

## RESOLUTION NO. 08-206

## RESOLUTION IMPOSING A TAX ON THE GROSS RECEIPTS FROM THE SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 1852, which has been designated as Session Law 2008-144 [the "Act"]; and

WHEREAS, the Act repealed the property tax on certain heavy equipment leased or rented under retail short-term leases or rentals and authorized municipalities to replace the lost tax revenue through enactment of a local tax on gross receipts derived from the retail short-term lease or rental of that heavy equipment; and

WHEREAS, pursuant to N.C.G.S. 160A-215.2, a city may impose a tax on the gross receipts on short-term lease or rental of heavy equipment at retail;

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

A tax is hereby imposed on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail, N.C.G.S. 160A-215.2, and specifically set forth in City Ordinance 3660, adopted on first reading on October 28, 2008, and on second and final reading on November 11, 2008.

Read, approved and adopted on first reading this 28th day of October, 2008, and on second and final reading on the 11<sup>th</sup> day of November, 2008.

Magdalen Brulson  
City Clerk

Jerry M Bellamy  
Mayor

Approved as to form:

R. W. [Signature]  
City Attorney

Magdalen Brulson  
City Clerk

## RESOLUTION NO. 08-207

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

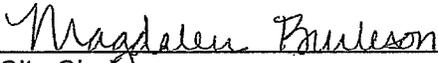
WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened portion of Wallack Street to public use; and

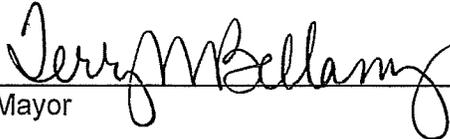
WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED 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 Wallack Street.
2. A public hearing on the question of the closing of the street known as an unopened portion of Wallack Street located east of property identification numbers 9648.06-27-9652, 9648.06-27-9563, 9648.10-27-9328, 9648.10-27-9443, and 9688.10-27-9335; and west of property identification numbers 9648.06-37-1624 and 9648.10-37-1453 is hereby called for Tuesday, December 2, 2008, at the regular meeting of the City Council beginning at 5:00 p.m., in the City Council Chambers, 2<sup>nd</sup> 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 2, 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-way. 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 and the owners of pin numbers 9648.10-27-9328 and 9688.10-27-9335, 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.

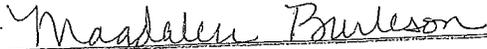
Read, approved and adopted this 28<sup>th</sup> day of October, 2008.

  
City Clerk

  
Mayor

Approved as to form:

  
City Attorney

  
City Clerk

RESOLUTION NO. 08-208RESOLUTION AUTHORIZING AN AGRICULTURAL LEASE WITH GLADHEART FARMS, LLC  
ON A PORTION OF CITY-OWNED REAL PROPERTY AT 498 AZALEA ROAD

WHEREAS, the City of Asheville is the owner of real property located at 498 Azalea Road, known as Azalea Park, identified as PIN #s 9668.17-12-9472, and 9668.18-31-7981; and

WHEREAS, Gladheart Farms, LLC, an Asheville based certified organic farm, has offered to enter into an agricultural lease agreement in order to operate a commercial farm on 11+/- acres of the property at 498 Azalea Road; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 10 days' public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed agricultural lease agreement on October 17, 2008, in the Asheville Citizen-Times; and

WHEREAS, the initial term of the lease agreement will be for three (3) years with the option to renew for one (1) additional three (3) year period; and

WHEREAS, the City has no anticipated need for this portion of the property during the term of the lease;

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

Pursuant to North Carolina General Statute sec. 160A-272, the City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and Gladheart Farms, LLC for agricultural use at 498 Azalea Road, at an initial rental rate of \$1,500 per year with 4% annual escalations, beginning in year three of the lease.

Read, approved and adopted this 28th day of October, 2008.

Magdalen Bruleson  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bruleson  
City Clerk

RESOLUTION NO. 08-209

RESOLUTION ACCEPTING EAST SCHENCK CRESCENT, COLUMBINE ROAD, DEARBORN STREET, TOWN SQUARE BOULEVARD, AND DAYFLOWER DRIVE AS CITY-MAINTAINED STREETS

WHEREAS, pursuant to 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, East Schenck Crescent, Columbine Road, Dearborn Street, Town Square Boulevard, and Dayflower Drive are located in the corporate limits of the City of Asheville; and

WHEREAS, East Schenck Crescent, Columbine Road, Dearborn Street, Town Square Boulevard, and Dayflower Drive were constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, dedication of the 50-foot right-of-way for East Schenck Crescent has been recorded in Plat Book 118 Page 180; and

WHEREAS, dedication of the 50-foot right-of-way for Columbine Road has been recorded in Plat Book 118 Page 180; and

WHEREAS, dedication of the 50-foot right-of-way for Dearborn Street has been recorded in Plat Book 118 Page 180; and

WHEREAS, dedication of the 42 to 46-foot right-of-way for Town Square Boulevard has been recorded in Plat Book 118 Page 180; and

WHEREAS, dedication of the 45-foot right-of-way for Dayflower Drive has been recorded in Plat Book 90 Page 16; and

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

East Schenck Crescent, Columbine Road, Dearborn Street, Town Square Boulevard, and Dayflower Drive are accepted by the City of Asheville for maintenance as indicated on the attached maps.

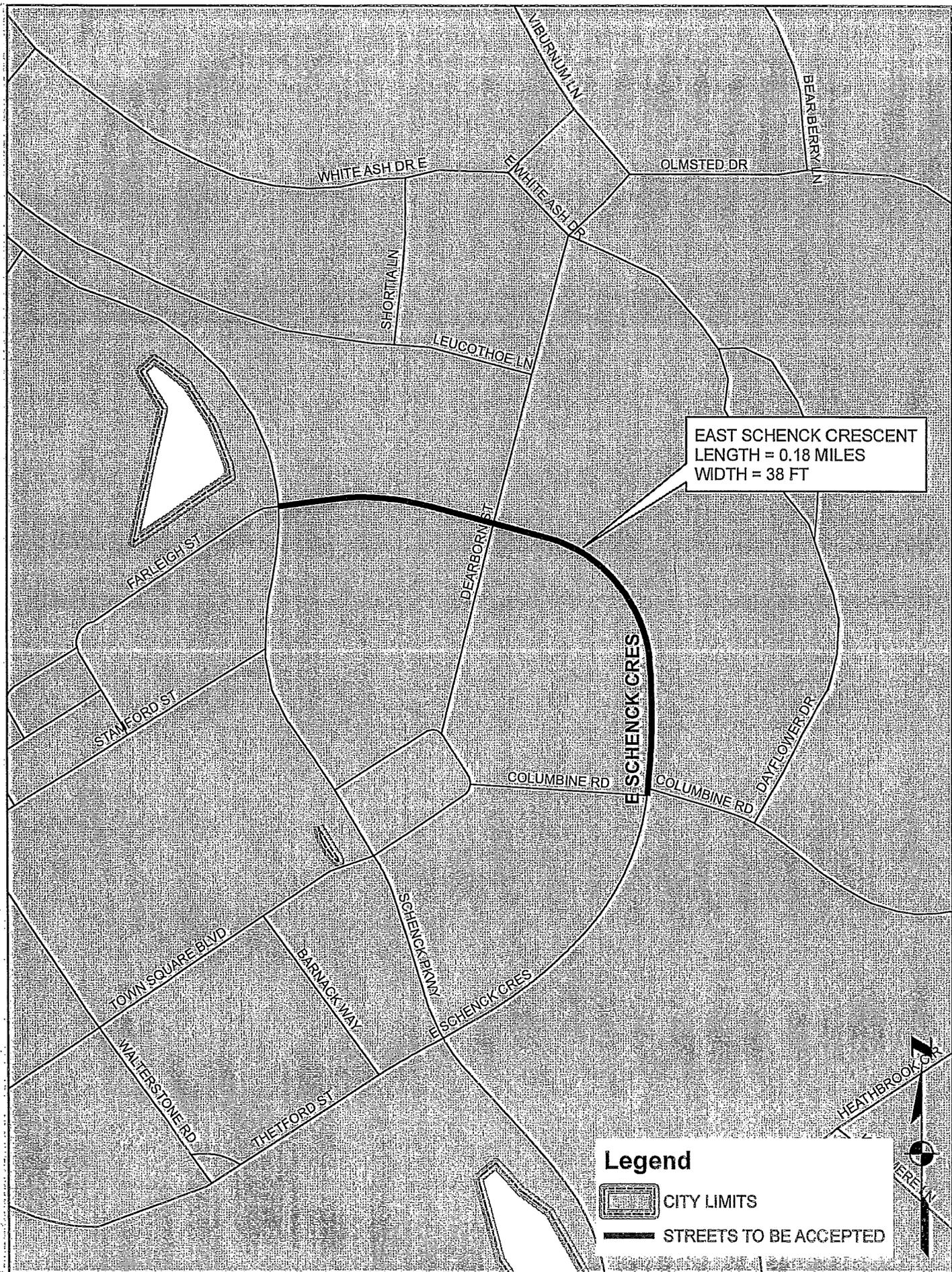
Read, approved and adopted this 28th day of October, 2008.

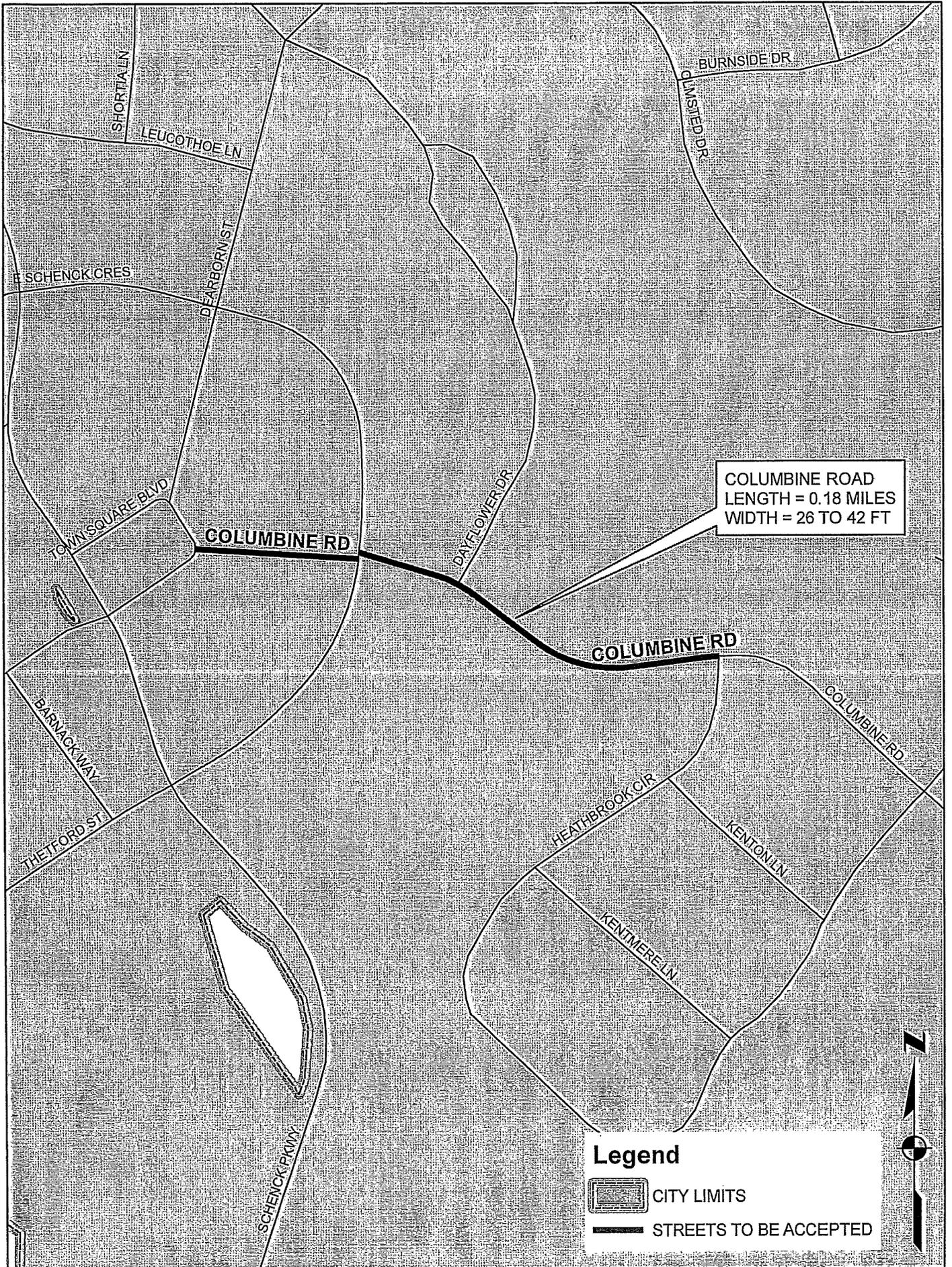
Magdalen Boulson  
City Clerk

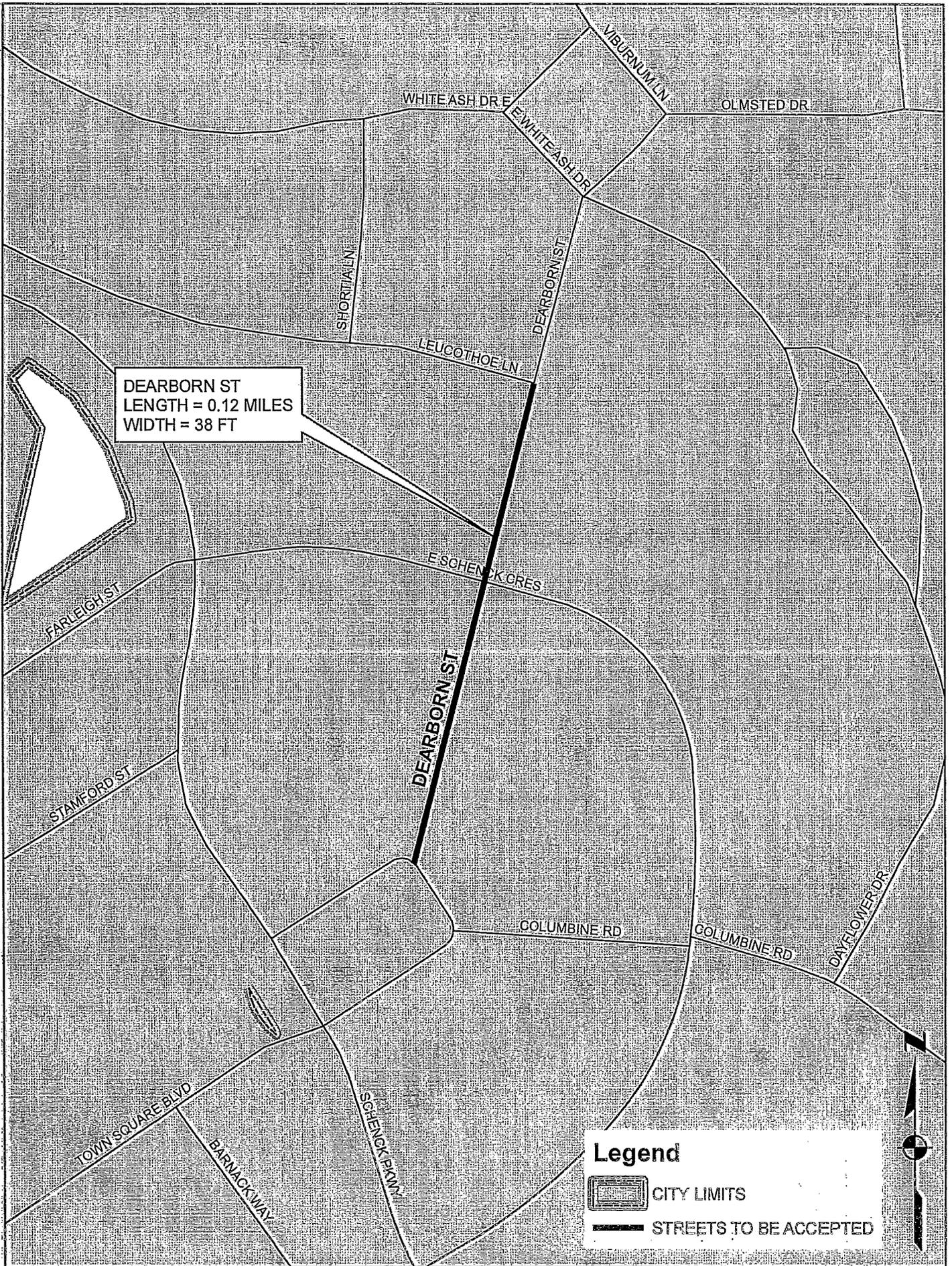
Jerry Bellamy  
Mayor

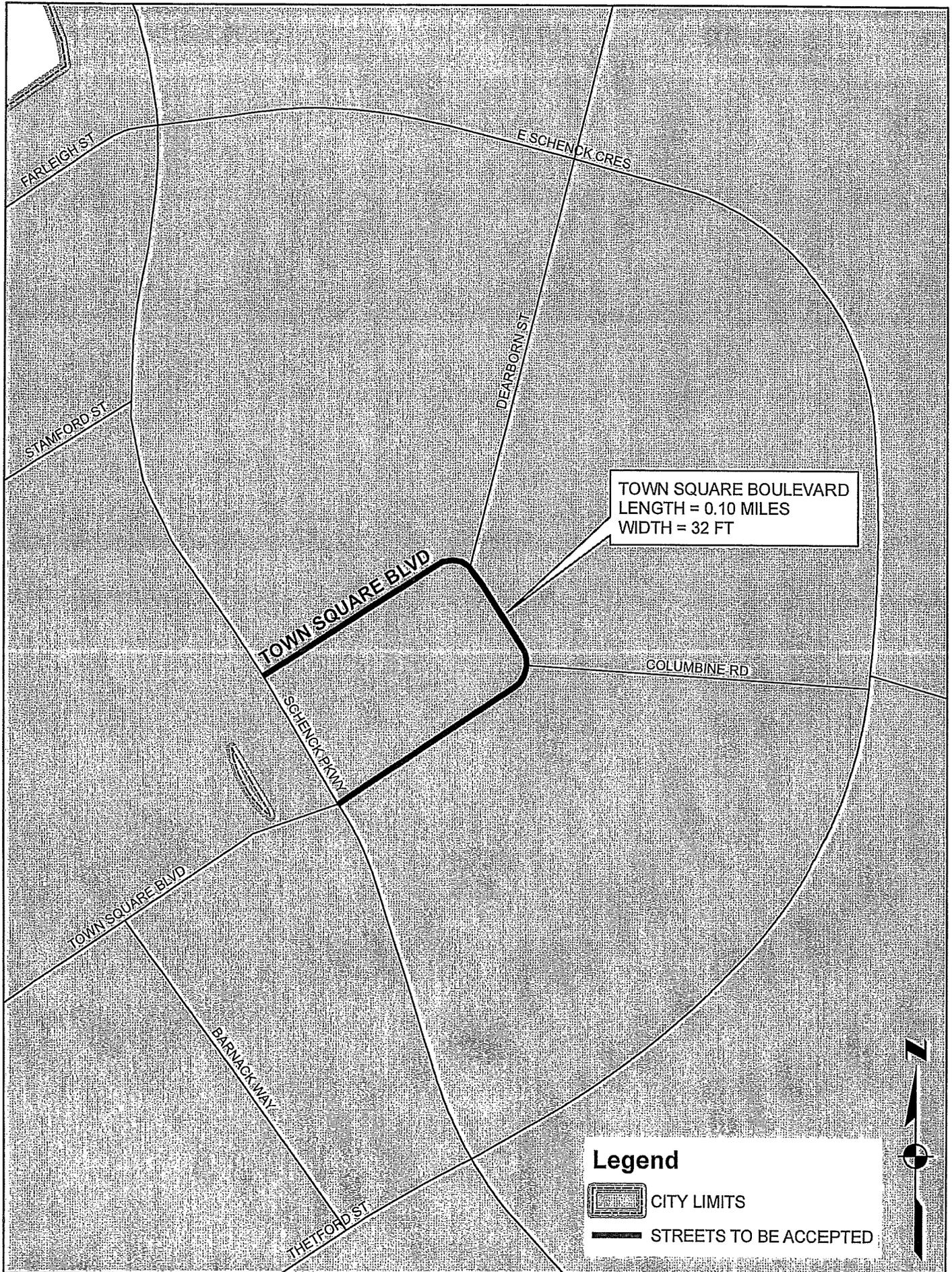
Approved as to form:  
[Signature]  
City Attorney

Magdalen Boulson  
City Clerk







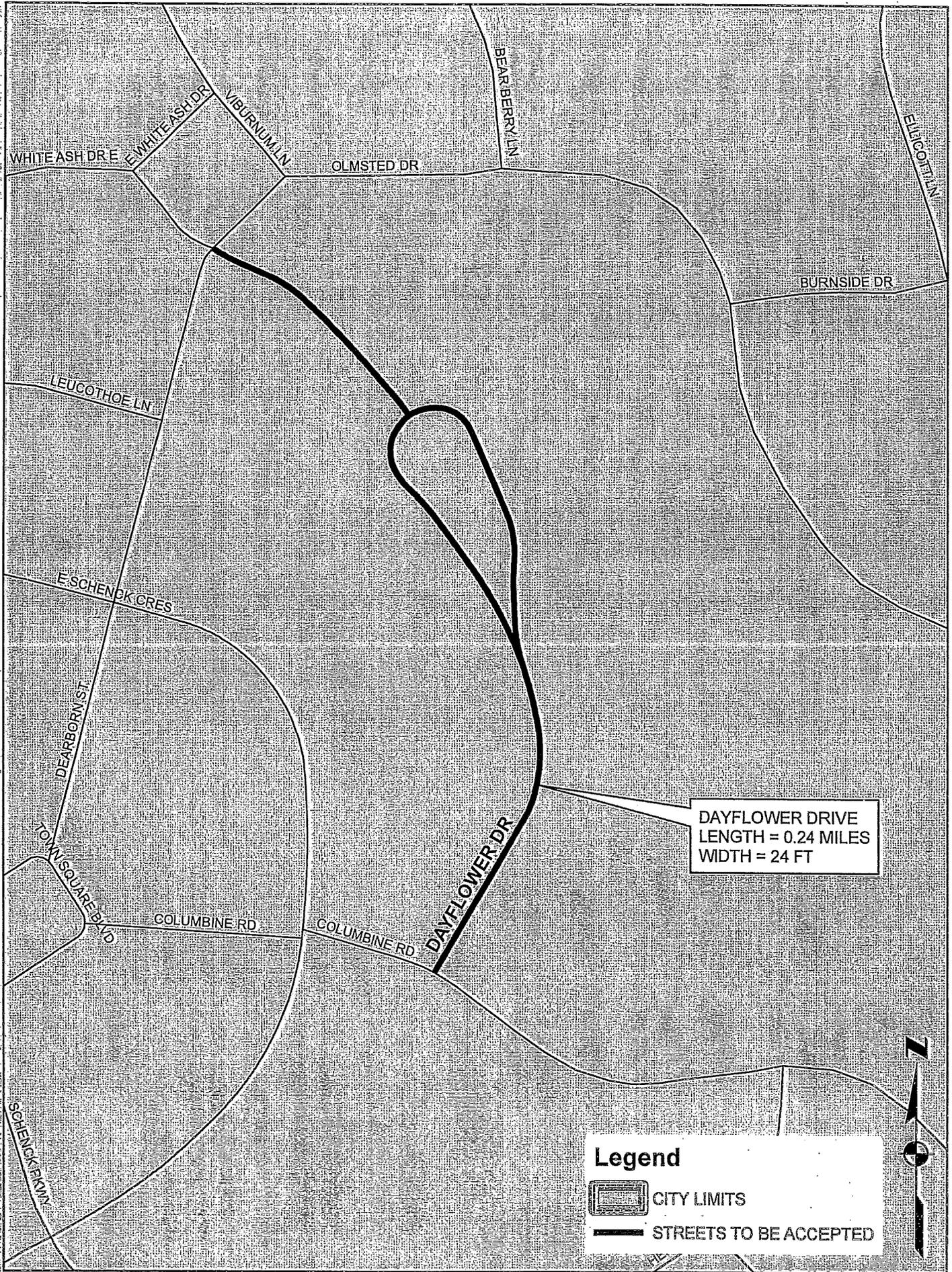


TOWN SQUARE BOULEVARD  
LENGTH = 0.10 MILES  
WIDTH = 32 FT

**Legend**

-  CITY LIMITS
-  STREETS TO BE ACCEPTED





DAYFLOWER DRIVE  
LENGTH = 0.24 MILES  
WIDTH = 24 FT

**Legend**

-  CITY LIMITS
-  STREETS TO BE ACCEPTED

RESOLUTION NO. 08-210

RESOLUTION NO. 08-210

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY POLICING SERVICES TO ASSIST ASHEVILLE POLICE DEPARTMENT WITH THE PURCHASE OF METHAMPHETAMINE LAB INVESTIGATION EQUIPMENT, PROVIDE FOR OFFICER TRAINING AND OFFICER OVERTIME IN METHELAB INVESTIGATION.

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

WHEREAS, the Department of Justice Office of Community Oriented Policing Services, has invited the City of Asheville to submit a full grant application in the amount of \$93, 530 for the purchase of equipment, training and officer overtime. These items to assist the Asheville Police Department in the investigation and reduction of Methamphetamine Labs and Methamphetamine activity

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

The City Manager is hereby authorized to apply for and enter into an agreement with the Department of Justice Office of Community Oriented Policing Services, for a grant in the amount of \$93, 530 with to assist the Asheville Police Department in the investigation and reduction of methamphetamine labs.

Read, approved, and adopted this 28<sup>th</sup> day of October, 2008.

Magdalen Bourleson  
City Clerk

Jerome Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 08-211

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER TO PROVIDE FUNDS FOR EXPANSIONS AND IMPROVEMENTS TO THE PUBLIC ACCESS MEDIA CENTER

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WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the NC Rural Economic Development Center has awarded Asheville a matching grant in the amount of \$24,960 to implement improvements to the public access media center managed by URTV, Inc. under a management agreement with the City of Asheville, and

WHEREAS, the City has previously provided the grant matching funds to URTV, Inc. in the adopted 2007-2008 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 an agreement with the North Carolina Rural Economic Development Center, for a matching grant in the amount of \$24,960 to fund expansions and improvements to the public access media center.

Read, approved and adopted this 28<sup>th</sup> day of October, 2008.

Magdalen Burlison  
City Clerk

Jerry M. Bellamy  
Mayor

Approved as to form:

Russell  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 08- 212

RESOLUTION ADOPTING AN AMENDED MEMORANDUM OF UNDERSTANDING FOR THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION

WHEREAS, the City of Asheville is a member of the French Broad River Metropolitan Planning Organization (MPO) for transportation planning; and

WHEREAS, the Transportation Advisory Committee of the French Broad River MPO adopted a resolution of intent to change the Lead Planning Agency from the City of Asheville to the Land of Sky Regional Council; and

WHEREAS, the change in Lead Planning Agency necessitates the adoption of a new Memorandum of Understanding between the member governments of the MPO and the State of North Carolina; and

WHEREAS, several other minor changes to the Memorandum of Understanding are necessary in order to update the document; and

WHEREAS, the Asheville City Council must adopt the new Memorandum of Understanding in order to continue to participate as a member of the MPO.

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

The Asheville Memorandum of Understanding for the French Broad River Metropolitan Planning Organization dated September 18, 2008 is hereby adopted by the City of Asheville.

Read, approved and adopted the 28th day of October, 2008

Magdalen Baulson  
City Clerk

Jerry M Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

CITY OF ASHEVILLE

SUBJECTS TO BE ACCEPTED

RESOLUTION NO. 08- 213

RESOLUTION AUTHORIZING EXECUTION OF DOWNTOWN DEVELOPMENT AGREEMENT

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-458.3 to enter into agreements for the development of capital projects in the central business district; and

WHEREAS, Public Interest Projects, Inc. (herein "PIP"), through an affiliated entity owns or has under contract certain property consisting of approximately 1.1 acres in the Central Business District of Asheville, bounded on the east by Biltmore Avenue, on the north by Aston Street, on the west by Lexington Avenue, and on the south by other private property (herein "Subject Property"); and

WHEREAS, PIP desires to facilitate the development of the Subject Property for a hotel and ancillary retail uses by a private developer, and a public parking deck; and

WHEREAS, MHG Asheville AL, LP, a Georgia limited partnership (herein "MHG"), desires to construct and operate the hotel, and the City desires to construct and operate the parking deck, and PIP desires to reserve a portion of the Subject Property for potential development of workforce housing and other uses; and

WHEREAS, the Council finds that the proposed development is likely to have a significant effect on the continued revitalization of the central business district; and

WHEREAS, prior to any conveyance of property or implementation of plans, the parties desire to outline their respective interests, expectations and responsibilities, to recognize the public interest in the affected areas, and to establish a framework for further negotiations, leading to public and private participation in the development of this area of downtown Asheville;

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 downtown development agreement with PIP and MHG, in substantially the form presented to Council at this meeting, and reflecting any changes required by Council, subject to approval as to form by the City Attorney.

The City Manager be, and is hereby, authorized to execute any contracts or other instruments necessary to give effect to this resolution, specifically including a construction management agreement with MHG, subject to budgetary limitations and approval by the City Attorney.

Read, approved and adopted this 28<sup>th</sup> day of October, 2008.

Magdalen Bruleson  
City Clerk

Jeff Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bruleson  
City Clerk

RESOLUTION NO. 08-214

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DECLARING THE INTENT OF THE CITY OF ASHEVILLE, NORTH CAROLINA, TO REIMBURSE ITSELF FROM THE PROCEEDS FOR CERTAIN OBLIGATIONS TO BE EXECUTED AND DELIVERED IN THE YEAR 2008 FOR CAPITAL EXPENSES INCURRED

WHEREAS, the City Council of the City of Asheville, North Carolina ("City") has determined that it is in the best interests of City to acquire and construct a parking facility within the City (the "Project");

WHEREAS, the City presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of obligations and reasonably expects to issue its obligations (the "Obligations") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the City desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than proceeds of the Obligations, and the City intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. Official Declaration of intent. The City presently intends and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations to finance all or a portion of the cost of the Project and the maximum principal amount of Obligations expected to be executed and delivered by City to pay for all or a portion of the costs of the Project is \$18,500,000.

Section 2. Compliance with Regulations. The City adopts this Resolution as a declaration of Official intent under Section 1.150-2 of the Treasury Regulations promulgate under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. Itemization of Capital Expenditures. The Finance Director of the City, with advice from special counsel, is hereby authorized, directed, and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred

CITY CLERK  
CITY OF ASHEVILLE  
CITY RECORDS TO BE ACCEPTED

and paid by the City in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. Effective Date. This resolution shall become effective immediately upon the date of its adoption.

Read, approved, and adopted this 28<sup>th</sup> day of October, 2008.

Magdalen Brulson  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Brulson  
City Clerk

RESOLUTION NO. 08-215

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH KIMLEY-HORN IN AN AMOUNT OF \$215,000 TO SERVE AS THE OWNERS REPRESENTATIVE IN THE DESIGN AND CONSTRUCTION OF A PARKING GARAGE LOCATED AT 51 BILTMORE AVENUE

WHEREAS, the City of Asheville wishes to provide additional parking in Downtown Asheville; and

WHEREAS, the City of Asheville authorized the City Manager to sign a contract with Kimley-Horn on July 3, 2008 to provide cost estimates and design standards for a proposed parking garage on Biltmore Avenue; and

WHEREAS, Kimley-Horn and Associates, Inc. is qualified to perform this work; and,

WHEREAS, the City desires to have an owners representative during the design and construction of a parking garage on Biltmore Avenue.

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

The City Manager is authorized to amend the contract with Kimley-Horn in an amount of \$215,000 for a total contract amount of \$257,000 to serve as the owner's representative for the design and construction of a parking garage at 51 Biltmore Avenue.

Read, approved and adopted this the 28<sup>th</sup> day of October 2008.

Magdalen Baulson  
City Clerk

Jerome Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

CITY CLERK'S

STREETS TO BE ACCEPTED

Magdalen Baulson  
City Clerk

sub  
349

RESOLUTION NO. 08-216

RESOLUTION SUPPORTING THE PROPOSED IMPROVEMENTS TO VICTORIA ROAD AS A PART OF MISSION HEALTH SYSTEM'S OVERALL MASTER PLAN

WHEREAS, Mission Health System is one of the largest employers in Buncombe County and the City of Asheville; and,

WHEREAS, Mission Health System continues to expand their local operation with renovated and new construction thereby providing job opportunities; and,

WHEREAS, according to Mission Health System's current overall master plan, certain improvements are needed along Victoria Road including a new connection to US 25 (McDowell Street); and,

WHEREAS, when constructed, the street improvements will enhance traffic flow and safety in the immediate surrounding area of the hospital including A-B Tech; and,

WHEREAS, Mission Health System has directly approached the North Carolina Department of Transportation for financial assistance for the street infra-structure; and,

WHEREAS, the North Carolina Department of Transportation would like to know if there is local governmental support for the proposed street improvements.

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

The City of Asheville hereby supports the efforts of Mission Health System to accomplish their overall master plan including making the proposed street improvements to Victoria Road including the new connection to US 25 (McDowell Street) as shown on the attached plan sheet.

Read, approved and adopted this the 28<sup>th</sup> day of October 2008.

Magdalen Brulson  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

Park Van  
City Attorney

Magdalen Brulson  
City Clerk

**McGill ASSOCIATES**  
 ENGINEERING, PLANNING, FINANCE  
 55 BROAD STREET ASHVALE, NC  
 PH: (828) 257-0515

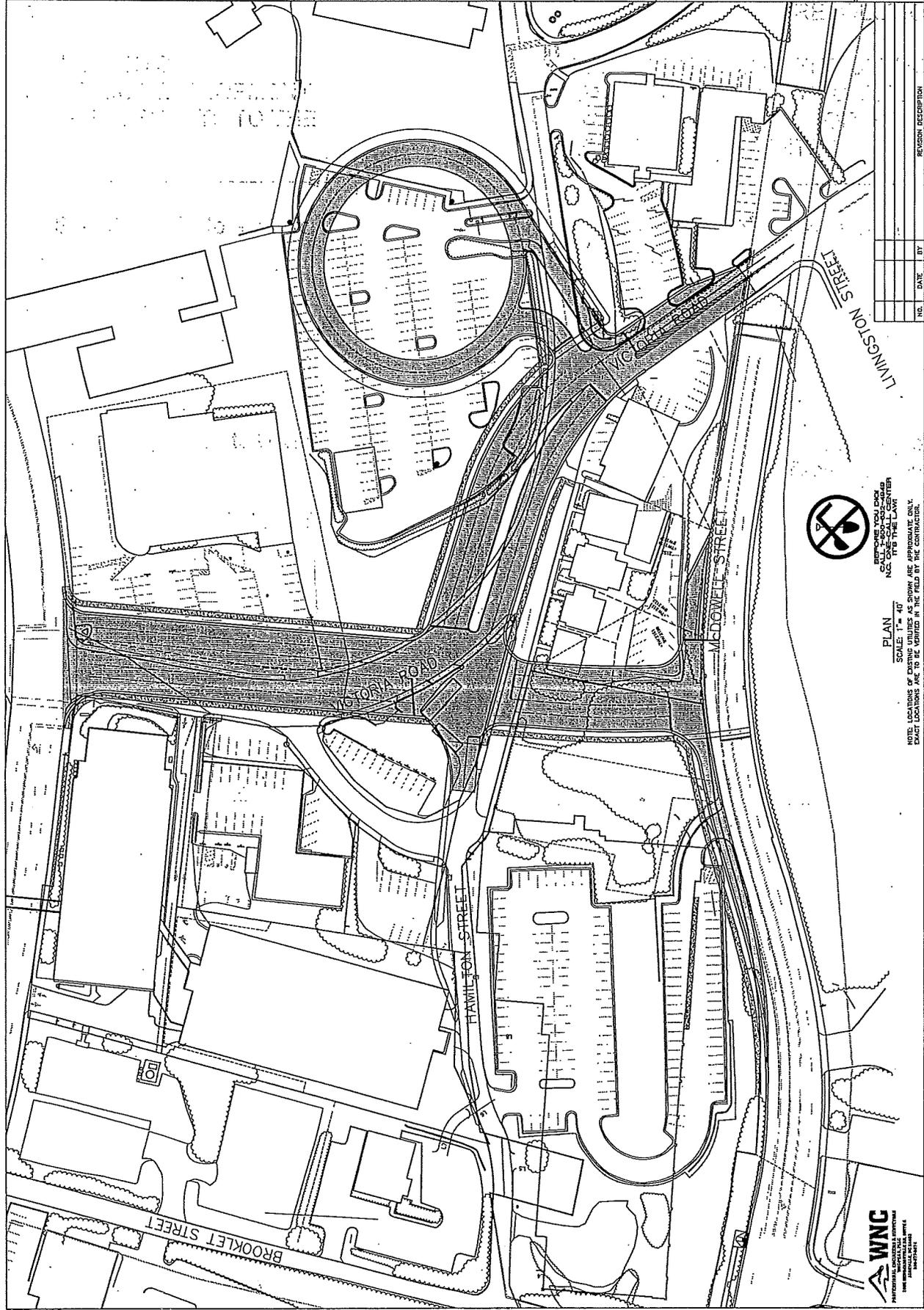


**MISSION HEALTH SYSTEMS, INC.**  
 BUNCOMBE COUNTY, NORTH CAROLINA

VICTORIA ROAD IMPROVEMENTS  
 DATE: AUG 2008  
 SCALE: 1" = 40'-0"  
 DESIGNED BY: CHJ  
 CHECKED BY: BJS  
 REVISION REVIEW  
 COST: REVIEW  
 FILE NAME: 101010-21-08-00-010

**VICTORIA ROAD  
 RELOCATION AND  
 IMPROVEMENT PLAN**

**SHEET  
 C1**



NO.	DATE	BY	REVISION DESCRIPTION



**PLAN**  
 SCALE: 1" = 40'  
 NOTE: LOCATIONS OF POINTS SHOWN ARE APPROXIMATE ONLY. EXACT LOCATIONS ARE TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR.



200

RESOLUTION NO. 08-217

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, the term of Davidson Jones, as the east representative on the Citizens-Police Advisory Committee, expired on June 30, 2008;

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

Mr. Ronald E. Maynard, 144 Beverly Road, Asheville, North Carolina, be and he is hereby appointed, as the east representative on the Citizens-Police Advisory Board, to serve a three year term, term to expire June 30, 2011, or until his successor has been appointed.

Read, approved and adopted this 28<sup>th</sup> day of October, 2008.

Magdalen Burleson  
CITY CLERK

Jerry Bellamy  
MAYOR

Approved as to form:

Russell  
CITY ATTORNEY

Magdalen Burleson  
City Clerk

RESOLUTION NO. 08-218

RESOLUTION NO. 08-218

RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

WHEREAS, Tebbe Davis has resigned from the Civic Center Commission, thus leaving an unexpired term until June 30, 2009;

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

Mr. Brian Woods, 31 Grove Garden Avenue, Candler, North Carolina, be and he is hereby appointed, as a member of the Civic Center Commission, to serve the unexpired term of Mr. Davis, term to expire June 30, 2009, or until his successor has been appointed.

Read, approved and adopted this 28<sup>th</sup> day of October, 2008.

Magdalen Bruleson  
CITY CLERK

Jerry Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bruleson  
City Clerk

## RESOLUTION NO. 08-219

RESOLUTION APPOINTING MEMBERS TO THE GREENWAY COMMISSION

WHEREAS, Christopher Gilbert has resigned from the Greenway Commission, thus leaving an unexpired term until December 31, 2010; and

WHEREAS, the terms of David Tuch and Linda Giltz, as members on the Greenway Commission expire December 31, 2008;

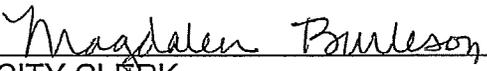
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

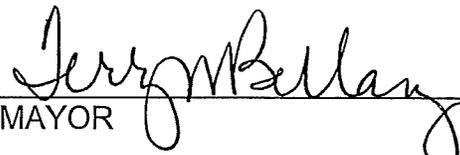
Rev. Russell Pierce, 93 Winston Avenue, Asheville, N.C. be and he is hereby appointed, as a member of the Greenway Commission, to serve the unexpired term of Mr. Gilbert, term to expire December 31, 2010, or until his successor has been appointed.

Ms. Susan Barlow, 30 Oakwood Street, Asheville, N.C., be and is hereby appointed as a member of the Greenway Commission to serve a three year term, term to begin January 1, 2009, and expire December 21, 2011, or until her successor has been appointed.

Ms. Stephanie Pankiewicz, 148 Chatham Road, Asheville, N.C., be and is hereby appointed as a member of the Greenway Commission to serve a three year term, term to begin January 1, 2009, and expire December 21, 2011, or until her successor has been appointed.

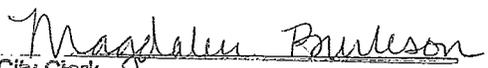
Read, approved and adopted this 28<sup>th</sup> day of October, 2008.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk