

RESOLUTION NO. 13 - 11

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION APPROVING A PROJECT FOR MAKING IMPROVEMENTS ON I-26 AT EXIT # 40; THE INTERCHANGE WITH NC 280 (AIRPORT ROAD) AT THE ASHEVILLE REGIONAL AIRPORT

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under Project I-5501, Buncombe County, said plans to consist making improvements on I-26 at Exit # 40, the interchange with NC 280 (Airport Road) at the Asheville Regional Airport; and

WHEREAS, the NCDOT and the City of Asheville propose to enter into an Agreement for the above-captioned project whereby the City agrees; (1) to effect the necessary adjustment of any utilities under franchise without cost to the NCDOT, and (2) to provide for the adjustment of any municipally-owned utilities without cost to the NCDOT, except that said NCDOT will reimburse the City in accordance with NCDOT's Municipally-Owned Utility Policy; and

WHEREAS, the NCDOT agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

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

The City Council of the City of Asheville approves a resolution authorizing the City Manager to sign and execute a municipal agreement between the N.C. Dept. of Transportation and the City of Asheville approving Project I-5501.

Read, approved and adopted this 22nd day of January 2013.

Magdalen Burlison  
City Clerk

Jimmy Ballam  
Mayor

Approved as to form:  
Mredat  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 13 - 12

RESOLUTION ACCEPTING HOLIDAY DRIVE AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Holiday Drive is located in the corporate limits of the City of Asheville; and

WHEREAS, Holiday Drive was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, since Holiday Drive has been in existence and used for several years, the typical two-year warranty period is not needed (no major failures have occurred); and

WHEREAS, dedication of the 35-foot right-of-way for Holiday Drive has been recorded in Plat Book 120 Page 176; and

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

Holiday Drive is accepted by the City of Asheville for maintenance as indicated on the attached map.

Read, approved and adopted this 22nd day of January, 2013.

Magdalen Bureson  
City Clerk

Jim Ballantyne  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk



mapAsheville - Monday, December 17, 2012

### mapAsheville - Standard GIS

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

Map Created by: mapAsheville - Standard GIS  
 Data Source: City of Asheville GIS  
 Map Scale: 1:4000'  
 Printed on: Monday, December 17, 2012



RESOLUTION NO. 13-13

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE MEN'S GARDEN CLUB OF ASHEVILLE ON A PORTION OF CITY-OWNED REAL PROPERTY AT 80 HARDESTY LANE, ASHEVILLE NORTH CAROLINA

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WHEREAS, the City of Asheville is the owner of real property located at 80 Hardesty Lane, Asheville NC, identified as PIN #966831996600000; and

WHEREAS, the Men's Garden Club of Asheville, a North Carolina non-profit organization, wishes to enter into a lease agreement in order to operate a greenhouse on a portion of the property at 80 Hardesty Lane; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 10 days public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed lease agreement on Friday January 11<sup>th</sup>, 2013 in the Asheville Citizen-Times; and

WHEREAS, the term of the lease agreement will be for five (5) years; and

WHEREAS, as consideration for the lease, the Men's Garden Club of Asheville agrees to provide goods and services to revitalize and re-establish the ornamental gardens at the John B. Lewis Soccer Complex;

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

The City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and the Men's Garden Club of Asheville for a portion of the real property at 80 Hardesty Lane. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 22nd day of January, 2013.

Magdalen Brulson  
City Clerk

Jim Billman  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Brulson  
City Clerk

RESOLUTION NO. 13-14

RESOLUTION AWARDING THE PROJECT KNOWN AS CHEROKEE ROAD RETAINING WALL CONSTRUCTION PROJECT TO BUCHANAN AND SONS INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUCHANAN AND SONS INC.

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WHEREAS, due to the decomposition of the existing retaining wall, that has been recommended to be replaced; and

WHEREAS, pursuant to N.C.G.S. § 143-131, the City engaged in an informal bid process for the project known as Cherokee Road Retaining Wall Construction Project; and

WHEREAS, five (5) bids were received on December 13, 2012; and

WHEREAS, the apparent low bid was submitted by Buchanan and Sons, Inc., located in Whittier, N.C., in the amount of \$339,913.50; and

WHEREAS, City staff has reviewed the submitted bids and recommends the award of a unit price construction contract in the amount that includes a contingency amount to cover unexpected conditions and changes in the amount of \$390,900.00 to the lowest responsible and responsive bidder Buchanan and Sons, Inc.; and

WHEREAS, funds have been budgeted in the Public Works Department, Capital Improvement 2012 / 2013 Fiscal Year Budget.

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

1. The Cherokee Road Retaining Wall Construction Project is hereby awarded to Buchanan and Sons, Inc. of Whittier, NC.
2. The City Manager is hereby authorized to enter into a contract with Buchanan and Sons, Inc., in the amount of \$339,913.50 plus 15% contingency for the removal of the existing Cherokee Road Retaining Wall and construction of a new retaining wall along with all other associated items, and execute all change orders up to the budgeted amount.

Read, approved and adopted this the 22nd day of January, 2013.

Magdalen Boulson  
City Clerk

Jim Ballman  
Mayor

Approved as to form:

Bob Scott  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 13- 15RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO ACCEPT SUBGRANTEE FUNDS VIA NC EMERGENCY MANAGEMENT FROM THE US DEPARTMENT OF HOMELAND SECURITY

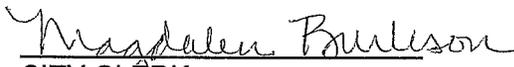
WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants: and

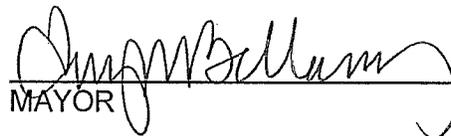
WHEREAS, the Department of Homeland Security has awarded North Carolina Emergency Management a full grant application to be shared with APD. The Asheville Police Department's share of the grant funds are \$7,547 for Hazardous Devices Unit Equipment purchase;

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 North Carolina Emergency Management to accept sub-grantee funds for Asheville Police Department's Hazardous Devices Unit Equipment in the amount of \$7,547.

Read, approved, and adopted this 22<sup>nd</sup> day of January 2013.

  
CITY CLERK

  
MAYOR

APPROVED AS TO FORM:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 13-16

RESOLUTION STATING THE INTENT FOR COUNCIL TO PRIORITIZE THE COMPONENTS OF THE RADTIP THAT WILL ALLOW FOR LARGER TRUCK ACCESS ON RIVERSIDE DRIVE, IF THE PROJECT IS FUNDED IN PHASES

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WHEREAS, the clearance of the railroad overpass on Riverside Drive is currently posted at 13 feet and the clearance required for large trucks to safely clear is 13.5; and,

WHEREAS, the turning radius at the Craven Street Bridge and Riverside Drive does not allow for safe turning movements for large truck traffic; and,

WHEREAS, a high level of large truck traffic is not consistent with plans for the development of Haywood Road as a walkable and bikeable mixed-use "Main Street", such as the Haywood Vision Plan, form-based zoning plans, the Bicycle Pedestrian Task force envisions.

WHEREAS is important for the growth and development of the river district to have access for truck traffic on Riverside Drive to Hill Street; and,

WHEREAS, the River Arts District Transportation Improvement Project is currently being designed that would address the turning radius at the intersection of the Craven Street Bridge and Riverside Drive; and,

WHEREAS, Council has directed staff to include the feasibility of increasing the opening between Riverside Drive and the railroad underpass to 13.5 feet;

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

Council will prioritize the components of the RADTIP to allow for larger truck access on Riverside Drive, if the project is funded in phases. These components include increasing the clearance between Riverside Drive and the railroad overpass to allow for taller truck access and improving the radius at the Craven Street Bridge and Riverside Drive in both north and south directions.

Read, approved and adopted this the 22<sup>nd</sup> day of January, 2013.

Margaret Boulton  
City Clerk

John Bellamy  
Mayor

Approved as to form:

Mrs. [Signature]  
City Attorney

Margaret Boulton  
City Clerk

RESOLUTION NO. 13-17

## RESOLUTION ESTABLISHING THE CITY OF ASHEVILLE'S FOOD ACTION PLAN IN SUPPORT OF THE ASHEVILLE BUNCOMBE FOOD POLICY AGENDA

WHEREAS, the City of Asheville believes that all citizens should have access to healthy, nutritious food and that our community should be able to sustain its nutritional needs year-round with regionally grown, processed and stored healthy food; and

WHEREAS, The Asheville Buncombe Food Policy Council defines healthy food as grown locally through organic and permaculture principles, from seeds, plants, and animals that are not genetically modified and in a manner that builds the fertility of the soil; and

WHEREAS, all communities should be empowered with access to resources and information needed to innovate and implement strategies for food security and resiliency; and

WHEREAS, our regional food economy can thrive and promote social and ecological sustainability, providing for human needs while protecting the diversity and abundance of our bioregion, including our forest land, agricultural land and watershed; and

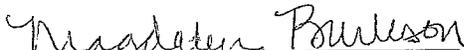
WHEREAS, the City of Asheville recognizes that intact, biodiverse and healthy forest ecosystems provide abundant food and clean water in perpetuity; and

WHEREAS, all citizens should enjoy food sovereignty through access to clean water, air and land, as well as the ability to cultivate, harvest, process, sell, share and trade food in order to thrive and empower their own resilience;

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

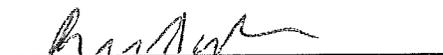
The City of Asheville approves the attached Food Policy Goals and Action Plan by incorporating it into the adopted Sustainability Management Plan and any amendments thereto.

Read, approved and adopted this 22nd day of January, 2013

  
City Clerk

  
Mayor

Approved as to form:

  
City Attorney

  
City Clerk

## Municipal Food Policy Goals and Action Plan

### City of Asheville Long Term Food Policy Goals

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The City of Asheville commits to participating in the Asheville Buncombe Food Policy Council efforts and supports the following shared goals:

1. Improve the quality of life for those in need by increasing access to food for people who experience food insecurity.
2. Continue growing a robust regional food economy by increasing production and consumption of regional food and food products.
3. Strive to meet all nutritional needs of the community with regionally produced foods.
4. Work to prepare for short-term food emergencies and long-term food security.
5. Collaborate with regional partners to achieve all food policy goals.

### City of Asheville Food Policy Action Plan

1. Utilize the Unified Development Ordinance (UDO) as a tool to support food policy goals by amending the UDO as needed to remove barriers to local food production and distribution. For example, but not limited to, priorities such as community gardens, urban agriculture, and use of mobile markets in residentially zoned districts under certain circumstances such as farmers markets.
2. Optimize permitting and regulatory services for farmers markets.
3. Prioritize partnering to find a long term permanent location for the Asheville City Market.
4. Pursue establishing local food purchasing policies for the City of Asheville through clarity on existing state legislation as well as state enabling legislation where needed.
5. Seek partnerships to incorporate regional food and beverage options into the U.S. Cellular Center concessions, as well as city-run events.
6. Create a public private partnership for implementing a citywide curbside composting program that complements trash and recycling services. A successful partnership would improve regional economic development and provide compost regionally to support healthy ecological soil systems.
7. Include use of edible landscaping as a priority for public property such as parks, greenways and/or right of ways. In support of this, foster relationships with strong community partners who wish to access edible landscaping and/or use underutilized public land for food production.

8. Encourage partnerships for food production that supports organic and permaculture principles by identifying arable underutilized city-owned land for lease or sale. Pursue methods to make information about such land available to the public.
9. Update the city recommended plant list for developers to include edible plants and remove exotic and invasive species.
10. Include safe and convenient pedestrian, bicycle, and transit connections between residential neighborhoods and community gardens, emergency food providers/food pantries, grocery stores and farmers markets as a priority when evaluating transportation projects.
11. Include achieving food policy goals as a priority when allocating Community Development Block Grants.
12. Support Asheville Buncombe Food Policy Council efforts to set baselines and metrics for achieving food policy goals. Play an active role in providing access to existing city data when needed.
13. Encourage food distribution by engaging underserved communities who live in food deserts. Support community efforts by co-designing incentives that establish neighborhood based markets that provide healthy food.
14. Incorporate food policy goals into education programs for city staff and the general public.

RESOLUTION NO. 13- 18

RESOLUTION AUTHORIZING AGREEMENT WITH UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE FOUNDATION, INC. FOR TRAIL DEVELOPMENT ON 525 BROADWAY DR FOR THE REED CREEK GREENWAY CORRIDOR

WHEREAS, the City has the authority, pursuant to N.C.G.S. 160A-353, to provide for parks and recreation programs, including development of greenways and appropriating funds; and

WHEREAS, the City has the opportunity, working with the University of North Carolina at Asheville Foundation, Inc., and private funders, to develop a section of the Reed Creek Greenway on 525 Broadway Drive; and

WHEREAS, the anticipated cost of development of the greenway section is \$410,000, of which the City's share will be \$75,000; and

WHEREAS, the Asheville City Council has determined that it is in the public interest to enter into an agreement on the terms proposed to develop the greenway section on the property;

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

1. The City Manager is authorized to enter into an agreement with The University of North Carolina at Asheville Foundation, Inc. for development of the greenway section on the 525 Broadway property, said agreement to include the terms set out below:
  - a. City will support the Foundation submitting a 2013 RTP Grant for \$200,000
  - b. City will provide \$75,000 in matching funds towards development cost.
  - d. City will support a future land swap that will place the greenway as close to stream as possible
  - e. Upon completion of this section of greenway the City will be responsible to operating and maintaining as part of the City's greenway system.
  - e. Such other terms and conditions as meet with the approval of the City Attorney.
2. The City Manager is authorized to execute such other documents as may be necessary to give effect to this resolution.

Read, approved and adopted this 22<sup>nd</sup> day of January, 2013.

Magdalena Bouleson  
City Clerk

Sam J. Bellamy  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalena Bouleson  
City Clerk

## RESOLUTION NO. 13-19

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

WHEREAS, the terms of Dane Barrager, Torin Kexel and Jane Mathews, as members of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2012;

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

(1) Mr. Josh O'Conner, 584 Fairview Road, Asheville, N.C., be and he is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2015, or until his successor has been appointed.

(2) Mr. Torin Kexel, 63 Branning Street, Asheville, N.C., be and he is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2015, or until his successor has been appointed.

(3) Mr. Lawrence Pittman, 442 Cedar Lane, Arden, 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, 2015, or until his successor has been appointed.

Read, approved and adopted this 22<sup>nd</sup> day of January, 2013.

Magdalen Burlison  
CITY CLERK

Jim Ballan  
MAYOR

Approved as to form:

Jim Ballan  
CITY ATTORNEY

Magdalen Burlison  
City Clerk

RESOLUTION NO. 13- 20

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, the term of Bruce Hazzard, Rebecca Hecht, Guadalupe Chavarria, and Matthew Sprouse, as a member on the Asheville Downtown Commission, expired on December 31, 2012;

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

(1) Mr. Bruce Hazzard, 132 Norwood Avenue, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three year term, term to expire December 31, 2015, or until her successor has been appointed.

(2) Ms. Rebecca Hecht, 58 College Street, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three year term, term to expire December 31, 2015, or until her successor has been appointed.

(3) Mr. Matthew Sprouse, 352 Depot Street, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2015, or until his successor has been appointed.

(4) Mr. Dane Barrager, 300 Broadway, Asheville, N.C., be and he is hereby appointed as a member of the Asheville Downtown Commission, to serve a three year term, term to expire December 31, 2015, or until his successor has been appointed.

Read, approved and adopted this 22<sup>nd</sup> day of January, 2013.

Margalene Bourleson  
CITY CLERK

Jim Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Margalene Bourleson  
City Clerk

## RESOLUTION NO. 13-21

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE GREENWAY  
COMMISSION

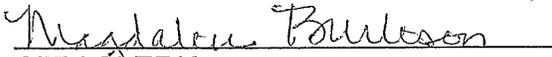
WHEREAS, the terms of Glen Locascio and James Grode, as members of the Asheville Greenway Commission, expired on December 31, 2012;

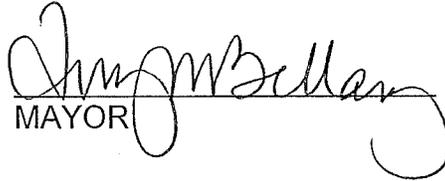
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. James Grode, 109 Estes Court Asheville, N.C., be and he is hereby reappointed, as a member of the Asheville Greenway Commission, to serve an additional three year term, term to expire December 31, 2015, or until his successor has been appointed.

(2) Mr. Bryan Mitchell, 41 Clyde Street, Asheville, N.C., be and he is hereby appointed, as a member of the Asheville Greenway Commission, to serve a three year term, term to expire December 31, 2015, or until his successor has been appointed.

Read, approved and adopted this 22<sup>nd</sup> day of January, 2013.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 13-22

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TRANSIT COMMISSION

WHEREAS, the terms of Julia Mayfield, Georgia Shannon, Tom Tomlin and Paul Van Heden, as members on the Asheville Transit Commission, expired on December 31, 2012;

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

(1) Ms. Julie Mayfield, 109 Estes Court, Asheville, N.C., be and she is hereby reappointed to the Asheville Transit Commission, to serve a three year term, term to expire December 31, 2015, or until her successor has been appointed.

(2) Ms. Itiyopia Ewart, 100 Atkinson Street, Asheville, N.C., be and she is hereby appointed to the Asheville Transit Commission, to serve a three year term, term to expire December 31, 2015, or until her successor has been appointed.

(3) Mr. Tom Tomlin, 61 Edwin Place, Asheville, N.C., be and he is hereby reappointed to the Asheville Transit Commission, to serve an additional three year term, term to expire December 31, 2015, or until his successor has been appointed.

(2) Mr. Bruce Emory, 9 Sandon Circle, Asheville, N.C., be and he is hereby appointed to the Asheville Transit Commission, to serve a three year term, term to expire December 31, 2015, or until his successor has been appointed.

Read, approved and adopted this 22<sup>nd</sup> day of January, 2013.

Magdalen Bursleson  
CITY CLERK

Jim W. Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bursleson  
City Clerk