Road); thence along the margin of U.S. Highway 25, North 13°43'12" East 25.93 feet to the point of beginning, containing 0.201 acres (8,790 square feet).

The aforementioned descriptions are further reflected on that right of way survey prepared by Robert K. Brady, Jr., PLS, Blackrock Surveying & Land Design, PC., dated June 24, 2008, and attached hereto as Exhibit A.

Provided however, that despite the aforementioned descriptions, the right of way remaining for Summit Avenue after the closing shall not be less than 60.00 feet wide.

RESOLUTION NO. 08-227

RESOLUTION ESTABLISHING HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, in an effort to address the issue of homelessness in the City of Asheville and surrounding area, the City Council received a report from the Homeless Initiative Advisory Council, and in November of 2007, adopted the "10 Year Plan to End Homelessness"; and

WHEREAS, one of the recommendations of the Plan was the establishment of a board or committee within the City organization to address issues related to homelessness, to provide for official recognition, and allow for appropriate administrative support;

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

1. There is established a joint committee of the city of Asheville City Council and the Buncombe County Board of Commissioners to be known as the Homeless Initiative Advisory Committee (herein "HIAC").
2. The HIAC shall be composed of not more than 16 members representing various focus areas or organizations as set out as Exhibit A, attached hereto.
3. All members of the HIAC shall be recommended for appointment by the HIAC on the basis of their focus area or organization (if applicable) as indicated on Exhibit A, and appointed by the City Council or Board of County Commissioners as indicated on Exhibit A. If no person is available for appointment to a seat designated for a particular focus area or organization, the appointment may be made from the community at large
4. The members of HIAC shall serve three-year staggered terms and all members shall serve at the pleasure of the appointing body.
5. The purpose of the HIAC shall be implementation of the Ten Year Plan to End Chronic Homelessness, and its duties and responsibilities shall include the following:
 - a. Schedule and conduct meetings pursuant to the open meetings law
 - b. Adopt rules of procedure or bylaws for the conduct of business
 - c. Conduct research and investigation into issues about homelessness, including causes and effects within Asheville and the surrounding area
 - d. Formulate and make recommendation to local governmental entities and social service agencies to reduce the incidence of homelessness
 - e. Act as a clearinghouse for information on local homelessness issues.
 - f. Other duties as requested by the City Council, Board of County Commissioners, or as the HIAC deems appropriate.

- 6. The HIAC shall make bi-annual reports to Council, or more often as Council directs.
- 7. The initial membership of the HIAC shall be as set out on Exhibit A, with initial terms as indicated, and those appointments are hereby made or ratified. For those seats that are indicated as vacant, vacancies shall be filled, following the process established in Council's rules of procedure for board or committee appointments for future appointments.
- 8. The City Manager shall provide for an appropriate level of administrative support for the HIAC within the Community Development Division of the City's Planning and Development Department, or such other office as the Manager shall designate, and shall request participation from other local and State agencies and offices as appropriate.

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

Magdalen Boulson
City Clerk

Jerome Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

EXHIBIT A

Recommended Homeless Initiative Advisory Committee (HIAC) Structure

No.	Current Member	Focus Area or Organization	Recommended By	Nominated By	Remaining Term	Term Expiration
1.	Tom Rightmyer	Community Volunteer	--	City Council	3	Nov 2011
2.	Scott Rogers	Shelters/Transitional Housing	--	City Council	2	Nov 2010
3.	David Nash	Supportive/Permanent Housing	--	City Council	2	Nov 2010
4.	Allison Haberfield	Veterans Administration	--	City Council	1	Nov 2009
5.	Celeste Collins	Nonprofit Service Provider	--	City Council	1	Nov 2009
6.	Vacant	TBD (Consumer/current or former homeless)	Homeless Coalition	City Council	3	Nov 2011
7.	Vacant	TBD	HIAC	City Council	3	Nov 2010
8.	Vacant	TBD	HIAC	City Council	2	Nov 2011
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9.	Angie Pittman	Buncombe County	--	BoCC	3	Nov 2011
10.	Brian Alexander	Homeless Coalition Co-chair	Homeless Coalition	BoCC	3	Nov 2011
11.	Robin Merrell	Prevention	--	BoCC	2	Nov 2010
12.	Laura Willis	Mental Health/Substance Abuse	--	BoCC	2	Nov 2010
13.	Barbara Marlowe	Health Care	--	BoCC	1	Nov 2009
14.	Lance Edwards	Foundations	--	BoCC	1	Nov 2009
15.	Vacant	TBD	HIAC	BoCC	3	Nov 2011
16.	Vacant	TBD	HIAC	BoCC	1	Nov 2009

Notes:

- Eleven existing members of current Advisory Group will continue as members for duration of terms following approval of joint HIAC.
- Remaining terms have been staggered for existing and new members based on HIAC approval date. A full term is three years.
- Suggested focus areas for current vacancies (TBD) and future nominations include:

- Consumer
- Buncombe County
- Supportive/Permanent Housing
- Mental Health/Substance Abuse
- Legal
- Educational/University

- Homeless Coalition Co-Chair
- Prevention
- Shelters/Transitional
- Housing
- Business
- Non-Profit Service Provider
- Health Care
- Veterans Administration
- Foundations
- Domestic Violence
- Downtown Resident/Property Owner
- Project Connect Coordinator
- Faith Groups
- Media

4. Homeless Coalition will recommend Consumer to respect any issues formerly homeless person may have.

5. Homeless Coalition will nominate Co-chair since this position is voted on by the Homeless Coalition.