

RESOLUTION 11- 234**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**

*WHEREAS*, the City of Asheville, North Carolina (the "*City*") is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

*WHEREAS*, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

*WHEREAS*, the City Council of the City (the "*City Council*"), determines that it is in the best interest of the City to enter into (a) an installment financing contract (the "*Contract*") with the Asheville Public Financing Corporation, a North Carolina nonprofit corporation (the "*Corporation*"), in order (1) to pay the capital costs of acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City, (2) to pay the capital costs of renovating and improving City Hall and the Civic Center, (3) to pay the capital costs of acquiring and installing vehicles and equipment, (4) to refinance the City's installment payment obligations under an Installment Purchase Contract dated as of June 1, 1991, as amended by Amendment Number One to the Installment Purchase Contract dated as of November 1, 1997 (the "*1997 Contract*"), each between the City and the Corporation, the proceeds of which were used to finance and refinance the improvements to various City facilities, (5) to refinance the City's installment payment obligations under an Installment Financing Agreement dated June 28, 2006 between the City and Bank of America, N.A. (the "*2006 Contract*"), the proceeds of which were used to finance two fire stations, vehicles and equipment, (6) to refinance the City's installment payment obligations under an Installment Financing Agreement dated February 17, 2011 between the City and Bank of America, N.A. (the "*2011 Contract*" and collectively with the 1997 Contract and the 2006 Contract, the "*Prior Contracts*"), the proceeds of which were and are being used to finance a parking facility at 51 Biltmore (each of the projects described above to be financed and refinanced with the proceeds of the Contract are referred to herein as the "*Projects*"), and (7) to pay the costs related to the execution and delivery of the Contract and (b) a deed of trust and security agreement (the "*Deed of Trust*") related to the City's fee simple interest in the site of City Hall and such other portion of the Projects as may be required to complete the financing (collectively, the "*Sites*") and the improvements thereon, to secure the City's obligations under the Contract;

*WHEREAS*, the City hereby determines that the Projects are essential to the City's proper, efficient and economic operation and to the general health and welfare of its citizens; that the financing and refinancing of the Projects will permit the City to carry out public functions that it

is authorized by law to perform; and that entering into the Contract and the Deed of Trust are necessary and expedient for the City by virtue of the findings presented herein;

*WHEREAS*, the City hereby determines that the Contract allows the City to purchase the Projects and take title thereto and to refinance the Prior Contracts at a favorable interest rate currently available in the financial marketplace and upon terms advantageous to the City;

*WHEREAS*, the City hereby determines that the estimated cost of the Project and the refinancing of the Prior Contracts is an amount not to exceed \$50,000,000 and that such cost of the Projects and refinancing the Prior Contracts exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

*WHEREAS*, although the cost of financing the Projects and the refinancing of the Prior Contracts pursuant to the Contract is expected to exceed the cost of financing the Projects and the refinancing of the Prior Contracts pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the Projects and the refinancing of the Prior Contracts pursuant to the Contract and the Deed of Trust and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Projects and refinancing the Prior Contracts; and (3) revenues produced by the Projects are insufficient to permit a revenue bond financing;

*WHEREAS*, the City has determined and hereby determines that the estimated cost of financing and refinancing of the Projects pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

*WHEREAS*, the City does not anticipate a property tax increase to to pay installment payments falling due under the Contract, but will, to the extent required, increase property taxes if necessary to pay installment payments falling due under the Contract in any fiscal year during the term of the Contract;

*WHEREAS*, Parker Poe Adams & Bernstein LLP, as bond counsel, will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

*WHEREAS*, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

*WHEREAS*, the City is not in default under any of its debt service obligations;

*WHEREAS*, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

*WHEREAS*, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

*WHEREAS*, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and approval of the LGC with respect to entering the Contract must be received; and

*WHEREAS*, the City hereby determines that all findings, conclusions and determinations of the City in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract and the Deed of Trust and the financing of the Projects and the refinancing of the Prior Contracts to be financed thereby.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:*

Section 1. ***Authorization to Negotiate Contract.*** That the City Manager or the Chief Financial Officer, with advice from the City Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City the Contract for a principal amount not to exceed \$50,000,000, for the financing of the Projects and the refinancing of the Prior Contracts, to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the City's obligations thereunder, the Deed of Trust conveying a lien and interest in the Sites and the improvements thereon, as may be required by the entity, or its assigns, providing the funds to the City under the Contract.

Section 2. ***Application to LGC.*** That the Chief Financial Officer or her designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. ***Public Hearing.*** That a public hearing (the "*Public Hearing*") shall be conducted by the City Council on January 10, 2012 at or about 5:00 p.m. in the Council Chamber, 2<sup>nd</sup> Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, concerning the Contract, the Deed of Trust, the proposed Projects, the refinancing of the Prior Contracts and any other transactions contemplated therein and associated therewith.

Section 4. **Notice of Public Hearing.** That the City Clerk is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the City no fewer than 10 days prior to the Public Hearing.

Section 5. **Repealer.** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. **Effective Date.** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 13th day of December, 2011.

Magdalen Burkson  
City Clerk

Jim Bellamy  
Mayor

APPROVED AS TO FORM:

[Signature]  
City Attorney

Magdalen Burkson

**EXHIBIT A**  
**NOTICE OF PUBLIC HEARING**

At its December 13, 2011 meeting, the City Council (the "*City Council*") of the City of Asheville, North Carolina (the "*City*") adopted a resolution which:

1. Authorized the City to proceed to pay the costs of (a) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City, (b) renovating and improving City Hall and the Civic Center, (c) acquiring and installing vehicles and equipment, (d) refinancing the City's installment payment obligations under an Installment Purchase Contract dated as of June 1, 1991, as amended by Amendment Number One to the Installment Purchase Contract dated as of November 1, 1997, each between the City and the Corporation, the proceeds of which were used to finance and refinance the improvements to various City facilities, (e) to refinance the City's installment payment obligations under an Installment Financing Agreement dated June 28, 2006 between the City and Bank of America, N.A., the proceeds of which were used to finance two fire stations, vehicles and equipment, (f) refinancing the City's installment payment obligations under an Installment Financing Agreement dated February 17, 2011 between the City and Bank of America, N.A., the proceeds of which were and are being used to finance a parking facility at 51 Biltmore (each of the projects described above to be financed and refinanced are referred to herein as the "*Projects*"), and (g) to pay the costs related to the financing and refinancing of the Projects, pursuant to an installment financing contract (the "*Contract*"), in a principal amount not to exceed \$50,000,000 under which the City will make certain installment payments, in order to make the Projects available to the City;

2. Authorized the City to proceed to provide, in connection with the Contract, as grantor, a deed of trust and security agreement (the "*Deed of Trust*") under which the City's interest in the real property on which City Hall is located and such other portion of the Projects as may be required to complete the financing, and the improvements thereon (the "*Mortgaged Property*"), will be mortgaged by the City to create a lien thereon for the benefit of the entity, or its assigns, providing the funds to the City under the Contract. City Hall is located at 70 Court Plaza, Asheville, North Carolina.

On payment by the City of all installment payments due under the Contract, the Deed of Trust and any lien created thereunder will terminate and the City's title to the Mortgaged Property will be unencumbered.

*NOTICE IS HEREBY GIVEN*, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on January 10, 2012 at or about 5:00 p.m. in the Council Chamber, 2<sup>nd</sup> Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, a public hearing will be conducted concerning the approval of the execution and delivery of the Contract and the Deed of Trust and the City's financing and refinancing of the Projects. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Contract and the Project to be financed and refinanced thereby.

/s/ Magdalen Burleson

City Clerk

City of Asheville, North Carolina

Published: December \_\_, 2011

RESOLUTION NO. 11-235

RESOLUTION ADOPTING THE 2012 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 following schedule of the meetings of the Asheville City Council for 2010 be, and the same is, hereby established as follows:

City Council Formal Meetings  
5:00 p.m.  
2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month  
Council Chamber – 2<sup>nd</sup> Floor  
City Hall Building, Asheville, N.C.

City Council Community Meetings  
6:30 p.m.  
5<sup>th</sup> Tuesday of any month  
January 31, 2012 – East  
May 29, 2012 – Central  
July 31, 2012 – South  
October 30, 2012 – West

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 10, 2012; Tuesday, December 25, 2012.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 13<sup>th</sup> day of December, 2011.

Magdalen Boulson  
CITY CLERK

Jimmy Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
CITY CLERK

RESOLUTION NO. 11-236

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO PROVIDE A SECTION 5307 CAPITAL GRANT TO BE USED FOR THE STATE MATCH TO PURCHASE TWO CNG BUSES FOR HENDERSON COUNTY'S TRANSIT SYSTEM

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to replace two buses in its transit fleet as one of the priorities in their capital program; and

WHEREAS, the new buses will be an essential part of daily operations by increasing reliability, fuel efficiency, and reducing maintenance costs; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

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

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

City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to provide a Section 5307 Capital Grant in the amount of \$39,052 to be used for the State match to purchase two Compressed Natural Gas (CNG) replacement buses for Henderson County's transit system.

Read, approved and adopted this the 13<sup>th</sup> day of December, 2011.

Magdalen Boulson  
City Clerk

Imogen Sullivan  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11 - 237

RESOLUTION ACCEPTING COOPERS HAWK DRIVE AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 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, Coopers Hawk Drive is now located in the corporate limits of the City of Asheville as a result of a recent annexation; and

WHEREAS, Coopers Hawk Drive is currently privately-maintained; and

WHEREAS, dedication of the 50-foot right-of-way for Coopers Hawk Drive has been recorded in Plat Book 90 Page 1; and

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

Coopers Hawk Drive is accepted by the City of Asheville for maintenance as shown on the attached map section.

Read, approved and adopted this 13<sup>th</sup> day of December 2011.

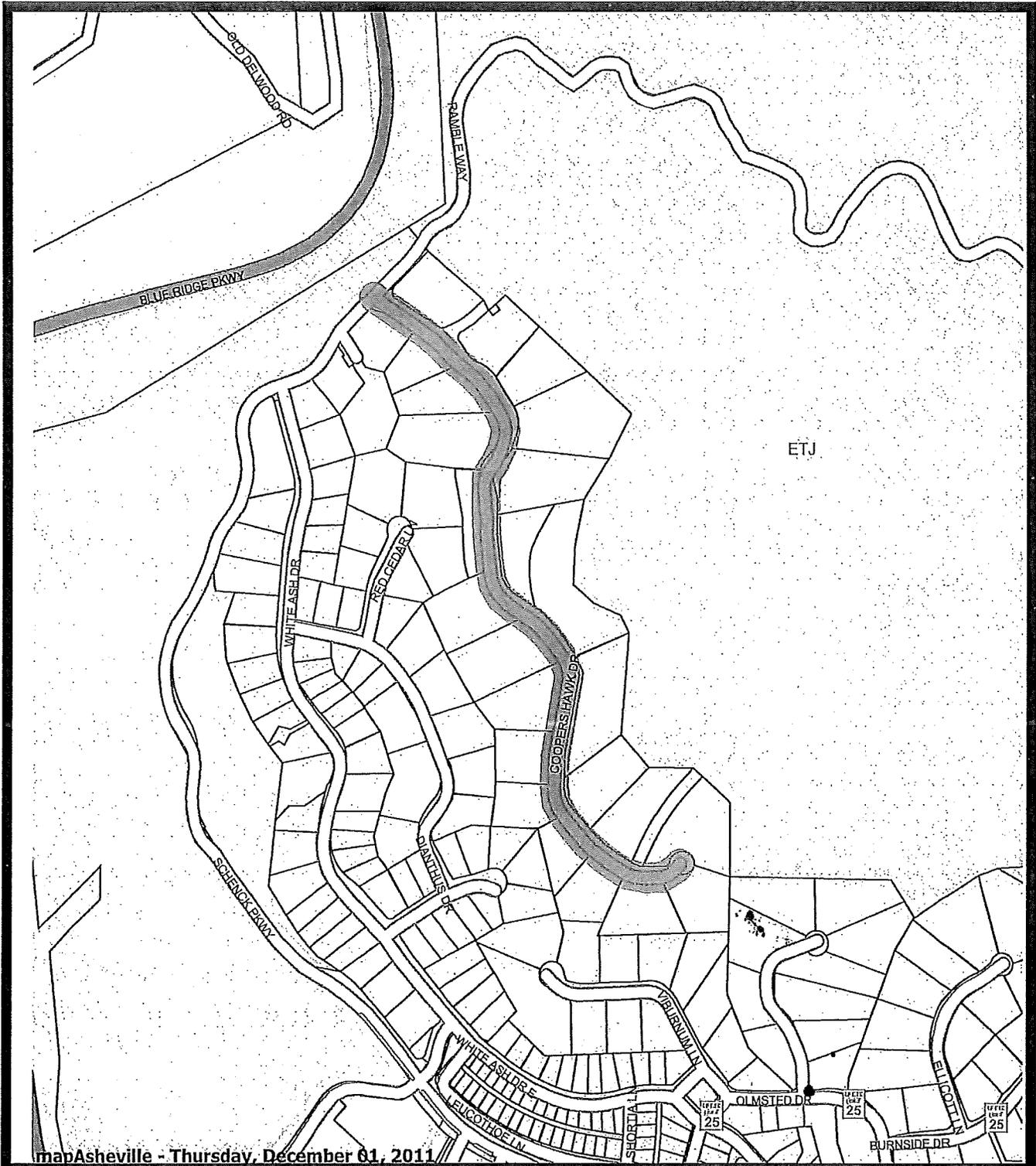
Magdalen Burlison  
City Clerk

Jim Bellan  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk



mapAsheville - Thursday, December 01, 2011

### mapAsheville - Standard GIS

Disclaimer: The City of Asheville acquires, develops, maintains, and uses GIS data in support of its internal business functions and the public services it provides. The GIS data which City of Asheville distributes and to which it provides access may not be suitable for other purposes or uses. All GIS data sets are provided "as is" with no warranty. It is your responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Use of all GIS data and map services provided by the City of Asheville are covered by this disclaimer. This map is intended for Display purposes only.

Map Created by: mapAsheville - Standard GIS  
 Data Source: City of Asheville GIS  
 Map Scale: 1:7000"  
 Printed on: Thursday, December 01, 2011



RESOLUTION NO. 11-238

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

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

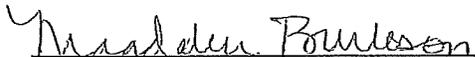
WHEREAS, the Office of Justice Programs of the Department of Justice (JAG) has awarded a grant to the City of Asheville in the amount of \$71,706 (with no match) to be shared with the Buncombe County Sheriff's Department; and

WHEREAS, the Asheville Police Department's share of the grant funds is \$52,140, for the purchase of speed measuring devices;

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

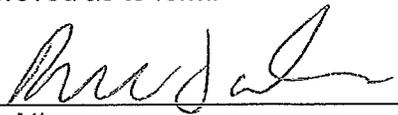
The City Manager be, and is hereby, authorized to apply for and enter into an agreement with the Office of Justice Programs of the Department of Justice, for a non-matching grant in the amount of \$71,706 to be shared with the Buncombe County Sheriff's Department.

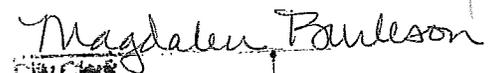
Read, approved and adopted this 13<sup>th</sup>.day of December, 2011.

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

  
\_\_\_\_\_  
Mayor

Approved as to form:

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

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

Resolution No. 11-239

RESOLUTION OF APPRECIATION TO BROWNIE W. NEWMAN

WHEREAS, Brownie Newman served as a member of the Asheville City Council since December 2, 2003; and

WHEREAS, from December 8, 2009, until December 6, 2011, Brownie served as Vice-Mayor of the City of Asheville; and

WHEREAS, since December of 2003, Brownie untiringly devoted over eight years to the City of Asheville during a period of time that numerous projects were initiated which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular, his commitment to bringing the best quality of transportation to our community; and his commitment to energy reduction and clear air initiatives; and his commitment to the creation of attractive, affordable homes; and

WHEREAS, Brownie was a catalyst in Asheville's commitment to reduce its fossil fuel emissions by 80%, including an additional 20% over the next five years; and was also instrumental in several other energy reduction and green building strategies; and

WHEREAS, Brownie served as Chairman of the City Council Boards & Commissions Committee; Chairman and member of the City Council Housing & Community Development Committee; Chairman of the City Council Finance Committee; Chairman of the Police Officers and Firefighters Disability Review Board; Chairman of the Asheville Regional Housing Consortium Board; member of the City Council Public Safety Committee; City Council Personnel Committee; City Council Outside Agency Review Committee; Subcommittee on Campaign Finance Reform; Subcommittee on the Henderson County Water Negotiations; Subcommittee on the Water Agreement; Subcommittee on the 2009 Retreat; Asheville Regional Airport Authority; Transportation Advisory Committee; Metropolitan Sewerage District Board of Directors; and Buncombe County Economic Development Commission; and

WHEREAS, Brownie has also served as liaison to the Transit Commission; Asheville-Buncombe Fair Housing Commission; Educational Access Channel Commission; and Asheville-Buncombe Community Relations Council; and

WHEREAS, Brownie's unique leadership ability enabled him to build consensus on controversial and complex issues; and

WHEREAS, he has earned the admiration and high regard of those with whom he has come into contact, as well as the affection of his fellow public servants;

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

That the members of the Asheville City Council hereby express their gratitude to Brownie Newman for the service he has rendered to his community and that a copy of this Resolution be presented to Mr. Newman.

Read, approved and adopted this 6<sup>th</sup> day of December, 2011.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCIL MEMBER

*Magdalen Bourleson*  
Clerk

Resolution No. 11-240

RESOLUTION OF APPRECIATION TO WILLIAM A. RUSSELL JR.

WHEREAS, Bill Russell served as a member of the Asheville City Council since December 11, 2007; and

WHEREAS, Bill untiringly devoted over four years to the City of Asheville during a period of time that numerous projects were initiated through his leadership which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his commitment to Asheville's economic stability;

WHEREAS, Bill served as Chairman of the City Council Finance Committee, Chairman of the City Council Public Safety Committee, Chairman of the City Council Personnel Committee, member of the Metropolitan Sewerage District Board of Directors, and member of the Pack Place Board of Trustees;

WHEREAS, Bill also served as liaison to the Crime-Stoppers Board of Directors and the Citizens-Police Advisory Committee; and

WHEREAS, Bill has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Bill was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Bill has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

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

That the members of the Asheville City Council hereby express their gratitude to William A. Russell Jr. for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Russell.

Read, approved and adopted this 6<sup>th</sup> day of December, 2011.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCIL MEMBER

*Magdalen Boulson*

RESOLUTION NO. 11-241

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, COPS HIRING PROGRAM

WHEREAS, the City has the authority pursuant to N.C.G.S. 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 U.S. Department of Justice, Office of Community Oriented Policing, COPS Hiring Program has awarded a grant to the City of Asheville in the amount of \$711,255 to hire 5 police officers to conduct crime prevention in public housing, suppress group and gang violence in high crime areas and engage at risk youth through a police activities league.

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

The City Manager be, is hereby, authorized to apply for and enter into an agreement with the U.S. Department of Justice, Office of Community Oriented Policing, COPS Hiring Program, for a grant in the amount of \$711,255 to assist the Asheville Police Department with crime prevention, gang suppression and police activities league activities in high crime areas of Asheville.

Read, approved and adopted this 13<sup>th</sup> day of December, 2011.

Magdalen Boulson  
City Clerk

[Signature]  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11-242RESOLUTION AUTHORIZING SUBSTANTIAL AMENDMENT OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLANS FOR 2010-2011 and 2011-2012

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, on April 27, 2010 City Council approved an Annual Action Plan for the use of these funds in 2010-2011; and on April 26, 2011 City Council approved an Annual Action Plan for the use of these funds in 2009-2010; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, to amend the Action Plan for fiscal years 2010-2011 and 2011-2012;

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

The Consolidated Annual Action Plans for FY 2010-2011 and 2011-2012 be amended as follows:

- A. Additional allocation of \$28,000 to Homeward Bound for their 2011-2012 CDBG-funded Supportive Housing Program. The new total grant will be \$83,203.
- B. Additional allocation of \$95,000 to Housing Assistance Corporation for their 2010-2011 HOME-funded Oak Haven rental housing for elders development in Hendersonville. The new total grant will be \$445,000.
- C. Repurposing \$15,400 of 2010-2011 HOME funds granted to Western Carolina Community Action. These funds were originally allocated for a Downpayment Assistance Program in Transylvania County, and will be reallocated for Tenant Based Rental Assistance (TBRA).

Read, approved and adopted this 13<sup>th</sup> day of December, 2011.

Magdalen Burlington  
CITY CLERK

John Bellamy  
MAYOR

Approved As To Form:

Barry  
CITY ATTORNEY

Magdalen Burlington  
CITY CLERK

RESOLUTION NO. 11- 243

RESOLUTION TO WAIVE THE STREET CLOSING FEE FOR THE CLOSING OF A PORTION OF COLLEGE STREET

WHEREAS, The City of Asheville has declared its intent to permanently close a portion of College Street;

WHEREAS, the portion of College Street is not under the control of the North Carolina Department of Transportation;

WHEREAS, the closure of this portion of College Street will facilitate the Life Safety addition to the Buncombe County Court House;

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

The City Council hereby waives the street closing fees for the closing of a portion of College Street.

Read, approved and adopted this 13<sup>th</sup> day of December, 2011.

Magdalen Paulson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Paulson  
City Clerk

**RESOLUTION 11- 244**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND AND RELATED TRUST AGREEMENT; APPOINTMENT OF TRUSTEES FOR AND A CONTRIBUTION TO OPEB TRUST FUND**

*WHEREAS*, the City of Asheville, North Carolina (the "City") provides certain benefits for its eligible retirees that constitute what are known as other post-employment benefits ("OPEB");

*WHEREAS*, the City is required to account for OPEB pursuant to the Governmental Accounting Standards Board Statement No. 45;

*WHEREAS*, the City desires to create a trust fund (the "OPEB Trust Fund") into which it will transfer the money that has previously set-aside for its OPEB obligations and in which it will deposit regular contributions by the City and by eligible employees (or their dependents or beneficiaries) in order to further fund the City's OPEB obligations;

*WHEREAS*, such deposits into the OPEB Trust Fund will be irrevocable, not subject to the claims of creditors and may only be withdrawn by the City to provide other post-employment benefits to individuals who are former employees or beneficiaries of former employees of the City and who are entitled to other post-employment benefits payable by the City; and

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:*

Section 1. *Creation of OPEB Trust Fund; Execution of Trust Agreement.* The City Manager, the City Attorney and the Chief Financial Officer of the City, and their designees, are each hereby authorized and directed to take such action as may be necessary to create an Other Post-Employment Benefits Trust Fund into which money will be transferred and to which regular contributions can be made by the City to fund the City's OPEB obligation. The City Manager and the Chief Financial Officer of the City are each hereby authorized, empowered, and directed to execute and deliver a Trust Agreement substantially in the form provided to the City Council with this Resolution, but with such changes, modifications, additions or deletions as to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein. The City Manager and the Chief Financial Officer of the City, and their designees, are each also hereby authorized to take any other actions deemed necessary or appropriate to consummate the transactions provided for in the Trust Agreement and to take all such other actions as they may deem necessary or appropriate to give effect to the Trust Agreement.

Section 2. *Transfer from City's Self-Insurance Fund.* The City Manager and the Chief Financial Officer of the City are each hereby authorized and directed to cause \$8,025,865

on deposit in the City's self-insurance fund and previously set-aside and intended to be used to fund the City's OPEB obligations to be transferred to the OPEB Trust Fund and that such amount will be the City's initial contribution to the OPEB Trust Fund.

Section 3. *Appointment of Trustees.* The City Council hereby appoints Gary Jackson, City Manager, Kelley Dickens, Human Resources Director of the City and Lauren Bradley, Chief Financial Officer of the City, to serve as trustee of the OPEB Trust Fund and grants each the authority necessary to perform all duties and obligations thereof.

Section 4. *Other Actions.* That all actions heretofore taken by the City Manager, the City Attorney and the Chief Financial Officer of the City, and their designees, acting on behalf of the City with respect to the creation of the OPEB Trust Fund are hereby ratified, adopted, approved and confirmed in all respects. The City Manager, the City Attorney and the Chief Financial Officer of the City, and their designees, are authorized to execute and deliver for and on behalf of the City any and all documents or other papers and perform all other acts as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. *Effective Date.* This Resolution is effective on the date of its adoption.

Read, approved and adopted this 13<sup>th</sup> day of December, 2011.

Magdalen Bourleson  
City Clerk

Jim M Bellamy  
Mayor

APPROVED AS TO FORM:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION 11-245

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA,  
SUSPENDING RETIREE HEALTH INSURANCE BENEFITS FOR ALL CITY EMPLOYEES  
HIRED AFTER JUNE 30, 2012

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WHEREAS, pursuant to NCGS 160A-163(b) the City of Asheville (the "City") currently provides certain benefits for its eligible retirees, in addition to LGERS and other pension benefits, that constitute what are known as other post-employment benefits ("OPEB");

WHEREAS, the City is required to account for OPEB pursuant to the Governmental Accounting Standards Board Statement No. 45;

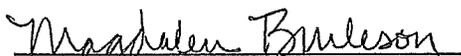
WHEREAS, the City desires to implement a plan to fully fund its OPEB liability, including participation in an OPEB Trust Fund;

WHEREAS, continuing to provide retiree health insurance to future hires will significantly increase the City's OPEB liability and challenge its ability to fully fund its obligation to current employees and retirees; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

1. The City of Asheville will suspend retiree health insurance for all city employees hired after June 30, 2012.
2. The City Manager will provide City Council with an annual update.

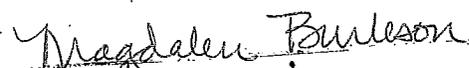
Read, approved and adopted this 13<sup>th</sup> day of December, 2011.

  
City Clerk

  
Mayor

APPROVED AS TO FORM:

  
City Attorney

  
City Clerk

RESOLUTION NO. 11-246

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TRANSIT MANAGEMENT AGREEMENT WITH FIRST TRANSIT, INC. TO MANAGE THE DAILY OPERATION OF THE ASHEVILLE TRANSIT SYSTEM

WHEREAS, North Carolina law prohibits municipalities from engaging in collective bargaining; and

WHEREAS, the City of Asheville must hire a Management Company to operate the transit system; and

WHEREAS, the management company is a party to a 13 (c) Labor Agreement with the Amalgamated Transit Union Local 128 covering all hourly employees; and

WHEREAS, a collective bargaining agreement between Transit Management of Asheville and the ATU Local 128 is in place until December 31, 2011; and

WHEREAS, First Transit was selected by the evaluation committee among three other firms to provide management services; and

WHEREAS, City staff recommends that the City enter into an agreement with First Transit, Inc. to manage and operate the transit system.

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 First Transit, Inc. to manage and operate the Asheville Transit System.

Read, approved and adopted this the 13<sup>th</sup> day of December, 2011.

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11-247

RESOLUTION APPOINTING A MEMBER AND THE CHAIR TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Charles Worley, as a member and Chairman on the Alcoholic Beverage Control Board, expired on November 13, 2011; and

WHEREAS, the Chair shall be appointed by City Council;

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

Mr. William A. Russell Jr., 494 Hendersonville Road, Asheville, N.C., be and he is hereby appointed as a member of the Alcoholic Beverage Control Board, to serve a three-year term, term to expire November 13, 2014, or until his successor has been appointed.

Mr. Jim Ellis, 3 Sunset Lane, Asheville, N.C., be and he is hereby appointed as Chairman of the Alcoholic Beverage Control Board until his term expires on November 13, 2014, or until City Council appoints a replacement.

Read, approved and adopted this 13<sup>th</sup> day of December, 2011.

Magdalen Bouleson  
CITY CLERK

Jim Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bouleson  
CITY CLERK