

RESOLUTION NO. 08-194

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH H & M CONSTRUCTORS TO SUPPLY, CONSTRUCT AND INSTALL A NEW CHILLER UNIT FOR CITY HALL

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 the funds associated with installing a new City Hall chiller as part of the City's FY 2007/2008 capital improvements budget; and

WHEREAS, the City is installing an energy efficient chiller unit in compliance with the City's new greening initiatives; and

WHEREAS, pursuant to N.C.G.S. 143-131, the City issued a request for proposals and received a proposal from H & M Constructors for \$206,815.00 as the lowest responsible bid;

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 H & M Constructors for the supply, construction and installation of a new chiller unit for City Hall for an amount not to exceed \$206,815.

Read, approved and adopted this 23rd day of September, 2008.

Magdalen Burlington
City Clerk

Levy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlington
City Clerk

RESOLUTION NO. 08- 195RESOLUTION APPOINTING MEMBERS TO THE POLICE OFFICERS AND
FIREFIGHTERS DISABILITY REVIEW BOARD

WHEREAS, the terms of Dr. Alexander Maitland, as the licensed physician on the Police Officers and Firefighters Disability Review Board; Stephanie Cooper and James Lewis, as members on the Police Officers and Firefighters Disability Review Board, expired on July 19, 2008; and

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

- (1) Dr. Stephen Hulkower, Director of the Division of Family Medicine at Mountain Area Health Education Center, 118 W.T. Weaver Boulevard, Asheville, N.C., be and he is hereby appointed as the licensed physician on the Police Officers and Firefighters Disability Review Board, to serve a two year term, term to expire July 19, 2010, or until his successor has been duly appointed.
- (2) Ms. Stephanie Cooper, 112 Deerlake Drive, Asheville, N.C., be and she is hereby reappointed as a member on the Police Officers and Firefighters Disability Review Board, to serve an additional two year term, term to expire July 19, 2010, or until her successor has been appointed.
- (3) Mr. James Lewis, 1150 Oteen Church Road, Asheville, N.C., be and she is hereby reappointed as a member on the Police Officers and Firefighters Disability Review Board, to serve an additional two year term, term to expire July 19, 2010, or until his successor has been appointed.

Read, approved and adopted this 23rd day of September, 2008.

Magdalen Paulison
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

Richard
CITY ATTORNEY

Magdalen Paulison
City Clerk &

RESOLUTION NO. 08-196

RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 36 RESERVOIR ROAD

WHEREAS, the City of Asheville is the owner of real property located at 36 Reservoir Road, formerly White Fawn Reservoir, identified as PIN #9648.11-55-6988; and

WHEREAS, New Cingular Wireless PCS, LLC, a telecommunications company, has offered to enter into a license agreement in order to operate antennas and related equipment upon the property at 36 Reservoir Road; and

WHEREAS, N.C.G.S. 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 giving public notice for 10 days; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed license agreement on September 12, 2008, in the Asheville Citizen-Times; and

WHEREAS, the initial term of the license agreement will be for five (5) years with the option to renew for one (1) additional five (5) year period; and

WHEREAS, the City has no anticipated need for the property during the term of the license fee;

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

The City Manager is hereby authorized to executed the License Agreement between the City of Asheville and New Cingular Wireless PCS, LLC for antennas and related equipment at 36 Reservoir Road, at an initial license fee rate of \$30,000 per year with 4% annual escalations.

Read, approved and adopted this 23rd day of September, 2008.

Magdalen Poulsson
City Clerk

Wyn Bellamy
Mayor

Approved as to form:

R. [Signature]
City Attorney

Magdalen Poulsson
City Clerk

RESOLUTION NO. 08-197

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR UNISON ENGINE COMPONENTS

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, Unison Engine Components (herein "Unison") is proposing to expand operations within the City limits adding \$15,000,000 in new capital investment; and

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering grants to qualifying businesses locating and expanding within its corporate limits;

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

1. City Council approves a grant to Unison Engine Components not to exceed \$236,250, payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and Unison.
2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 23rd day of September, 2008.

Magdalen Bouslon
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouslon
City Clerk

RESOLUTION NO. 08-198

RESOLUTION OF THE ASHEVILLE CITY COUNCIL TO SUPPORT
A FULL AND PROPER CLEANUP OF THE FORMER CTS OF ASHEVILLE

WHEREAS, the Asheville City Council recognizes vital importance and supports the protection of the region's limited groundwater resources for growth and in the interest of protecting the health, safety and general welfare of its citizen's and the environment in South Asheville and the surrounding communities in the French Broad River Basin; and

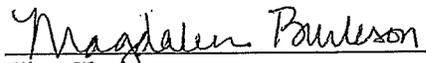
WHEREAS, the Asheville City Council applauds the North Carolina Department of Environment and Natural Resources' efforts, in response to public concern, by beginning a process of enforcing an assessment of the degree and extent of the release (the groundwater plume) of the contaminant known as trichloroethylene ("TCE") beginning on September 2, 2008 at the site on Mills Gap Road and from thence moving beyond; and

WHEREAS, irrespective of on-going state efforts to track and gauge the extent of the resultant groundwater plume, the central urgency of controlling and cutting off source contribution of contaminant from the identified source areas under the plant building and extending outward to the groundwater is still extant and remains unabated and, thus, under the jurisdiction of the United States Environmental Protection Agency under the authority of National Contingency Plan to address and enforce under Title 40, Section 300.415(b); and

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

The City Council of Asheville are unified in their request of the EPA for a full and proper cleanup of the contributing source area of contamination, and endorse the efforts being made by and being acted on jointly by our federal representatives in Congress (Representative Shuler, Senator Dole and Senator Burr), initiated at the behest of a broad-based citizen request to hold administrators at United States Environmental Protection Agency to account to effectively enforce, address and contain further contribution to the groundwater contamination, by effecting an expeditious cleanup of the previously identified source area at the plant site to the extent that it is contributing to conditions in down gradient springs, wells and streams under the body of law known as the National Contingency Plan, and effecting a work take over of the cleanup, if need be, to protect the public health, safety, welfare and environment from a still pending threat from release.

Read, approved and adopted on this 23rd day of September 2008.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 08-199

RESOLUTION APPOINTING A MEMBER TO THE TRANSIT COMMISSION

WHEREAS, Yuri Koslen has resigned from the Transit Commission, thus leaving an unexpired term until December 31, 2010;

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

Mr. Larry D. Chapman, 25-C Deaverview Road, Asheville, N.C. be and he is hereby appointed, as a member of the Transit Commission, to serve the unexpired term of Mr. Koslen, term to expire December 31, 2010, or until his successor has been appointed.

Read, approved and adopted this 23rd day of September, 2008.

Margaret Boulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Margaret Boulson
City Clerk