

RESOLUTION NO.11- 1

RESOLUTION AMENDING THE MEMBERSHIP OF THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, Resolution No. 91-67, adopted on April 23, 1991, established the Citizens/Police Advisory Committee, designated the membership of the committee and established the duties of the Committee; and

WHEREAS, Resolution No. 94-107, adopted on June 7, 1994, amended the membership of the Citizens/Police Advisory Committee and appointed members thereto; and

WHEREAS, Resolution No. 94-186 established the membership of the Committee with "two (2) ad hoc seats to be temporarily filled and appointed by committee members for a specific problem, incident, or event – to be non-voting members;" and

WHEREAS, on March 11, 2008, City Council appointed then Vice-Mayor Jan Davis as the ex-officio non-voting City Council representative on the Citizens/Police Advisory Committee; and

WHEREAS, due to Councilman Bill Russell's capacity as Chairman to the City Council Public Safety Committee, it would be more appropriate for Councilman Russell to serve in this capacity; and

WHEREAS, the Committee requests that the two (2) ad hoc seats be voting members; and

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

- (1) Councilman Bill Russell, 494 Hendersonville Road, Asheville, N.C., be and he is hereby appointed as the ex-officio non-voting City Council representative on the Citizens/Police Advisory Committee to serve a term according to the length of his Council term of office.
- (2) Section 1(h) of Resolution No. 94-186 be amended to read as follows: "Two (2) ad hoc seats to be temporarily filled and appointed by committee members for a specific problem, incident, or event – to be voting members."

Read, approved and adopted this the ~~14~~<sup>25</sup><sup>th</sup> day of January, 2011.

Margalene Boulson  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margalene Boulson  
City Clerk

RESOLUTION NO. 11- 2

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO DEVELOP THE LONG RANGE TRANSPORTATION DEMAND MANAGEMENT PLAN

---

WHEREAS, the North Carolina Department of Transportation (NCDOT) is requiring a Long Range Transportation Demand Management (TDM) Plan that encompasses a regional approach; and

WHEREAS, the City of Asheville requested, and has been approved by the Board of Transportation, the assistance of NCDOT funds in the amount of \$20,000 match for the grant;

WHEREAS, the remainder \$80,000 of this plan will be funded with 5307 funds allocated in grant #NC-90-X275-00 from the Federal Transit Administration;

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Department of Transportation for the development of the Long Range TDM Plan.

Read, approved and adopted this 25<sup>th</sup> day of January 2011.

Magdalen Bullison  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

R. M. Dwyer  
City Attorney

Magdalen Bullison  
City Clerk

RESOLUTION NO. 11-3

RESOLUTION IN SUPPORT OF AN ECONOMIC BENEFIT ANALYSIS  
FOR A DOWNTOWN IMPROVEMENT DISTRICT

WHEREAS, downtown Asheville is recognized as an essential economic engine for the City of Asheville, Buncombe County and Western North Carolina; and

WHEREAS, the continued health and vitality of downtown Asheville is critical to all citizens; and

WHEREAS, City Council adopted the Downtown Master Plan in May, 2009; and

WHEREAS, the master plan recommended that a Community Improvement District be thoroughly explored for Downtown Asheville; and

WHEREAS, an Economic Benefit Analysis, funded by public and private partners, will show the economic impact of a Community Improvement District on property and business owners;

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

The City of Asheville supports the Economic Benefit Analysis in the amount of \$3,500, along with the contributions of other partners including the Asheville Downtown Association, Buncombe County and DARN.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Paulson  
CITY CLERK

Greg Bellamy  
MAYOR

Approved As To Form:

[Signature]  
CITY ATTORNEY

Magdalen Paulson  
CITY CLERK

RESOLUTION NO. 11-4

RESOLUTION OF INTENT TO PERMANENTLY CLOSE SEVERAL PORTIONS OF  
UNOPENED RIGHTS OF WAY AND CITY STREETS WITHIN THE MONTFORD COMMONS  
DEVELOPMENT AREA

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened portion of Woodside Place; an unopened portion of Woodside Place; an unopened unnamed right of way between Gudger Street and the unopened portion of Woodside Place; an unopened portion of Bay Street; all of the unopened portion of Jason Street and a portion of City maintained Jason Street; all of City maintained Michael Street; and all of the unopened Elizabeth Place; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close an unopened portion of Woodside Place adjacent to Property Identification Numbers 9649-01-9293-00000, 9649-11-0279-00000, 9649-11-0425-00000, 9649-01-8377-00000, 9649-01-8471-00000, 9649-01-8487-00000, and 9649-01-9556-0000; an unopened unnamed right of way between Gudger Street and the unopened portion of Woodside Place adjacent to Property Identification Numbers 9649-01-9293-00000, 9649-11-0279-00000, 9649-11-1215-00000 and 9649-11-1149-00000; an unopened portion of Bay Street adjacent to Property Identification Numbers 9649-01-8263-00000, 9649-01-9064-00000, 9649-01-9293-00000, 9649-11-1149-00000 and 9649-11-1182-00000; all of the unopened portion of Jason Street and a portion of City maintained Jason Street adjacent to Property Identification Numbers 9649-00-2655-00000, 9649-01-8263-00000, 9640-00-8957-00000, 9649-00-9902-00000, 9649-10-0745-00000, 9649-10-0895-00000, 9649-10-0879-00000 and 9649-01-9064-0000; all of City maintained Michael Street adjacent to Property Identification Numbers 9649-00-9549-00000, 9649-00-8754-00000, 9649-00-8810-00000, 9649-00-7856-00000, 9649-00-7879-00000, 9649-00-8866-00000, 9649-00-9717-00000 and 9649-00-9694-00000; all of the unopened right of way adjacent to Property Identification Numbers 9649-01-8263-00000, 9649-00-6986-00000, 9649-00-6992-00000 and 9649-00-8957.
2. A public hearing on the question of permanently closing an unopened portion of Woodside Place; an unopened unknown unnamed right of way between Gudger Street and the unopened portion of Woodside Place; an unopened portion of Bay Street; all of the unopened portion of Jason Street and a portion of City maintained Jason Street; all of City maintained Michael Street; and all of the unopened Elizabeth Place, thereby called for on February 22, 2011, at the regular meeting of the City Council beginning at 5:00 pm., 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 February 22, 2011.

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 street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, 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 25<sup>th</sup> day of January, 2011.

Magdalen Boulson  
City Clerk

David Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11-5RESOLUTION 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:

City Council will be holding their annual retreat beginning at 9:00 a.m. on February 4, 2011, at Warren Wilson College in Canon Lounge in Asheville, North Carolina.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Paulson  
CITY CLERK

Jerry Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Paulson  
CITY CLERK

RESOLUTION NO. 11-6

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COMMUNICATION SYSTEMS INCORPORATED FOR THE INSTALLATION OF WIRELESS NETWORKING EQUIPMENT IN ASHEVILLE CIVIC CENTER

---

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 installation involves the furnishing and installation of equipment for the purpose of providing wireless network and internet access to staff and patrons of the Civic Center; and

WHEREAS, the amount of the Agreement is \$62,668.13 and the monies have been budgeted in the Civic Center's 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 Communication Service Incorporated, for the installation of wireless networking equipment 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 the 25th day of January, 2011.

Magdalen Bouleson City Clerk  
George Bellamy Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalen Bouleson  
 City Clerk

RESOLUTION NO. 11-7

RESOLUTION OF INTENT TO PERMANENTLY CLOSE COOPER BOULEVARD

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close Cooper Boulevard; and

WHEREAS, Cooper Boulevard is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close Cooper Boulevard beginning with its intersection with Smoky Park Highway, also being the southeast corner of P.I.N. 9628-10-0202-00000 and the southwest corner of P.I.N. 9628-10-3908-00000 proceeding then northwesterly to the southeast corner of P.I.N. 9628-00-5889-00000 where it loops around approximately 475 feet and ends at a point perpendicular to the southeast corner of P.I.N. 9628-00-5889-00000 on the western property line of P.I.N. 9628-10-3908-00000.
2. A public hearing on the question of permanently closing Cooper Boulevard is hereby called for on February 22, 2011, at the regular meeting of the City Council beginning at 5:00 pm., 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 February 22, 2011.
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 street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting Cooper Boulevard, 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 25<sup>th</sup> day of January, 2011.

Magdalen Burlison  
City Clerk

George Bellamy  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 11-8

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MEDALLION ATHLETIC PRODUCTS, INC. TO INSTALL NEW BACKSTOP NETTING AT MCCORMICK FIELD

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 improvement services that supports capital reinvestment and is part of the provision of infrastructure replacement programs for the City of Asheville park system; and

WHEREAS, the amount of the Agreement not to exceed \$63,000 and the funds have been budgeted in the Park, Recreation and Cultural Art's Department McCormick Field 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 Medallion Athletic Products, Inc. to install new backstop netting at McCormick Field not to exceed \$63,000, 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 the 25<sup>th</sup> day of January, 2011.

Magdalen Bouleson  
City Clerk

Tom Ballantyne  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bouleson  
City Clerk

RESOLUTION NO. 11-9

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF REAL PROPERTY AT 75 SHELBURNE ROAD FROM THE STATE OF NORTH CAROLINA

---

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, the City of Asheville has a reversionary interest in real property located at 75 Shelburne Road (PIN # 963709498100000), as recorded in Deed Book 833, Page 466; and

WHEREAS, the State of North Carolina requests that the City of Asheville initiate the reversion process by providing formal notice of the City's willingness to accept the property in the current condition and accept the liability and responsibility of the property;

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 State of North Carolina the real property known as the the former North Carolina National Guard Armory located at 75 Shelburne Road (PIN # 963709498100000), upon the approval of the City Attorney.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Baulson  
City Clerk

George Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

RESOLUTION NO. 11- 10

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE CONTRACT WITH HICKORY CONSTRUCTION COMPANY FOR THE ARRA FUNDED PROJECT: NORTH FORK WATER TREATMENT PLANT PUMPING SYSTEMS IMPROVEMENTS (DEH-1395)

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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as North Fork WTP – Pumping Systems Improvements; and

WHEREAS, Hickory Construction Company of Hickory, North Carolina, was the lowest responsible bidder for the Project and awarded the bid in the amount of \$328,474.00; and

WHEREAS, the Project involves the furnishing of labor, material, equipment, incidentals, piping, equipment, and demolition for the installation of two package water booster pump stations consisting of skid mounted pumps, motors, and control panels; and

WHEREAS, a change order in the amount of \$3,161.00 is required to complete and close out the project for a total contract amount of \$331,635.00;

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

The City Manager is hereby authorized to execute a change order in the amount of \$3,161.00 to increase the construction contract for Hickory Construction Company from \$328,474.00 to \$331,635.00.

Read, approved and adopted this the 25th day of January, 2011.

Magdalen Boulson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11- 11RESOLUTION RE-SCHEDULING PUBLIC HEARING FOR 51 BILTMORE PARKING DECK  
FINANCING

WHEREAS, on December 14, 2010, the Asheville City Council adopted Resolution No. 10-264 authorizing the negotiation of an installment financing contract and providing for certain other related matters thereto; and

WHEREAS, said resolution included a provision setting a public hearing on the proposed financing for January 11, 2011; and

WHEREAS, the notice required for said public hearing was not published as requested, and a revised notice was published for January 25, 2011; and

WHEREAS, due to inclement weather, the January 11, 2011, meeting of City Council could not be held;

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

The public hearing on the proposed financing scheduled for January 11, 2011, be and the same is hereby, rescheduled for January 25, 2011, and all actions heretofore taken in furtherance of such rescheduled public hearing be, and the same are hereby, ratified.

Read, approved and adopted, this the 25<sup>th</sup> day of January, 2011.

Magdalena Bureson  
City Clerk

Tom Bellamy  
Mayor

Approved as to form:

Russell  
City Attorney

Magdalena Bureson  
City Clerk

RESOLUTION NO. 11- 12

RESOLUTION AUTHORIZING EXECUTION OF SECOND AMENDMENT TO DOWNTOWN DEVELOPMENT AGREEMENT

WHEREAS, pursuant to Resolution No. 08-231, adopted on October 28, 2008, the City entered into a Downtown Development Agreement pursuant to N.C.G.S. 160A-458.3, with Public Interest Projects ("PIP") and MHG Asheville AL ("MHG") to develop certain property in downtown Asheville, which Agreement was amended by agreement dated July 1, 2010 (Resolution No. 10-149), to extend certain time periods set out therein; and

WHEREAS, the parties now wish to further extend certain time periods set forth in said Agreement (as amended); and

WHEREAS, for the reasons set out in Resolution No. 08-213, and in the proposed Second Amendment to Downtown Development Agreement, attached hereto as Exhibit A, the City Council finds that it is in the public interest to amend said Agreement;

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

1. The Mayor be, and is hereby, authorized to execute a Second Amendment to the Downtown Development Agreement between the City, PIP, and MHG, in substantially the form shown on Exhibit A, subject to approval by the City Attorney.

2. Actions heretofore taken by or on behalf of the City as to the Downtown Development Agreement be, and the same are hereby, ratified.

3. The City Manager be, and is hereby, authorized to execute any contracts or other documents necessary to give effect to this resolution, subject to approval of the City Attorney.

Read, approved and adopted, this the 25<sup>th</sup> day of January, 2011.

Magdalen Paulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Paulson  
City Clerk

STATE OF NORTH CAROLINA

SECOND AMENDMENT TO  
DOWNTOWN DEVELOPMENT  
AGREEMENT  
N.C.G.S. 160A-458.3

COUNTY OF BUNCOMBE

THIS "SECOND AMENDMENT TO DOWNTOWN DEVELOPMENT AGREEMENT" made as of this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF ASHEVILLE, a North Carolina municipal corporation ("City"), PUBLIC INTEREST PROJECTS, INC., a North Carolina corporation, (herein "PIP"), and MHG ASHEVILLE AL, LP, a Georgia limited partnership authorized to do business in North Carolina (herein "MHG").

WITNESSETH:

WHEREAS, pursuant to N.C.G.S. 160A-458.3, the parties entered into a Downtown Development Agreement dated November 21, 2008, (herein "Biltmore/Aston Agreement") for the design, development, and construction of a parking facility, retail space, and hotel on certain property in downtown Asheville (herein "Project"), which Agreement provided for a "Decision Period" (with extensions) through June 30, 2010; and

WHEREAS, the location and conceptual design of the Project proposed in the Biltmore/Aston Agreement is more fully described in said Agreement; and

WHEREAS, on July 1, 2010, the parties entered into a "First Amendment to Downtown Development Agreement," which extended certain time periods, including the Decision Period, to December 31, 2010; and

WHEREAS, the parties have, in reliance on said Agreement as amended, continued to pursue financing for the Project and to develop and refine legal documents and construction plans, including obtaining bids to construct the Project; and

WHEREAS, all parties remain committed to the Biltmore/Aston Agreement and the Project contemplated therein, and wish to amend the Biltmore/Aston Agreement to facilitate the development and completion of the Project, and

WHEREAS, PIP is willing to extend the City's option to purchase the 51 Biltmore property, and has obtained a commitment from the owners of the adjacent HDK property to extend the option for the HDK Property for a period of time;

NOW, THEREFORE, for and in consideration of the premises and the mutual promises and agreements set forth herein, the parties hereto do hereby agree as follows:

1. The "Decision Period" specified in Paragraph 7 of the Biltmore/Aston Agreement is hereby extended to and including June 30, 2011.
2. PIP shall extend the option on the 51 Biltmore property to March 31, 2011. Any sums previously paid for said option and any extensions thereof will be applied against the purchase price of the 51 Biltmore property at closing.
3. PIP shall obtain a further extension of the option to purchase the HDK property until March 31, 2011. Any sums previously paid or reimbursed to PIP by the City for said option or any extensions thereof shall be applied against the purchase price of the HDK property to be paid by the City to PIP at closing.
4. Any time periods or deadlines specified in the Biltmore/Aston Agreement that provided for any party hereto to undertake or complete any action within a certain period (based on the Decision Period and any extensions thereof), are hereby deemed extended to conform to the extension of the Decision Period as set out in Paragraph 1, above.
5. Except as modified by this Second Amendment, all terms and conditions contained in the Biltmore/Aston Agreement as amended shall remain in full force and effect, and binding on the parties hereto.

IN TESTIMONY WHEREOF, the City, has caused this instrument to be executed in its legal name by its duly authorized Mayor, attested by its City Clerk, and its Official Seal to be affixed hereunto, all by order of the City Council first duly given, and PIP has caused this instrument to be executed in its respective corporate name, by its President, attested by its Secretary, and its corporate seal to be affixed hereto, all by order of its respective Board of Directors first duly given, and MHG has caused this instrument to be executed by a Partner or Member of MHG, said execution having been duly authorized act of the Partnership. All done as of the day and year first above written.

Attest:  
  
\_\_\_\_\_  
City Clerk  
(official seal)

CITY OF ASHEVILLE  
  
By: \_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
Secretary  
(corporate seal)

PUBLIC INTEREST PROJECTS  
  
By: \_\_\_\_\_  
President

MHG Asheville AL LP  
  
By: \_\_\_\_\_  
Partner

Approved as to form:  
  
  
\_\_\_\_\_  
City Attorney

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Kai Nelson, Interim Chief Financial Officer

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid certify that Magdalen Burleson personally came before me this day and acknowledged that she is the City Clerk of the CITY OF ASHEVILLE, a North Carolina municipal corporation, and that by authority given and as the act of the corporation, that foregoing instrument was signed in its name by its Mayor and attested by herself as its City Clerk.

WITNESS my hand and notarial seal this \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public  
Print or type name \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

\*\*\*\*\*

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, \_\_\_\_\_, a Notary Public, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he is Corporate Secretary of PUBLIC INTEREST PROJECTS, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by \_\_\_self as its Corporate Secretary.

WITNESS my hand and notarial seal this \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public  
Print or type name \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

\*\*\*\*\*

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public, certify that \_\_\_\_\_, a partner in MHG Asheville AL LP, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the partnership.

WITNESS my hand and notarial seal this \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public  
Print or type name \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**RESOLUTION 11- 13****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND A DEED OF TRUST WITH RESPECT THERETO AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

*WHEREAS*, the City of Asheville, North Carolina (the "*City*") is a validly existing municipal corporation of the State of North Carolina, 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 financing 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*") has determined that it is in the best interest of the City to (a) enter into an installment financing contract (the "*Contract*") with Bank of America, N.A. (the "*Bank*") in order to pay the capital costs of the acquisition and construction of a parking facility located at 51 Biltmore Avenue in the City (the "*Project*"), and (2) to enter into a deed of trust and security agreement (the "*Deed of Trust*") related to the City's interest in the real property on which the Project will be located that will provide security for the City's obligations under the Contract;

*WHEREAS*, the Project will be owned and operated by the City;

*WHEREAS*, the City hereby determines that the Project 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 Council conducted a public hearing with respect to the Project on January 25, 2011 to receive public comments on the Project, the proposed financing, the Contract and the Deed of Trust;

*WHEREAS*, the City has filed an application with the LGC for approval of the LGC with respect to the City entering into the Contract in an aggregate principal amount of not to exceed \$14,100,000;

*WHEREAS*, there has been made available to the City Council the forms of the Contract and the Deed of Trust (collectively, the "*Instruments*"), which the City proposes

to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Instruments; and

*WHEREAS*, it appears that each of the Instruments is in appropriate form and is an appropriate instrument for the purposes intended;

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

Section 1. *Ratification of Prior Actions.* All actions of the City, the City Manager, the Finance Director of the City and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. *Approval, Authorization and Execution of Contract.* The City hereby approves the Project in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed \$14,100,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the Mayor, the City Manager, the Finance Director and the City Clerk or their respective designees are each authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, the Mayor, the City Manager, the Finance Director and the City Clerk or their respective designees are each hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. *Approval, Authorization of Deed of Trust.* The form, terms and content of the Deed of Trust are in all respects authorized, approved and confirmed, and the Mayor, the City Manager, the Finance Director and the City Clerk or their respective designees are each authorized, empowered and directed to execute and deliver the Deed of Trust for and on behalf of the City, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Deed of Trust, the Mayor, the City Manager, the Finance Director of the City and the City Clerk or their respective designees are each hereby authorized, empowered and

directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

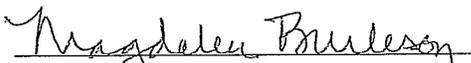
Section 4. **Further Actions.** The City Manager, the Mayor and the Finance Director are each hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Instruments, and the City Manager, the Mayor and the Finance Director are each authorized and directed to proceed with the Project in accordance with the terms of the Instruments, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Mayor, the City Manager and the Finance Director are each hereby authorized to designate one or more employees of the City to take all actions which the Mayor, the City Manager and the Finance Director are authorized to perform under this Resolution, and the Mayor, the City Manager, the Finance Director or their designees are each in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Instruments. The Mayor, the City Manager, the Finance Director of the City and the City Clerk are each authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

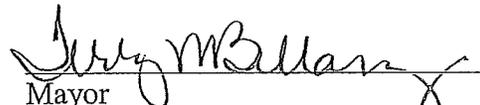
Section 5. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 6. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration does not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 7. **Effective Date.** This Resolution is effective on the date of its adoption.

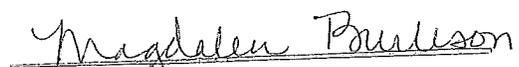
Read, approved and adopted this 25th day of January, 2011.

  
City Clerk

  
Mayor

APPROVED AS TO FORM:

  
City Attorney

  
City Clerk

RESOLUTION NO. 11- 14

RESOLUTION TO SUPPORT REID CENTER GRANT PROPOSAL BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AND TO AUTHORIZE THE MAYOR TO DISPOSE OF CITY- OWNED REAL PROPERTY KNOWN AS THE W. C. REID CENTER LOCATED AT 133 LIVINGSTON STREET BY PRIVATE SALE

---

WHEREAS, on December 14, 2010, the City Council of the City of Asheville learned that the Housing Authority of the City of Asheville was eligible for and sought to apply for a Capital Grant from the US Department of Housing and Urban Development for the purchase, renovation and use of the City-owned W.C. Reid Center as a community-based education and training center; and

WHEREAS, N.C. Gen. Stat. Sec. 160A-279 authorizes the City to convey by private sale an interest the City has in real property to an entity carrying out a public purpose; and

WHEREAS, N. C. Gen. Stat. Sec. 160A-267, requires City Council, when proposing to dispose of an interest in real property by private sale, to adopt a resolution or order authorizing the disposal at a regular council meeting; and

WHEREAS, the sale to the Housing Authority and reuse of the Reid Center for this purpose would meet City Strategic Goals; and

WHEREAS, the Housing Authority needs certain commitments from the City to apply for these grant funds, such commitments conditional on the award of funds to the Housing Authority;

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

1. The Mayor of the City of Asheville is hereby authorized to execute documents and convey to the Housing Authority of the City of Asheville Area by private sale the City's interest in the real property known as the W. C. Reid Center located 133 Livingston Street (PIN NOS. 964824431400000 and 964824629400000), upon the approval of the City Attorney;
2. The sales price is established at the appraised value of \$254,500, and the conveyance is conditional on the award of the aforesaid HUD grant funding and the continuing use of the property by the Housing Authority for the public purpose of a community based education and training center; and
3. The City commits to subgranting \$50,000 of TIGER II Planning Grant funds to the Housing Authority for the purpose of planning renovations to the building, conditional on the City and the US Department of Transportation's execution of a cooperative agreement; and
4. The City commits to subgranting \$137,500 of HUD Economic Development Incentive Grant funds to the Housing Authority, conditional on final approval of this use of funds by HUD; and

5. The City will pay for one-half of the cost of electricity, heat, water and other utility charges incurred for the operation of the W.C. Reid Center for a three year period concurrent with the grant performance period; with the rights to continuing operating the gym during that period.
6. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution once after its adoption in a newspaper of general circulation within the City, and no sale shall be consummated hereunder until 10 days after publication of such notice.

Read, approved and adopted this 25th day of January, 2011.

Magdalen Paulson  
CITY CLERK

Jimmy Bellamy  
MAYOR

Approved As To Form:

[Signature]  
CITY ATTORNEY

Magdalen Paulson  
CITY CLERK

RESOLUTION NO. 11-15

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT AMENDMENT WITH PBC+L ARCHITECTURE AND BETSCH ASSOCIATES FOR PHASE II ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE CIVIC CENTER RENOVATIONS

WHEREAS, in 2009 the City of Asheville led a successful collaborative partnership initiative which resulted in Asheville being named the official host of the NCAA Southern Conference Men's and Women's Basketball Championships for 2012-14; and

WHEREAS, the Civic Center Commission developed a Request for Qualifications, conducted an extensive public RFQ process and selected the design team of PBC+L Architecture and Betsch Associates to provide the preliminary architectural report refining the project scope, timeline, and an updated estimate of probable project costs to meet Southern Conference commitments; and

WHEREAS, the Civic Center Commission unanimously endorsed the preliminary concept provided by the architectural design team, and voted to recommend to City Council that the City Manager be authorized to execute a contract amendment for Phase II architectural and engineering design services for the preparation of construction drawings, receipt of bids, and administration of the construction contract;

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

The City Council of Asheville authorizes the City Manager to sign a contract amendment with PBC+L and Betsch Associates for architectural and engineering design services for the preparation of construction drawings, receipt of bids, and administration of the construction contract for Phase II renovations to the Asheville Civic Center.

Read, approved and adopted this 25th day of January, 2011.

Magdalen Bouleson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

Rud. Jett  
City Attorney

Magdalen Bouleson  
City Clerk

RESOLUTION NO. 11-16

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 FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE RENOVATION, CONSTRUCTION AND EQUIPPING OF THE ASHEVILLE CIVIC CENTER COMPLEX FROM THE PROCEEDS OF AN INSTALLMENT FINANCING CONTRACT TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2012.

---

WHEREAS, the City Council of the City of Asheville, North Carolina ("City") has determined that it is in the best interests of the City to make renovations to the Asheville Civic Center (collectively 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 an installment financing contract and reasonably expects to execute and deliver an installment financing contract, the portion of the installment payments designated and paid as interest under which will be tax-exempt (the "Contract"), to finance, or to reimburse itself for all or a portion of the costs for 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 Contract (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Contract, and the City intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Contract 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, North Carolina as follows:

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 Contract. The City reasonably expects to execute and deliver the Contract to finance all or a portion of the costs of the Project and the maximum principal amount of Contract expected to be executed and delivered by City to pay for all or a portion of the costs of the Project is \$4,800,000.

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 promulgated 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 Contract.

Section 3. *Itemization of Capital Expenditures.* The Chief Financial Office 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 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 Contract.

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

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Bourleson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 11-17

RESOLUTION ADOPTING CITY OF ASHEVILLE'S LEGISLATIVE PROGRAM FOR THE 2011 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the 2011 North Carolina General Assembly will convene on January 26, 2011; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and State-wide interest where legislative action is needed or desired; and

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

The "City of Asheville Legislative Agenda and Priorities for the 2011 Session of the North Carolina General Assembly," attached hereto as Exhibit A, is hereby adopted.

The City Clerk and City Attorney are hereby directed to transmit a certified copy of this Resolution to the members of the General Assembly whose districts include the City of Asheville, together with appropriate information in support of each item.

The City Council offers the City's assistance to members of the General Assembly and the legislative staff with respect to any of the items listed on Exhibit A, including the provision of additional information, and further resolutions in support of specific bills.

BE IT FURTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the members of the local delegation for their service on behalf of the City of Asheville.

Read, approved and adopted, this the 25th day of January, 2011.

Margalene Boulson  
City Clerk

Greg Ballantyne  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margalene Boulson  
City Clerk

## EXHIBIT A

CITY OF ASHEVILLE'S LEGISLATIVE AGENDA AND PRIORITIES FOR THE 2011 SESSION  
OF THE NORTH CAROLINA GENERAL ASSEMBLY

1. Introduce a local bill to adjust the boundaries of Asheville and Woodfin to:
  - a) Eliminate pockets of unincorporated area between the two municipalities;
  - b) Resolve jurisdictional confusion in the area of UNC-A (including land set aside for future growth), and Broadway/I-26/River Road interchange;
  - c) Authorize agreements regarding service delivery to affected private properties.
2. Introduce a local bill or support general legislation to clarify status of local intranet facilities in connection with the Video Service Competition Act of 2006.
3. Introduce a local bill providing for annexation agreements for certain developments that receive city water service.
4. Support legislation to clarify authority and sources of revenue for implementation of Property Assessed Clean Energy (PACE) programs.

## RESOLUTION NO. 11-18

RESOLUTION SUPPORTING NORTH CAROLINA METROPOLITAN MAYORS  
COALITION LEGISLATIVE ADVOCACY AGENDA FOR 2011

---

WHEREAS, the 2011 North Carolina General Assembly will convene January 26, 2011; and

WHEREAS, the City Council of the City of Asheville has received information regarding the North Carolina Metropolitan Mayors Coalition Legislative Advocacy Agenda for 2011, and wishes to support said agenda.

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

1. That the City Council supports the North Carolina Metropolitan Mayors Coalition Advocacy Agenda, listed below:
  - Defend against attempts to shift state responsibilities to local governments and protect local revenues.
  - Support the needs of the Justice System.
  - Support efforts to reduce gang violence.
  - Support efforts to advance North Carolina's biotech industry and grow related jobs.
  - Preserve local government ability to engage and lead in communication public enterprises.
  - Support adding more revenues to the Mobility Fund and set aside for expanding Powell Bill with a new allocation based on lane miles and set aside for Interstate Maintenance.
  - Defend existing statutory roadway responsibilities between the State and local government.
  - Continue to improve the relationship between the N.C. Department of Transportation and local government.
2. That the City Attorney is directed to transmit a copy of this resolution to the members of the North Carolina General Assembly whose districts include the City of Asheville.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Paulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

Mr. J. J.  
City Attorney

Magdalen Paulson  
City Clerk

RESOLUTION NO. 11-19

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE FOR A STATEWIDE INDEPENDENT ENERGY EFFICIENCY PROGRAM

---

WHEREAS, in October 2005, the City of Asheville signed onto the U.S. Conference of Mayors "Mayors Climate Protection Agreement" to express Asheville's commitment to climate protection; and

WHEREAS, the City has created a Sustainable Advisory Committee on Energy and the Environment (SACEE), which has as its short-term goal a commitment to serve as a model for the community regarding energy reduction and clean air initiatives; and

WHEREAS, electrical production is a major contributor to air pollution and greenhouse gases, and maintaining the quality of our air is a concern for the people of Asheville; and

WHEREAS, the Mayors Climate Protection Agreement calls for an 80 percent reduction of greenhouse gas production by 2050, and broad implementation of energy efficiency will be a significant component of meeting this important goal; and

WHEREAS, the only truly clean energy is energy that is not used; and

WHEREAS, installation of energy conservation and efficiency improvements has generated thousands of local "green collar" jobs in North Carolina, and Asheville non-profit agencies provide training for workers to fill them; yet the funding behind these jobs is set to expire April 2012; and

WHEREAS, low income residents of North Carolina are disproportionately impacted by living in older and less efficient homes and pay a higher percentage of income for energy costs; and

WHEREAS, our State's long-term energy plan should include continued, robust funding for weatherization and other energy efficiency programs to assist low income households; energy efficiency programs provide a meaningful improvement to the cost and quality of life of these citizens as well as a significant positive environmental impact; and

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

Section 1. The City will support a pending legislative proposal to the North Carolina General Assembly by the NC SAVE\$ ENERGY alliance to fund a sustained program of weatherization and other efficiency services to continue beyond the end of American Recovery and Reinvestment Act (ARRA) funding. The proposal will seek to

establish a mechanism that does not require appropriations in order to continue the energy efficiency program.

Section 2. Existing non-profit agencies providing services to low income residents would be eligible to continue and increase such services, and both non-profit and for profit entities will be eligible for contracts to provide services to residents of varying income levels.

Section 3. Such an energy efficiency program would be required to save significant energy for City ratepayers; be fairly funded by all electricity and gas customers in proportion to their energy use, except for certain customers qualifying for approved subsidies, and provide incentives to customers to both conserve energy and implement energy efficiency measures.

Section 4. The City Manager, with the assistance of the City Attorney, is authorized to convey this resolution to the North Carolina General Assembly and to submit written comments as appropriate in support of this resolution.

Section 5. This resolution shall be effective on and after its passage.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
2/10/11

RESOLUTION NO. 11-20

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, the terms of Douglas Hattaway (Alternate member) and David Brown (Regular member), as members on the Board of Adjustment, expired on January 21, 2011; and

WHEREAS, there currently exists an Alternate member vacancy left by Juma Jackson, whose term will expire on January 21, 2012;

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

(1) Mr. Douglas Hattaway, 21 Captains Drive, Asheville, N.C., be and he is hereby reappointed, as an Alternate member to the Board of Adjustment, to serve a three year term, term to expire January 21, 2014, or until his successor has been appointed.

(2) Mr. David Brown, 522 Pinchot Drive, Asheville, N.C., be and he is hereby reappointed, as a Regular member to the Board of Adjustment, to serve a three year term, term to expire January 21, 2014, or until his successor has been appointed.

(3) Ms. Nelda Holder, 107 Blue Ridge Avenue, Asheville N.C., be and she is hereby appointed, as an Alternate member to the Board of Adjustment, to serve the unexpired term of Mr. Jackson, term to expire January 21, 2012, or until her successor has been appointed.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Boulson CITY CLERK      Angela Bellamy MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

## RESOLUTION NO. 11-21

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABLE ADVISORY COMMITTEE  
ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Melanie Brethauer, Duncan McPherson and Gary Hamrick (Progress Energy representative), as members of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2010;

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

(1) Ms. Melanie Brethauer, 147 Brevard Road, Asheville, N.C., be and she is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2013, or until her successor has been appointed.

(2) Mr. Duncan McPherson, 65 Furman Avenue, Asheville, N.C., be and he is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2013, or until his successor has been appointed.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Bureson  
CITY CLERK

George Bellamy  
MAYOR

Approved as to form:

Kevin J. Darr  
CITY ATTORNEY

Magdalen Bureson  
City Clerk

## RESOLUTION NO. 11-22

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE FAIR HOUSING COMMISSION

WHEREAS, the terms of Paul Ford, Geraldine Melendez and Jeff McMickens, as members on the Asheville-Buncombe Fair Housing Commission, expired on December 31, 2010;

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

Mr. Jeff McMickens, 72 N. Market Street - #42, Asheville, N.C., be and he is hereby reappointed, as a member of the Asheville-Buncombe Fair Housing Commission, to serve an additional three-year term, term to expire December 31, 2013, or until his successor has been appointed.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Burkson  
CITY CLERK

Jerry Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Burkson  
City Clerk

RESOLUTION NO. 11-23

RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

WHEREAS, the term of Leesa Gibbs, as a member of the Firemen's Relief Fund, expired on January 1, 2011;

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

Ms. Leesa Gibbs, 55 Trinity Chapel Road, Asheville, N.C., be and she is hereby reappointed, as a member of the Firemen's Relief Fund, to serve an additional two year term, term to expire January 1, 2013, or until her successor has been appointed.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Bouleson  
CITY CLERK

Gregory Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bouleson  
City Clerk

RESOLUTION NO. 11-24

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE GREENWAY COMMISSION

---

WHEREAS, the terms of Stephen Jones and Marcia Bromberg, as members of the Asheville Greenway Commission, expired on December 31, 2010;

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

(1) Mr. Stephen Jones, 24 Westhaven Drive, Asheville, N.C., be and he is hereby reappointed, as a member of the Asheville Greenway Commission, to serve a three year term, term to expire December 31, 2013, or until his successor has been appointed.

(2) Ms. Marcia Bromberg, 57 Clinton Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Asheville Greenway Commission, to serve a three year term, term to expire December 31, 2013, or until her successor has been appointed.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Paulson  
CITY CLERK

Jerry M Bellan  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Paulson  
City Clerk

RESOLUTION NO. 11-25

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the terms of Joe Ferikes and Robert Camille, both riverfront or business property owners, as members on the Asheville Area Riverfront Redevelopment Commission, expired on January 1, 2011; and

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

(1) Mr. Joseph A. Ferikes, 198 Bent Tree Road, Asheville, N.C., be and he is hereby reappointed to the Asheville Area Riverfront Redevelopment Commission (representing a riverfront property or business owner) to serve a three year term, term to expire January 1, 2014, or until his successor has been appointed.

(3) Mr. Robert Camille, 17 Beaver Point Park, Asheville, N.C., be and he is hereby reappointed to the Riverfront Redevelopment Commission (representing a riverfront property or business owner) to serve a three year term, term to expire January 1, 2014, or until his successor has been appointed.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Boulson  
CITY CLERK

Jerry Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
CITY CLERK

## RESOLUTION NO. 11-26

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TRANSIT  
COMMISSION

WHEREAS, the terms of Kevin Jenkins and David Erb and Juma Jackson, as members on the Asheville Transit Commission, expired on December 31, 2010; and

WHEREAS, the position of Juma Jackson has been converted into a Buncombe County appointment to be made by the Buncombe County Board of Commissioners;

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

(1) Mr. Kevin Jenkins, 165 S. French Broad Avenue, Asheville, N.C., be and he is hereby reappointed to the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2013, or until her successor has been appointed.

(2) Mr. David Erb, 22 Sandon Drive, Asheville, N.C., be and he is hereby reappointed to the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2013, or until his successor has been appointed.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Boulson  
CITY CLERK

Jerry Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11-27

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

---

WHEREAS, the term of W. Louis Bissette, as a member on the Metropolitan Sewerage District Board of Directors, expired on January 19, 2011;

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

The term of Mr. W. Louis Bissette, Jr., be and is hereby extended until June 30, 2011, or until his successor has been appointed, subject to City Attorney review of applicable laws.

Read, approved and adopted this 25<sup>th</sup> day of January, 2011.

Magdalen Bullison  
CITY CLERK

Tom Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bullison  
City Clerk