

RESOLUTION NO. 11- 90

RESOLUTION TO AMEND THE 2010 CDBG GRANT AGREEMENT WITH THE ASHEVILLE BUNCOMBE COMMUNITY RELATIONS COUNCIL

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; and

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

WHEREAS, the Annual Action included funding for the Asheville-Buncombe Community Relations Council to perform Fair Housing Services; and

WHEREAS, a Grant Agreement dated July 1, 2010 specifying the use of CDBG funds by the Asheville Buncombe Community Relations Council was executed by the parties;

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

The CDBG Grant Agreement between the City of Asheville and the Asheville Buncombe Community Relations Council be amended to allow funds to be used for the supervision and management of the fair housing activity, and other management costs.

Read, approved and adopted this 10th day of May, 2011.

Magdalen Boulson
City Clerk

Angela Bellamy
Mayor

Approved As To Form:

[Signature]
City Attorney

Microfilmed by:
NC Dept of Cultural Resources
Division of Historical Resources
Archives and Records Section
Filed by: WD Date: 3/12/14

Magdalen Boulson
City Clerk

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RESOLUTION NO. 11- 91

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE PROPERTY WITHIN AN EXISTING SEWER EASEMENT AND PROPERTY WHICH MAY BE NECESSARY FOR A TEMPORARY CONSTRUCTION EASEMENT(S) IN ORDER TO ESTABLISH A NEW SEWER LINE

WHEREAS, the City of Asheville is authorized pursuant to N. C. G.S. 40A-3(b)(4) to acquire by eminent domain any property for a public use or benefit and for the purpose of establishing, extending, enlarging, or improving sewer lines and systems; and

WHEREAS, the City of Asheville has determined that it is necessary and in the public interest to acquire certain property (PIN 96282706260000) owned by Resurgence Development, LLC that lies within an existing sewer easement granted to the Metropolitan Sewerage District (MSD), including any necessary temporary construction easement(s) which lies outside of and adjacent to the existing easement, in order to establish a new sewer line connection for a property which will be developed for multiple unit housing including affordable housing; and

WHEREAS, this property condemnation serves the public purpose of providing the public with an adequate and efficient sewage collection and disposal system, and improving such system to meet the need for expanded and upgraded services, specifically, to construct and install a new sewer line to connect which will allow for the more efficient use of the existing sewer system and pump station; and

WHEREAS, the City of Asheville intends to convey the acquired sewer easement and the new sewer line to the MSD so that it will become part of the municipal sewer system, and MSD has agreed to accept said easement and sewer line if acquired by the City; and

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance;

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

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows: An easement for sanitary sewer purposes, including temporary construction easement(s), across the property (PIN 96282706260000) of the above-named parties as shown on the attached map.
2. The attorneys representing the City are directed to institute the necessary proceedings under applicable provisions of the North Carolina General Statutes to acquire the property herein described.
3. The City Manager is hereby authorized to execute any necessary documents related to the acquisition by condemnation of a sewer easement and the conveyance of this sewer easement to MSD.

Read, approved and adopted this 10th day of May, 2011.

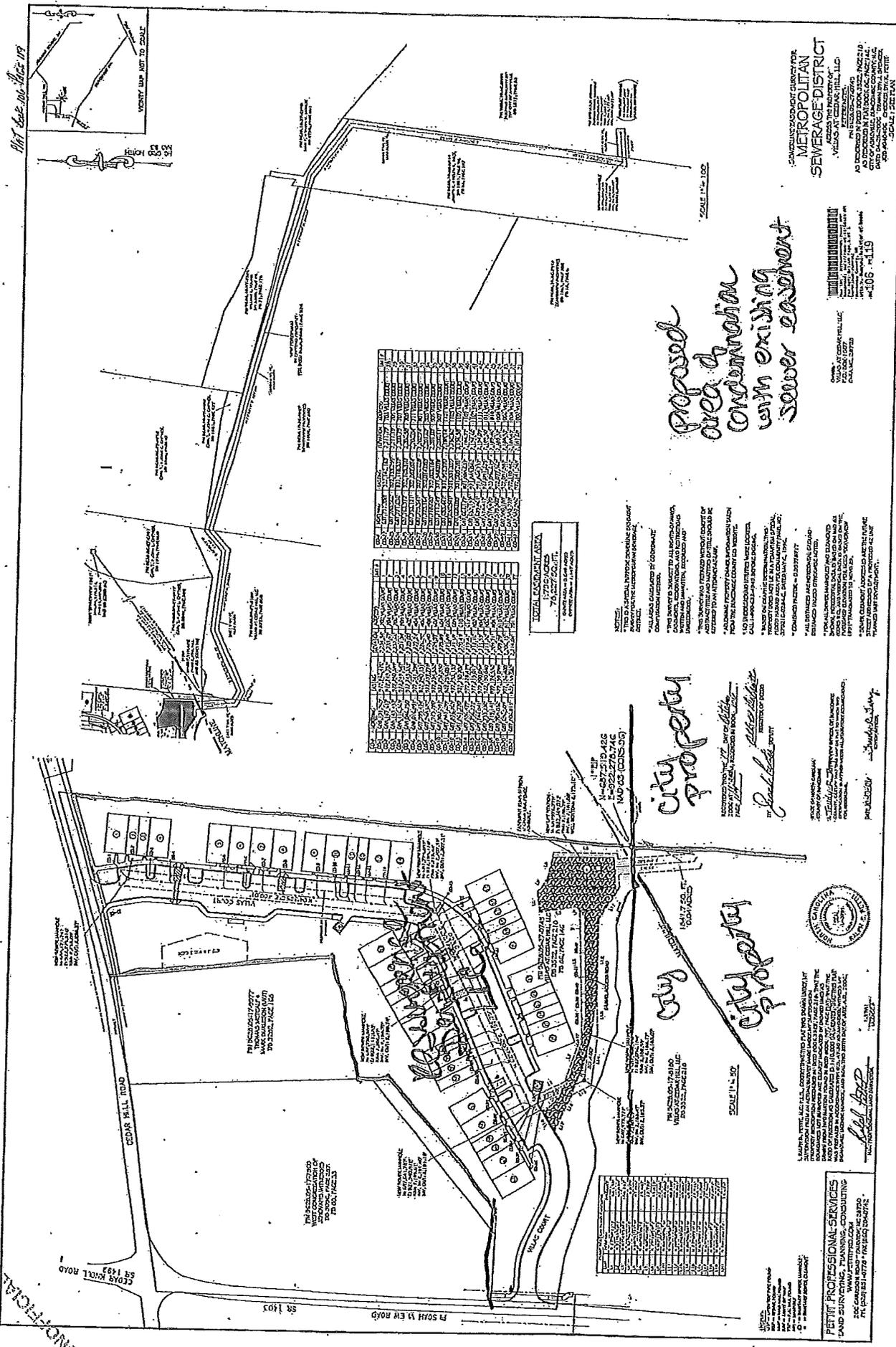
Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved As To Form:

David J. ...
City Attorney

Magdalen Boulson
City Clerk



SEWERAGE DISTRICT OF THE CITY OF METROPOLITAN SEWERAGE DISTRICT
 ENGINEER: JAMES H. WILSON, INC.
 AS SHOWN IN PLAN BOOK 106, PAGE 119
 DATE: 10/15/50

SCALE 1" = 20'
 NORTH

proposed area of urban condemnation with existing sewer easement

LOT	AREA	OWNER	REMARKS
1	0.12	...	...
2	0.15	...	...
3	0.18	...	...
4	0.21	...	...
5	0.24	...	...
6	0.27	...	...
7	0.30	...	...
8	0.33	...	...
9	0.36	...	...
10	0.39	...	...
11	0.42	...	...
12	0.45	...	...
13	0.48	...	...
14	0.51	...	...
15	0.54	...	...
16	0.57	...	...
17	0.60	...	...
18	0.63	...	...
19	0.66	...	...
20	0.69	...	...
21	0.72	...	...
22	0.75	...	...
23	0.78	...	...
24	0.81	...	...
25	0.84	...	...
26	0.87	...	...
27	0.90	...	...
28	0.93	...	...
29	0.96	...	...
30	0.99	...	...
31	1.02	...	...
32	1.05	...	...
33	1.08	...	...
34	1.11	...	...
35	1.14	...	...
36	1.17	...	...
37	1.20	...	...
38	1.23	...	...
39	1.26	...	...
40	1.29	...	...
41	1.32	...	...
42	1.35	...	...
43	1.38	...	...
44	1.41	...	...
45	1.44	...	...
46	1.47	...	...
47	1.50	...	...
48	1.53	...	...
49	1.56	...	...
50	1.59	...	...
51	1.62	...	...
52	1.65	...	...
53	1.68	...	...
54	1.71	...	...
55	1.74	...	...
56	1.77	...	...
57	1.80	...	...
58	1.83	...	...
59	1.86	...	...
60	1.89	...	...
61	1.92	...	...
62	1.95	...	...
63	1.98	...	...
64	2.01	...	...
65	2.04	...	...
66	2.07	...	...
67	2.10	...	...
68	2.13	...	...
69	2.16	...	...
70	2.19	...	...
71	2.22	...	...
72	2.25	...	...
73	2.28	...	...
74	2.31	...	...
75	2.34	...	...
76	2.37	...	...
77	2.40	...	...
78	2.43	...	...
79	2.46	...	...
80	2.49	...	...
81	2.52	...	...
82	2.55	...	...
83	2.58	...	...
84	2.61	...	...
85	2.64	...	...
86	2.67	...	...
87	2.70	...	...
88	2.73	...	...
89	2.76	...	...
90	2.79	...	...
91	2.82	...	...
92	2.85	...	...
93	2.88	...	...
94	2.91	...	...
95	2.94	...	...
96	2.97	...	...
97	3.00	...	...
98	3.03	...	...
99	3.06	...	...
100	3.09	...	...

TOTAL CASUALTY AREA	1775 ACRES
TOTAL SEWERAGE DISTRICT	75 ACRES 50 SQ. FT.
TOTAL PROJECT AREA	1775 ACRES

NOTES:
 1. THIS IS A FINAL ENGINEERING PLAN FOR THE SEWERAGE DISTRICT OF THE CITY OF METROPOLITAN SEWERAGE DISTRICT.
 2. ALL LOTS SHOWN ARE OF APPROXIMATE SIZE.
 3. THE DISTRICT IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND ENCUMBRANCES.
 4. THE DISTRICT IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND ENCUMBRANCES.
 5. THE DISTRICT IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND ENCUMBRANCES.
 6. THE DISTRICT IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND ENCUMBRANCES.
 7. THE DISTRICT IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND ENCUMBRANCES.
 8. THE DISTRICT IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND ENCUMBRANCES.
 9. THE DISTRICT IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND ENCUMBRANCES.
 10. THE DISTRICT IS SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS, AND ENCUMBRANCES.

city property
 11/17/50
 JAMES H. WILSON, INC.
 ENGINEER



SEWERAGE DISTRICT OF THE CITY OF METROPOLITAN SEWERAGE DISTRICT
 ENGINEER: JAMES H. WILSON, INC.
 AS SHOWN IN PLAN BOOK 106, PAGE 119
 DATE: 10/15/50

PETIT PROFESSIONAL SERVICES
 LAND SURVEYING, PLANNING, CONSULTING
 200 CARSON ROAD
 ST. LOUIS 17, MISSOURI
 TEL. 631-1177

UNOFFICIAL

RESOLUTION NO. 11--92

RESOLUTION ADOPTING A LIVING WAGE FOR FULL- AND PART-TIME CITY EMPLOYEES AND GENERAL SERVICE CONTRACTS \$30,000-\$90,000

WHEREAS, the Asheville City Council has adopted a strategic plan that includes a goal to make Asheville affordable for people of all incomes, life stages and abilities;

WHEREAS, a living wage is the amount that a worker must earn to afford his or her basic necessities without public or private assistance;

WHEREAS, on May 22, 2007, the Asheville City Council adopted a living wage for full- and part-time City employees;

WHEREAS, since 2007, the living wage in Asheville and Buncombe County has increased to \$11.35/hour without employer provided health insurance and \$9.85/hour with employer provided health insurance; and

WHEREAS, on March 22, 2011, the Asheville City Council adopted a purchasing and contracting policy that includes a living wage provision for employees working on General Services contracts between \$30,000 and \$90,000 in value; and

WHEREAS, Council deems it advisable to revisit the amount of the living wage during the annual budget process to ensure it remains consistent with inflation;

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

The Living Wage for Fiscal Year 2011-2012 be set at \$11.35/hour without employer provided health insurance and \$9.85/hour with employer provided health insurance.

Read, approved and adopted this 10th day of May, 2011.

Magdalen Baulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 11-93

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION INCREASING THE PROJECT BUDGET FOR THE LONG SHOALS ROAD PROJECT, R-2813C

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville (herein "City"), operates a water system as a public enterprise; and

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the N.C.G.S. to enter into contracts for services with other entities; and

WHEREAS, on March 23, 2005, the Mayor executed a Utility Agreement with the NCDOT in the amount of \$1,805,799.61 for the Long Shoals Road Project (R-2813C); and

WHEREAS, on April 14, 2011, the NCDOT issued a Supplemental Agreement increasing the total project budget to \$2,059,241.49, an increase of \$253,441.88; and

WHEREAS, the City has to execute the Supplemental Agreement to fully reimburse the NCDOT for the City's participation costs and to close out the project.

WHEREAS, the Water Resources staff recommends that City Council authorize the Mayor to execute the Supplemental Agreement increasing the Long Shoals Road project budget from \$1,805,799.61 to \$2,059,241.49.

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

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute the Supplemental Agreement with the NCDOT to increase the project budget for the Long Shoals Road Project, R-2813C

Read, approved and adopted this 10th day of May, 2011.

Magdalen Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulson
City Clerk

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RESOLUTION NO. 11- 94

RESOLUTION ACCEPTING GIFT OF WNC VETERANS MEMORIAL AND AUTHORIZING CONTRACT FOR MAINTENANCE PURSUANT TO TRUST

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-353 to accept and hold any gift of real or personal property, subject to such terms and conditions as may be imposed by the donor; and

WHEREAS, WNC Veterans' Memorial, a non-profit organization, has caused a Veterans' Memorial to be constructed in City-County Plaza, with the approval of the City and Buncombe County, and now desires to convey the Memorial to the City and County;

WHEREAS, WNC Veterans' Memorial also wishes to provide for the perpetual care and maintenance of the memorial, and has, through the Community Foundation of Western North Carolina, proposed to establish and fund trusts for this purpose, and desires for the funds from said trust to be available to the City for the care and maintenance of the Memorial;

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

1. That the Mayor be, and is hereby, authorized to execute a "Certificate of Gift" accepting the WNC Veterans' Memorial on behalf of the City of Asheville.
2. That the City Manager be, and is hereby, authorized to enter into a contract for the care and maintenance of the Memorial, as provided by a trust administered by the Community Trust Foundation of Western North Carolina.

Read, approved and adopted, this the 10th day of May, 2011.

Magdalen Baulson
City Clerk

Tom Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 11- 95

RESOLUTION ACCEPTING THE REPORT PREPARED FOR THE SWANNANOA FLOOD RISK MANAGEMENT PROJECT

WHEREAS, the Hurricane Recovery Act of 2005 (Senate Bill 7) allocated funds for planning and implementation of projects to aid in flood damage reduction for North Carolina Communities hardest hit by the 2004 hurricane season, and

WHEREAS, the Biltmore Village area of the City of Asheville, which lies within the Swannanoa River Watershed, was named as a recipient of this funding; and

WHEREAS, the City of Asheville previously entered into a contract for engineering services with Brown and Caldwell to perform a feasibility study of the Swannanoa River Watershed to identify flood mitigation projects throughout the watershed; and

WHEREAS, Brown and Caldwell has completed the feasibility study and prepared a report identifying flood damage reduction for the Swannanoa Flood Risk Management Project;

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

The City of Asheville hereby receives and accepts the report prepared by Brown and Caldwell for the Swannanoa Flood Risk Management Project, the details of which will be submitted to the North Carolina Division of Water Resources.

Read, approved and adopted this the 10th day of May, 2011.

Magdalen Bureson
City Clerk

Tom Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bureson
City Clerk

RESOLUTION NO. 11-96

RESOLUTION EXPLORING A MORE REGIONAL AND INTEGRATED TRANSIT SYSTEM FOR THE RESIDENTS OF ASHEVILLE & BUNCOMBE COUNTY

WHEREAS, the North Carolina Department of Transportation (NCDOT) issued its Asheville/Buncombe/Henderson Regional Feasibility Study Final Report in August 2010; and

WHEREAS, that report lays out a series of steps aimed at increased coordination and possible consolidation of the transit systems operated by the City of Asheville, Buncombe County, and Henderson County; and

WHEREAS, the City of Asheville agrees that creating a more integrated, seamless regional transit system would be beneficial for residents, visitors, and businesses;

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

Direct the City's transportation staff to:

1. Work with Buncombe County to improve and formalize coordination, through a Memorandum of Agreement, between the City's transit system and Buncombe County's Mountain Mobility across a range of areas, but specifically with regard to fares, maps, scheduling, and marketing, using the recommendations in the Regional Feasibility Study Final Report to the extent they are helpful;
2. Report back to City Council on the progress of these discussions within six months of the date this resolution is adopted;
3. Initiate conversations with NCDOT and the Land of Sky Regional Council around the implementation of the Regional Feasibility Study Final Report's recommendations 7.1.1.1 and 7.1.1.3, regarding the Land of Sky Regional Council possibly becoming a "local champion" for a more integrated regional transit system and Land of Sky Regional Council housing a Regional Mobility Manager that would be paid for with NCDOT funds;
4. Initiate, along with the Land of Sky Regional Council and the Regional Mobility Manager, five-county conversations about creating a regional transit system that will improve connections and service to all counties in the Land of Sky and FBRMPO regions; and
5. Bring back to Asheville City Council any recommendations from these regional conversations for discussion and possible adoption.

BE IT FURTHER RESOLVED THAT:

City Council refers to the regional feasibility report as guidance to achieve a more regional system and to call on Land of Sky and the MPO to play a leading role in the planning and funding of such a system. Furthermore City Council directs staff to work more intentionally with Buncombe County to implement the common sense recommendations from the subject report in an effort to better coordinate Asheville Transit System and Mountain Mobility.

Read, approved, and adopted this the 10th day of May 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-97

RESOLUTION AUTHORIZING REVISIONS TO THE CITY'S CONSOLIDATED ANNUAL ACTION PLANS FOR 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; and

WHEREAS, on April 26, 2011 City Council approved an Annual Action Plan for the use of these funds in 2011-2012; and

WHEREAS, since that approval, the Gardens at English Village project that had been approved for funding has been withdrawn by its sponsor, Western Carolina Community Action, making available \$105,000 in 2011-2012 HOME funds; and

WHEREAS, additional funding of \$100,000 has been sought by Mountain Housing Opportunities for the Eagle Market Place project, said project having been already been approved in the Plan for \$362,600; and

WHEREAS, the additional funding will strengthen the project's financial position and enhance its competitiveness for remaining funding necessary for project implementation;

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

1. The Consolidated Annual Action Plan for FY 2011-2012 will not include \$105,000 in funding for the Gardens at English Village project;
2. The Consolidated Annual Action Plan for FY 2011-2012 will include an additional \$100,000 for the Eagle Market Place project, and the revised total funded amount for that project will be \$462,600.

Read, approved and adopted this 10th day of May, 2011.

Magdalen Burlington
CITY CLERK

Angela Bellamy
MAYOR

Approved As To Form:
[Signature]
CITY ATTORNEY

Magdalen Burlington
CITY CLERK

RESOLUTION NO. 11-98

RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE BOARD

WHEREAS, the terms of Larry C. Harris Jr. and Jacquelyn Hallum, as members on the Civil Service Board, expire on May 21, 2011;

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

Mr. Larry C. Harris Jr., 330 Stratford Road, Asheville, N.C., be and he is hereby reappointed to the Civil Service Board, to serve an additional two-year term, term to expire May 21, 2013, or until his successor has been appointed.

Ms. Jacquelyn Hallum, 11 Warwick Road, Asheville, N.C., be and she is hereby reappointed to the Civil Service Board, to serve a two-year term, term to expire May 21, 2013, or until her successor has been appointed.

Read, approved and adopted this 10th day of May, 2011.

Magdalen Boulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-99

RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, there current exists a vacancy on the Sustainable Advisory Committee on Energy & the Environment until December 31, 2013, left vacant by the member with demonstrated expertise in the field of energy management;

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

Mr. Isaac Savage, 10 Alpine Way, Asheville, North Carolina, be and he is hereby appointed as a member to the Sustainable Advisory Committee on Energy & the Environment (member with demonstrated expertise in the field of energy management), to serve a three year term, term to expire December 31, 2013, or until his successor has been appointed.

Read, approved and adopted this 10th day of May, 2011.

Magdalen Boulson
CITY CLERK

Tom Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk