

RESOLUTION NO. 11-33

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF REAL PROPERTY LOCATED OFF OF JANE STREET FROM BUNCOMBE COUNTY

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method;

WHEREAS, Buncombe County has offered to convey an 0.11 acre parcel of undeveloped land to the City of Asheville at no cost to the City; and

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

The Mayor be and is hereby authorized to execute documents and accept the conveyance from the Buncombe County the real property located off of Jane Street (PIN # 963993508400000), upon the approval of the City Attorney.

Read, approved and adopted this 22nd day of February, 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11- 34

RESOLUTION OF SUPPORT FOR FRENCH BROAD REGIONAL PADDLE TRAIL

WHEREAS, the City Council of the City of Asheville recognizes that the public welfare and interest of the City and region continues to best be served by regional partnerships that supports the sustainability and continued development of the Riverfront District;

WHEREAS, the City Council of the City of Asheville supports the preservation of open space for recreational opportunities; and

WHEREAS, a continuous French Broad River paddle trail or blueway will provide opportunities for residents and visitors to engage in a healthy relationship with the river, which in turn will support the type of place-based economic development and environmental regeneration that Asheville City Council wishes to foster in the Regional Riverfront;

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

The Asheville City Council, the creating organization for the Asheville Area Riverfront Commission, supports the work of the community in establishing a continuous French Broad River paddle trail or blueway from the headwaters in Rosman, North Carolina, through and into the state of Tennessee.

Read, approved and adopted this 22nd day of February, 2011.

Magdalen Bourleson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 11- 35

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO EXTEND THE CURRENT AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF REED CREEK GREENWAY, PHASE II BY SIX MONTHS.

WHEREAS, the City has authority, pursuant to NCGS 160A-17.1, to accept grants from other governments; and

WHEREAS, the City of Asheville is currently in an agreement with the North Carolina Department of Transportation (NCDOT) for up to \$400,000 to construct Reed Creek Greenway, Phase II; and

WHEREAS, the current agreement expires on April 14, 2011, which does not allow sufficient time to complete the construction of Reed Creek Greenway, Phase II; and

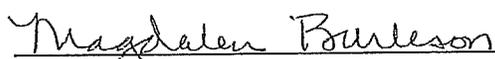
WHEREAS, staff has requested a six-month extension to the current agreement, which will allow sufficient time to complete the greenway construction; and

WHEREAS, NCDOT has agreed to a six-month extension to the agreement contingent upon City Council approval.

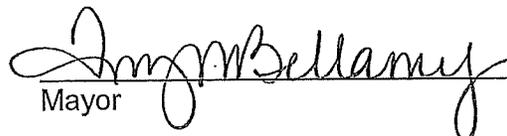
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into an agreement with the North Carolina Department of Transportation to extend the current agreement between the City of Asheville and the North Carolina Department of Transportation for construction of Reed Creek Greenway, Phase II by six months.

Read, approved and adopted this 22nd day of February, 2011.



 City Clerk

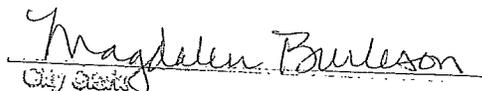


 Mayor

Approved as to form:



 City Attorney



 City Clerk

RESOLUTION NO. 11- 36

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DISASTER RECOVERY GROUP AND TREE SERVICE, INC. TO CONSTRUCT REED CREEK GREENWAY PHASE II

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 is contracting capital construction services that supports capital investment and is part of the provision to construct infrastructure for the City of Asheville park system, and

WHEREAS, the amount of the Agreement not to exceed \$615,000 and the funds have been budgeted in the capital improvement budget FY 2008-2009.

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 contract on behalf of the City of Asheville with Disaster Recovery Group and Tree Service, Inc. to construct Reed Creek Greenway Phase II for an amount not to exceed \$615,000, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount

Read, approved and adopted this 22nd day of February, 2011.

Magdalen Burlington
City Clerk

Amy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlington
City Clerk

RESOLUTION NO. 11-37

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY SANITARY SEWER EASEMENTS AT THE NEW RECREATION CENTER SITE AT 285 LIVINGSTON STREET AND AT 415 SOUTH FRENCH BROAD AVENUE TO THE METROPOLITAN SEWERAGE DISTRICT

WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 285 Livingston Street and 415 South French Broad Avenue, identified as PINS # 964814039800000 and # 964814534100000; and

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, hereinafter MSD, has requested a Permanent Easement containing approximately 40,882 square feet and a second Permanent Easement containing approximately 1,899 square feet over a portion of said property at Livingston Street; and

WHEREAS, the sewer improvements for which the easements are requested will benefit the community;

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

The Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to convey two permanent easements over a portion of property located at 285 Livingston Street and 415 South French Broad Avenue (PINs ## 964814039800000 and # 964814534100000) to the Metropolitan Sewerage District of Buncombe County, North Carolina.

Read, approved and adopted this 22nd day of February, 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-38

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CINCINNATI SYSTEMS, INC.

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 is contracting for installation of an electronic timekeeping system; and

WHEREAS, the amount of the Agreement is not to exceed \$69,957.90 and the monies have been budgeted in the Parks, Recreation and Cultural Arts & Administrative Services 2010-2011 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 contract on behalf of the City of Asheville with Cincinnati Systems, Inc., not to exceed \$ 69,957.90, and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this the 22nd day of February, 2011.

Magdalen Boulton City Clerk Tom Bellamy Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE CONTRACT TO AUDIT
ACCOUNTS WITH DIXON HUGHES PLLC

WHEREAS, on June 8, 2010, City Council approved a contract with Dixon Hughes PLLC, in the amount of \$153,450 for auditing services for Fiscal Year 2009-2010; and

WHEREAS, the contract includes certain estimates regarding compliance auditing of federal and state financial assistance programs and did not include auditing new major programs such as the American Recovery and Reinvestment Act of 2009 (ARRA Federal Stimulus); and

WHEREAS, the contract contains hourly rates for engagement personnel required in connection with additional services not included in the audit contract; and

WHEREAS, Dixon Hughes has submitted an amendment to the contract in the amount of \$13,600 seeking additional compensation for required work not included in the original contract; such work relating to ARRA single audit compliance and consultation in connection with various compensation and fringe benefit tax matters; and

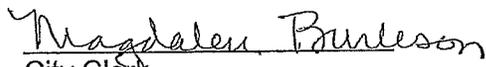
WHEREAS, funds are available in the Accounting Division of the Finance Department's budget; and

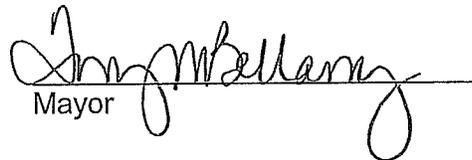
WHEREAS, the policy of the Local Government Commission requires contract amendments for audits completed after December 1;

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

The Mayor is hereby authorized to execute the amended contract to audit accounts with Dixon Hughes PLLC, the form of which shall be approved by the Local Government Commission for fiscal year 2009-2010.

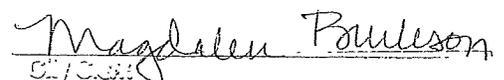
Read, approved and adopted this the 22nd day of February, 2011


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 11- 40

RESOLUTION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE US DEPARTMENT OF TRANSPORTATION FOR TIGER II PLANNING GRANT FUNDS FOR THE EAST OF THE RIVERWAY MULTI-MODAL NEIGHBORHOOD

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 governments and to enter into contracts for the administration of said grants; and

WHEREAS, on August 10, 2010 the City of Asheville City Council authorized submittal of an application for federal funding for sustainable communities planning funding; and

WHEREAS, the City was successful in its application, being awarded \$850,000 of TIGER II Planning Grant funds on October 20, 2010 by the US Department of Transportation; and

WHEREAS, the scope of work supported these funds meets City Strategic Goals; and

WHEREAS, City of Asheville City Council wishes to accept these funds and undertake the body of work agreed to with the US Department of Transportation.

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

The City Manager is authorized to execute all documents including the Cooperative Agreement with the US Department of Transportation necessary to accept the award of a TIGER II Planning Grant in the amount of \$850,000.

Read, approved and adopted this 22nd day of February, 2011.

Maddalen Baulson
CITY CLERK

Jimmy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Maddalen Baulson
City Clerk

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RESOLUTION NO. 11- 41

RESOLUTION AMENDING THE 2011 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 Asheville City Council will hold a worksession in the First Floor North Conference Room of City Hall, located at 70 Court Plaza, Asheville, North Carolina, on (1) Tuesday, March 8, 2011; at 3:30 p.m.; (2) Tuesday, March 22, 2011, at 3:00 p.m.; and (3) Tuesday, April 12, 2011, at 3:00 p.m.

Read, approved and adopted this 22nd day of February, 2011.

Magdalen Bruleson
CITY CLERK

Sam Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION NO. 11-42

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE SALE OF SURPLUS TO THE ASHEVILLE HOCKEY LEAGUE FOR THE CIVIC CENTER ICE RINK AND EQUIPMENT

WHEREAS, the City of Asheville is responsible for the disposal of excess and obsolete personal property through the disposal of surplus; and

WHEREAS, the Civic Center has deemed the ice rink and equipment as excess; and

WHEREAS, North Carolina General Statute 160A-266 authorizes the City to dispose of personal property valued at \$30,000 or more by private negotiation or sale upon resolution of the City Council adopted at a regular meeting; and

WHEREAS, North Carolina General Statute 160A-279 authorizes the City to dispose of property by private sale to a non-profit agency that is carrying out a public purpose; and

WHEREAS, the Asheville Hockey League has presented a proposal to the City for maintaining the ice rink and equipment in Asheville for public use; and

WHEREAS, the Asheville City Council believes that the Asheville Hockey League's proposal fulfills a public purpose; and

WHEREAS, the Asheville Hockey League has offered to purchase the ice rink and equipment for \$15,000;

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

The City Manager is hereby authorized to negotiate a purchase agreement and award the sale of the ice rink and equipment to the Asheville Hockey League on behalf of the City of Asheville.

Read, approved and adopted this 22nd day of February, 2011.

Magdalen Bourleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 11-43

RESOLUTION IN SUPPORT OF FULL EQUALITY FOR ALL ASHEVILLE CITIZENS

WHEREAS the core values of the City of Asheville include commitments to "value and respect a diverse community, workforce, and ideas," and to "value the safety and welfare of our employees and the citizens we serve;" and

WHEREAS up to 12% of Asheville's population is lesbian, gay, bisexual, and transgender (LGBT); and

WHEREAS LGBT people possess the same capacity and desire as the rest of the population to be full and active participants in the life of our city; and

WHEREAS more than 600 same-sex couples are known to live in Asheville, a concentration more than three times the national average and the fifth highest concentration of same-sex couples among medium-sized metropolitan areas in the United States; and

WHEREAS statewide research shows that the individuals in same-sex couples reflect the diversity of the general population with regard to race and ethnicity; and

WHEREAS statewide research suggests that 22% of same-sex couples are raising children; and

WHEREAS research demonstrates that the psychosocial development and well-being of children raised by gay and lesbian couples is comparable to that of their peers raised by heterosexual parents; and

WHEREAS LGBT citizens and their children face stigma and harms due to a lack of basic legal protections under state and federal law; and

WHEREAS prejudicial attitudes are fostered when people are treated unequally under the law; and

WHEREAS, as a result, LGBT people and their families live with the constant risks of losing a job; facing eviction; being denied the full recognition of familial relationships in public and private settings; and undergoing bullying and harassment; and

WHEREAS national research shows that "nearly 9 out of 10 LGBT students experience harassment at school, nearly two-thirds felt unsafe because of their sexual orientation, and more than a third felt unsafe because of their gender expression;" and

WHEREAS ensuring that LGBT people have equal protection under the law in the areas of employment, housing, and relationship recognition can reduce the harms that LGBT people encounter under current laws and can overturn the effects of prejudice; and

WHEREAS the Asheville City Council approved last year a domestic partner benefits policy that recognizes the capacity of same-sex couples to form committed, lasting unions; and

WHEREAS the Obama administration issued a 2010 Presidential Memorandum that

mandates domestic partner visitation in hospitals accepting federal health monies, and Asheville hospitals do not currently have a mechanism for recognizing same-sex domestic partners; and

WHEREAS, civil marriage confers hundreds of rights and protections under state and federal law, yet discriminatory marriage laws deprive same-sex couples of these same rights and protections, including, but not limited to, health care coverage and related decision-making, access to assisted-living facilities, decision making around funerals and end of life matters, inheritance rights, survivor benefits, child custody, and adoption rights;

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

The Asheville City Council act to affirm and protect the equal rights of all its citizens by

- (1) Extending the city's employment discrimination clause to include "sexual orientation", "gender", and "gender identity or expression";
- (2) Ask City staff to research policies related to protecting public safety related to bullying activities;
- (3) Creating a Domestic Partner Registry to recognize same-sex relationships for the purposes of providing documentation and offering a mechanism through which hospitals, businesses, and other entities will have the opportunity to recognize these relationships; and
- (4) Endorsing and supporting the rights of same-sex couples to share fully and equally in the familial rights and responsibilities of civil marriage.

Read, approved and adopted this 22nd day of February, 2011.

Magdalen Boulleson
CITY CLERK

Jimmy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulleson
City Clerk