

472

RESOLUTION NO. 13 - 214

RESOLUTION ACCEPTING GROVEPOINT WAY, GROVE COVE DRIVE, AND SPRING COVE ROAD EXTENSION AS CITY-MAINTAINED STREETS

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, Grovepoint Way, Grove Cove Drive, and Spring Cove Road Extension are located in the corporate limits of the City of Asheville; and

WHEREAS, Grovepoint Way, Grove Cove Drive, and Spring Cove Road Extension were constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Grovepoint Way, Grove Cove Drive, and Spring Cove Road Extension including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the 45-foot right-of-way for Grovepoint Way has been recorded in Plat Book 130 Page 183; and

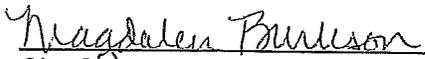
WHEREAS, dedication of the 45-foot right-of-way for Grove Cove Drive has been recorded in Plat Book 130 Page 182; and

WHEREAS, dedication of the 45-foot right-of-way for Spring Cove Road Extension has been recorded in Plat Book 130 Page 181;

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

Grovepoint Way, Grove Cove Drive, and Spring Cove Road Extension are accepted by the City of Asheville for maintenance as indicated on the attached maps.

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



City Clerk

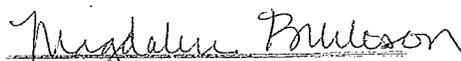


Mayor

Approved as to form:

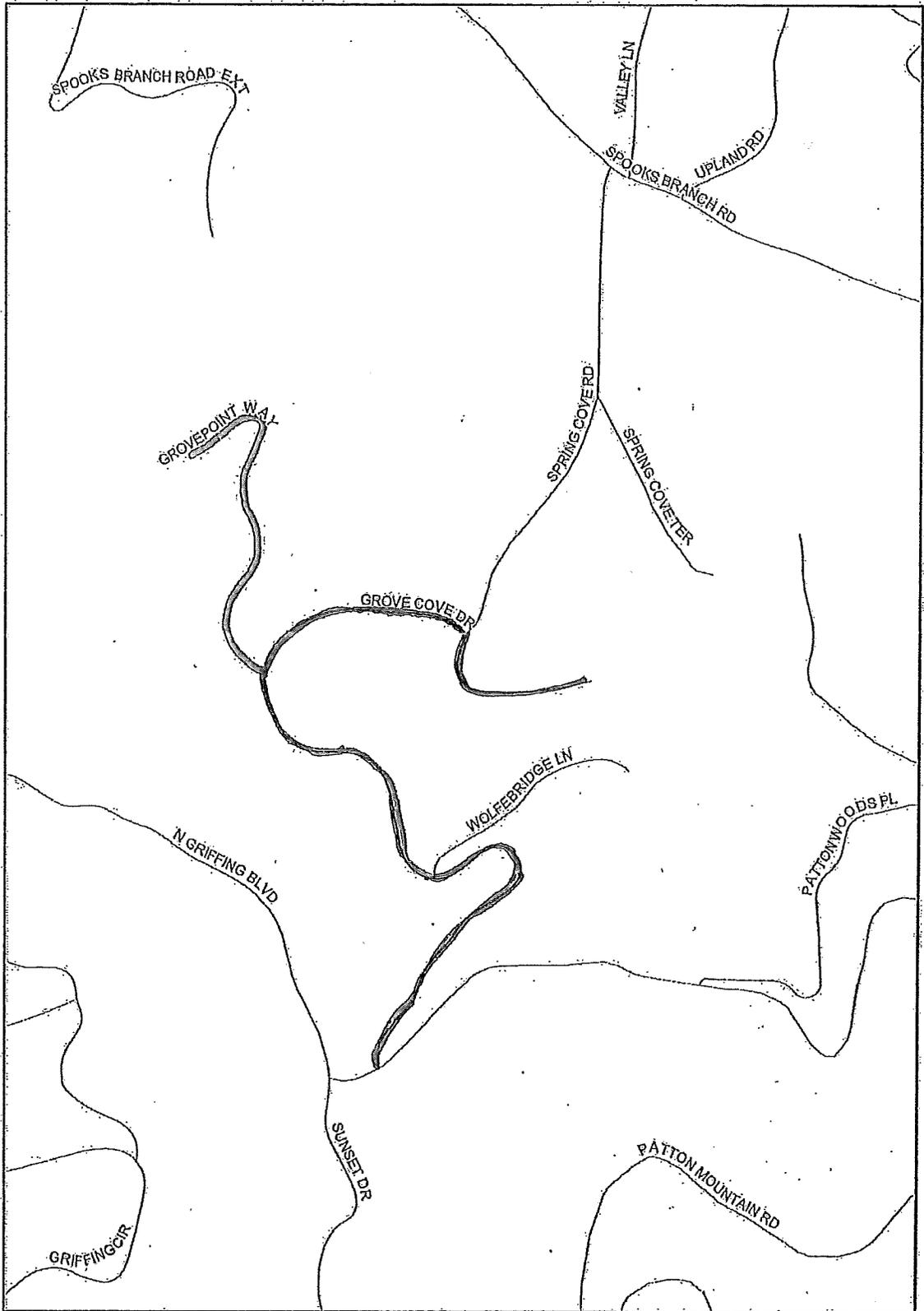


City Attorney



City Clerk

ATTACHMENT 2



RESOLUTION NO. 13 - 215

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LOCALLY ADMINISTERED PROJECT AGREEMENT WITH NCDOT FOR A PROJECT TO CONSTRUCT SIDEWALK ALONG BOTH SIDES OF US 25 (HENDERSONVILLE ROAD) FROM NC 146 (LONG SHOALS ROAD) TO I-40 WITHIN THE CITY LIMITS OF ASHEVILLE

WHEREAS, Title 23, Sections 133(d)(3) and 133(f) of the US Code require sub allocation of Surface Transportation Program Funds to urbanized areas; and

WHEREAS, the City of Asheville has requested Federal Funding for the US 25 (Hendersonville Road) sidewalk project located within the city limits of the City of Asheville in Buncombe County; and

WHEREAS, subject to the availability of Federal Funds, the City of Asheville has been designated as a recipient to receive funds allocated to the North Carolina Department of Transportation by the Federal Highway Administration up to and not to exceed the maximum award amount of \$3,300,000 for the project; and

WHEREAS, the North Carolina Department of Transportation has agreed to administer the disbursement of said funds on behalf of the Federal Highway Administration to the City of Asheville; and

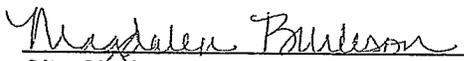
WHEREAS, the North Carolina Department of Transportation has programmed funding in the approved State Transportation Improvement Program for the project; and

WHEREAS, the City of Asheville has agreed to participate in certain costs and to assume certain responsibilities as indicated in the agreement;

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 Mayor to sign and execute a locally administered project agreement with the North Carolina Department of Transportation (NCDOT) for a project (identified as U-5189) to construct a sidewalk along both sides of US 25 (Hendersonville Road) from NC 146 (Long Shoals Road) to I-40 within the city limits of Asheville.

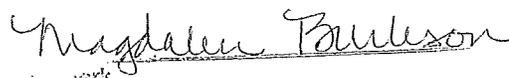
Read, approved and adopted this 22nd day of October 2013.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 13- 216

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE 2012 MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

WHEREAS, on October 9, 2012, by Resolution No. 12-228, the City approved the Municipal Records Retention and Disposition Schedule issued September 10, 2012, by the N. C. Department of Cultural Resources, Division of Archives and History; and

WHEREAS, in an effort to promote good municipal records management, the N. C. Department of Cultural Resources, Division of Archives and History, has amended the 2012 Schedule; and

WHEREAS, the first amendment to Standard 4 (Budget, Fiscal and Payroll Records) adds accreditation records to the schedule; and

WHEREAS, the second amendment to Standard 12 (Personnel Records) clarifies language for retention period of employee eligibility records to match the US Code and consolidates three different types of leave records;

WHEREAS, it is in the best interest of the City of Asheville to promote municipal records management as provided by the N. C. Department of Cultural Resources, Division of Archives and History;

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

The Mayor of the City of Asheville be authorized to execute an amendment dated August 29, 2013, to the Municipal Records Retention and Disposition Schedule by and between the N. C. Department of Cultural Resources, Division of Archives and History, and the City of Asheville.

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

Magdalen Brulson
CITY CLERK

Andy Bell
MAYOR

Approved as to form:

Martha McNeely
CITY ATTORNEY

Magdalen Brulson
City Clerk

RESOLUTION NO. 13-217

RESOLUTION AUTHORIZING THE CONVEYANCE OF TWO PARCELS OF CITY OWNED PROPERTY, KNOWN AS THE DEAVER STREET LOT, AND THE MILLBROOK ROAD LOT, AND WITHDRAWING THE CURVE STREET LOT FROM THE SEALED BID SALE.

WHEREAS, N.C. Gen. Stat. sec. 160A-268 provides for the sale of real property by advertisement and sealed bid; and

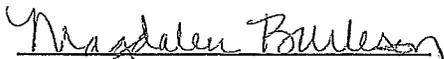
WHEREAS, on August 27, 2013 the Asheville City Council authorized the City Clerk to publish a notice in the Asheville Citizen-Times for the sealed bid sale of three City owned parcels identified as the Curve Street lot (0.25 acres, PIN 9648-68-0689-00000), Deaver Street lot (0.19 acre, PIN 9638-76-4002-00000) and Millbrook Road lot (0.25 acres, PIN 9638-66-3884-00000); and

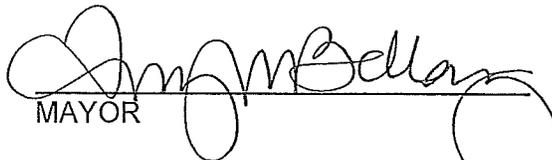
WHEREAS, on October 10, 2013 the sealed bid sale concluded and the high bidders for each property were: Deaver Street – Judd Lefeber and Jennifer Kiecker at \$35,025; Millbrook Road – Judd Lefeber at \$22,500; Curve Street – Buncombe Land Holdings at \$10,000;

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

1. Pursuant to N. C. Gen. Stat. sec. 160A-268, the City Manager is hereby directed to convey real property at Deaver Street, PIN 9638-76-4002-00000 to Judd Lefeber and Jennifer Kiecker for \$35,025; and convey real property Millbrook Road lot, PIN 9638-66-3884-00000 to Judd Lefeber for \$22,500.
2. Pursuant to N.C. Gen. Stat. sec. 160A-268 and the procedures outlined in the bid package, the City exercises its right to withdraw the Curve Street property, PIN 9648-68-0689-00000, from the sale and reject all bids associated with the parcel.
3. 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.

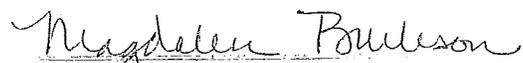
Read and approved and adopted this 22nd day of October, 2013.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


CITY CLERK

RESOLUTION NO. 13-218

RESOLUTION AUTHORIZING CITY STAFF TO APPLY FOR A JOB ACCESS AND REVERSE COMMUTE GRANT FOR THE BLACK MOUNTAIN ROUTE AND THE MAYOR TO OBLIGATE THE FUNDS IF THE GRANT IS AWARDED

WHEREAS, the Federal Transit Administration funding for Job Access and Reverse Commute Program (5316) authorizes Federal funding for operations; and

WHEREAS, the Federal Transit Administration funding for JARC is available to transit agencies for operational projects that serve low-income areas and provide access to jobs; and

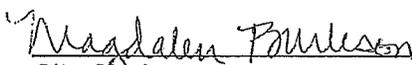
WHEREAS, the City of Asheville's Transit System is applying for funding to be able to continue operating the Black Mountain route; and

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

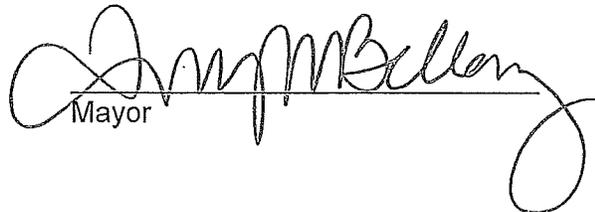
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes City staff to apply for a Federal Transit Administration (FTA) Job Access and Reverse Commute Program grant to fund the Black Mountain route and authorizes the Mayor to execute the appropriate documents to accept the grant, if it is awarded to the City of Asheville.

Read, approved and adopted this 22nd of October 2013.



City Clerk



Mayor

Approved as to form:



City Attorney



City Clerk

RESOLUTION NO. 13-219

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS THROUGH THE US DEPARTMENT OF JUSTICE

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

WHEREAS, the US Department of Justice (DOJ), has granted the City of Asheville to submit a grant application in the amount of \$15,377.69 through the BVP program for partial purchase cost of ballistic vests;

WHEREAS, the City has a required match of \$15,378 in order to accept the grant funding;

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

The City Manager is hereby authorized to accept funds through the U.S Department of Justice, in the amount of \$15,377.69 for the purchase of ballistic vests.

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

Magdalen Bourleson
CITY CLERK

Jim McEllen
MAYOR

APPROVED AS TO FORM:

Mark McEllen
CITY ATTORNEY

Magdalen Bourleson
CITY CLERK

RESOLUTION NO. 13-220

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

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

WHEREAS, the North Carolina Governor's Highway Safety Program has offered \$20,000 in grant funding to the Asheville Police Department for Regional Liaison duties; and

WHEREAS, the Asheville Police Department will provide this liaison officer to perform the necessary duties; and

WHEREAS, there is no matching fund requirement for this grant; and

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 Governor's Highway Safety Program for a grant in the amount of \$20,000 for Highway Safety grant funds to purchase equipment for the Traffic Safety Unit and costs related to the Regional Liaison duties.

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

Magdalena Boulleson
CITY CLERK

Tom Bellan
MAYOR

APPROVED AS TO FORM:

Wentworth McManis
CITY ATTORNEY

Magdalena Boulleson
City Clerk

RESOLUTION NO. 13 - 221

RESOLUTION GRANTING A WAIVER OF FEE FOR BLOCKING FOUR ON-STREET PARKING SPACES FOR ONE YEAR FOR THE PURPOSE OF CONSTRUCTING EAGLE MARKET PLACE

WHEREAS, the City of Asheville charges for on-street parking in the Central Business District; and,

WHEREAS, the City of Asheville's fees and charges manual establishes a fee to on street parking for construction purposes; and,

WHEREAS, Mountain Housing Opportunities has requested the use of four parking spaces on S. Market St. for a period of one year for the purpose of constructing Eagle Market Place; and,

WHEREAS, the project will include 62 affordable housing units of which the city is a financial contributing party to the construction.

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

A waiver of fee for blocking four parking spaces for one year for the purpose of constructing eagle market place in the amount of \$21,600.

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

Margaret Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Walter A. Shelton
City Attorney

Margaret Boulson
City Clerk

RESOLUTION NO. 13- 222

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FIRE FIGHTERS FUND RAISER ON WALNUT STREET ON THE DATE OF THURSDAY, NOVEMBER 7, 2013 FROM 3:00 PM – 11:00 PM.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Fire Fighters Fund Raiser.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Fire Fighters Fund Raiser event area, as set forth on Exhibit A, attached.

The Fire Fighters Fund Raiser event area is within the boundaries of Walnut Street between the intersections of Lexington Avenue and Carolina Lane.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Fire Fighters Fund Raiser on Thursday, November 7, 2013 from 3:00 p.m. – 11:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or

unfortified wine are not allowed anywhere in the Fire Fighters Fund Raiser event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Fire Fighters Fund Raiser event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Fire Fighters Fund Raiser, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

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

Magdalen Bouleson
City Clerk

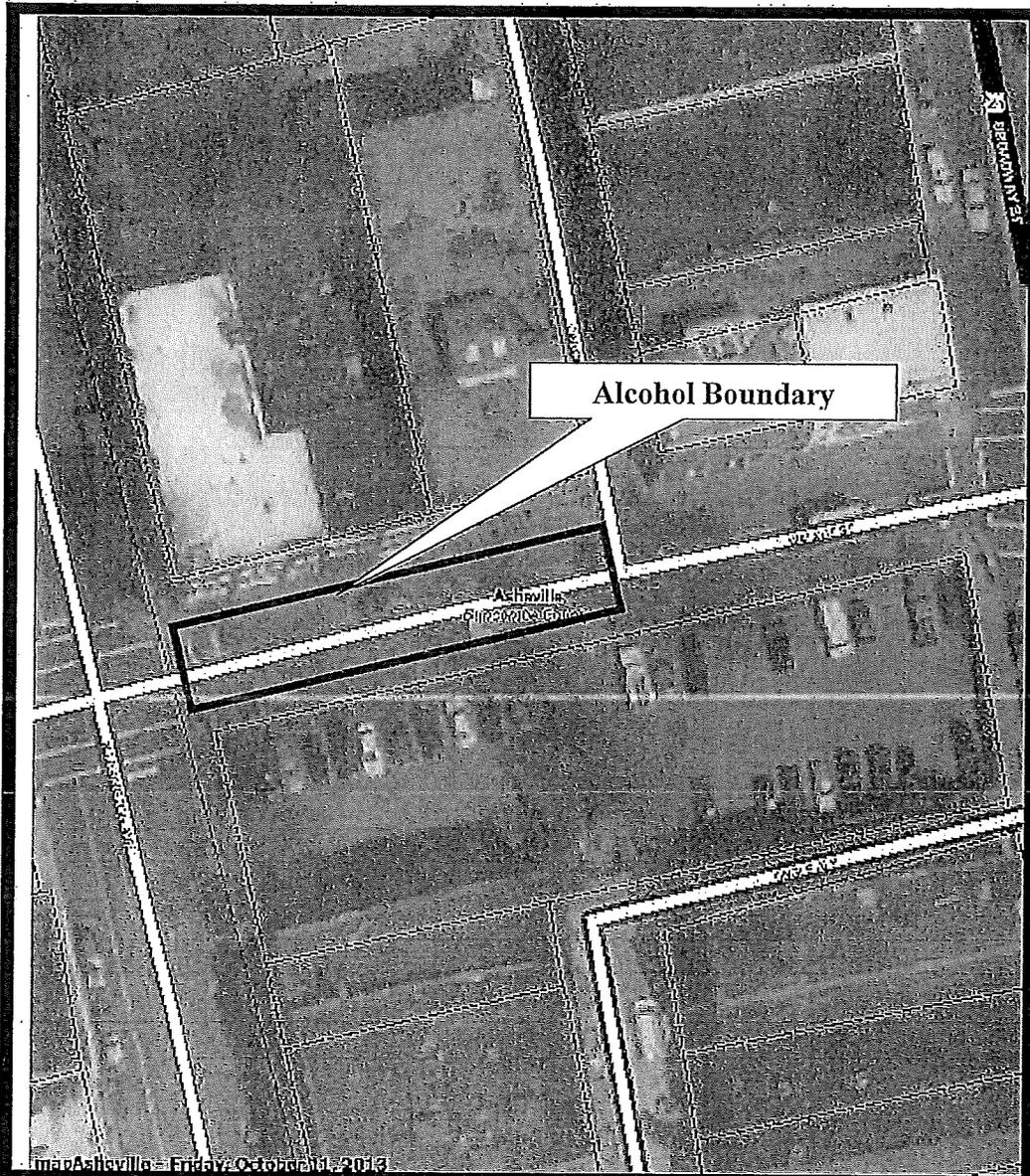
Sam Bellamy
Mayor

Approved as to form:

Matthew McPheon
City Attorney

Magdalen Bouleson
City Clerk

Exhibit A



mapAsheville - Standard GIS

Editor: The City of Asheville, including, planning, and other GIS data to support of all spatial business systems and the public services it provides. The GIS data about City of Asheville boundaries and to which it provides access are not for resale for other purposes or uses. All the GIS data are provided "as is" with no warranty. It is your responsibility to verify any information derived from the GIS data before relying on it. The City of Asheville does not warrant the accuracy of the GIS data and the City of Asheville is not liable for any errors or omissions in the GIS data. The GIS data are provided for informational purposes only.

Map created by: mapAsheville - Standard GIS
 Data Source: City of Asheville GIS
 Copyright: 2013
 Publication Date: October 11, 2013



RESOLUTION NO. 13-223

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE AGREEMENT WITH THE SUB-RECIPIENT OF JOB ACCESS AND REVERSE COMMUTE GRANTS, BUNCOMBE COUNTY, AS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the City of Asheville is the direct recipient of Job Access and Reverse Commute funds; and

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

WHEREAS, as part of the direct recipient obligations, the City of Asheville is required to execute agreements and oversight the administration and use of the federal funds; and

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

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

City Council authorizes the City Manager to amend the existing agreement with the sub-recipient of Job Access and Reverse Commute grants, Buncombe County, as required by the Federal Transit Administration.

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

Magdalen Boulson
City Clerk

Imogen Bellamy
Mayor

Approved as to form:

Walter McAllister
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 224

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION SERVICES CONTRACT WITH YOUNG & MCQUEEN GRADING COMPANY, INC. FOR THE CONSTRUCTION SERVICE NECESSARY FOR THE LAKE CRAIG/AZALEA ROAD IMPROVEMENT PROJECT

WHEREAS, the City of Asheville has the 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 Lake Craig/Azalea Road Improvement Project; and

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

WHEREAS, Azalea Park and the John B. Lewis Soccer Complex is a regional attraction and is in need of transportation improvements, including bike, pedestrian and vehicular facilities; and

WHEREAS, Azalea Park and the John B. Lewis Soccer Complex is in much need of a connection to a water supply system; and

WHEREAS, the City of Asheville did advertise and receive bids from qualified contractors to perform the construction activity outlined in the approved documents for the Lake Craig/Azalea Road Improvement project and the City of Asheville determined that Young & McQueen Grading Company and their bid of \$3,749,191.75 as the low responsible and responsible bidder;

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 with Young & McQueen Grading Company, Inc. for the construction services necessary for completion of the Lake Craig/Azalea Road Improvement Project for \$3,749,191.75. Additional, the City Manager is authorized to enter into change orders to this contract not to exceed 10% of the original contract or \$374,919.

Read, approved and adopted this the 22th day of October, 2013.

Magdalen Bouleson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

Walter McMalon
City Attorney

Magdalen Bouleson
City Clerk

486

RESOLUTION NO. 13 - 225

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL OF A
MEMORANDUM OF UNDERSTANDING WITH THE UNIVERSITY OF NORTH CAROLINA AT
ASHEVILLE

WHEREAS, N.C. Gen. Stat. 160A-11 and 20.1, authorizes a North Carolina Municipality to enter into agreements with other parties; and,

WHEREAS, UNC-Asheville has a history in Asheville dating back to 1927, and since that time, has become the only designated liberal arts institution in the 17-campus University of North Carolina system; and,

WHEREAS, UNC-Asheville and the City of Asheville have long shared a strong sense of social responsibility and commitment to the region, as symbolized in seals the organizations have shared since the 1930's that read LEvo oculos meos in montes ("I lift up my eyes to the mountains"); and,

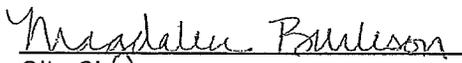
WHEREAS, UNC-Asheville and the City Council of the City of Asheville wish to continue to formalize their relationship as community partners by renewing the Memorandum of Understanding establishing a framework by which UNC-Asheville and the City of Asheville will work to exchange information, conduct cooperative research, and jointly explore projects for the sustainability of the Asheville community; and,

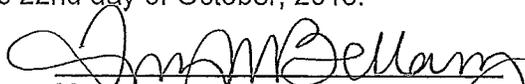
WHEREAS, nine collaboration areas were identified to include (1) Environmental Sustainability; (2) Climate and Technology; (3) Health and Wellness; (4) Economic Development; (5) Culture and Recreation; (6) Public Safety; (7) Diversity; (8) Co-branding; and (9) Master Plan/Land Use; and

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

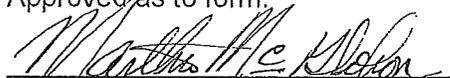
The Mayor is hereby authorized to renew the Memorandum of Understanding with the University of North Carolina at Asheville, for further collaborative efforts in the following focus areas: (1) Economic Growth & Financial Sustainability; (2) Affordable Housing & Community Development; and (3) High Quality of Life.

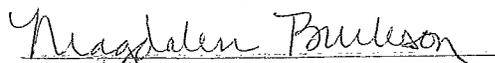
Read, approved and adopted this 22nd day of October, 2013.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 13 - 226

RESOLUTION GRANTING A WAIVER OF THE SIDEWALK REQUIREMENT INCLUDING THE "FEE-IN-LIEU-OF" CONSTRUCTION OPTION FOR THE GAIA CONDOMINIUM PROJECT LOCATED AT 141 SHELBURNE ROAD

WHEREAS, sidewalk requirements for the City of Asheville are included in the Unified Development Ordinance under section 7-11-8; and,

WHEREAS, one of the purposes of section 7-11-8 is to insure that adequate provision of transportation infra-structure and other public safety requirements are considered in the development and use of property; and,

WHEREAS, sidewalks are required for all new construction that falls into one or more listed categories including all new multi-family residential development projects with 10 or more units; and,

WHEREAS, staff is not authorized to grant a waiver of the sidewalk requirement and/or the payment of the "fee-in-lieu-of" construction option; and,

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

A waiver of the sidewalk requirement including the "fee-in-lieu-of" construction option for the Gaia Condominium project located at 141 Shelburne Road is hereby granted.

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

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Walter McPherson
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION ENDORSING THE PROTECTION OF CIVIL LIBERTIES OF ALL CITIZENS

WHEREAS, the City of Asheville has long aspired to protect civil liberties and provide equal protection under the law to all persons in the city which includes a diverse population of many races, religions, national and ethnic origin, including immigrants, tourists and students—whose contributions to the community's economy, culture and civic character are vast and important, and affirms its strong support for the fundamental constitutional rights of every person and recognizes that the preservation of civil liberties is essential to the well-being of a democratic society; and

WHEREAS, the Chief of Police of the City of Asheville has implemented new community policing practices that seek to reframe and improve the relationship between law enforcement officers and the public; and

WHEREAS, the City of Asheville opposes measures that single out individuals within our diverse population for legal scrutiny or enforcement activity based on race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, religious or political opinion or activity, immigration status; or homed or homeless status, and

WHEREAS, the City of Asheville opposes any efforts to transfer federal immigration responsibility to state and local officials, since these proposals tax our already overburdened police department and damage relationships with immigrant communities; and

WHEREAS, the City of Asheville believes that there is no inherent conflict between national security and the preservation of liberty but that Americans can be both safe and free; and

WHEREAS, the City of Asheville wishes to play a leading role in the protection of civil liberties and to consistently promote tolerance and respect for all persons, and recognizes that a number of other jurisdictions in North Carolina and in the United States have enacted policies or laws to make clear their protection of the civil liberties of a diverse population.

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

Section 1. The City of Asheville upholds the constitutional rights and civil liberties of any and all persons and it remains the policy of the City of Asheville to protect against discrimination on the basis of race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or homed or homeless status.

Section 2. City of Asheville officers and employees reject profiling of any group within our diverse population as a factor in selecting individuals, setting up check points or selecting areas of town to subject to investigatory activities.

Section 3. If officers stop a driver of a motor vehicle who cannot produce a valid operator's license and a computer check shows the driver has no license issuance information, the matter will be handled in accordance with approved Asheville Police Department Policy.

Section 4. City of Asheville employees do not and shall not collect, maintain or disseminate information of any individual, association, organization, corporation, business or partnership based solely on political, religious or social views, associations or activities, unless said information is directly related to an investigation of criminal conduct.

Section 5. In the absence of state, interstate or international criminal or national security investigations, the City of Asheville does not actively participate in the enforcement of federal immigration law.

BE IT FURTHER RESOLVED that the provisions of this Resolution are not intended to protect criminal activity on the part of any person but are intended to encourage trust in the Asheville Police Department and to encourage reporting of criminal activity to that department by all members of the community.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any provision of this Resolution is declared unconstitutional, by a court of competent jurisdiction, the validity of the remainder shall not be affected.

BE IT FURTHER RESOLVED that this Resolution shall be forwarded to all City of Asheville law enforcement agencies and to every department, agency, commission, officer and employee of the City and to our local, state and federal legislative delegations on behalf of the residents of the City of Asheville.

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

Magdalen Boulson
CITY CLERK

Sam Bellamy
MAYOR

Approved as to form:

Matthew C. Holton
CITY ATTORNEY

Magdalen Boulson
CITY CLERK

RESOLUTION NO. 13-228

RESOLUTION SUPPORTING CLEAN ENERGY ECONOMY

WHEREAS, the City of Asheville passed a 80% carbon reduction goal and in 2009 adopted a Sustainability Management Plan to meet that target, and the City is currently ahead of schedule in meeting that goal; and

WHEREAS, burning coal is the largest single source of carbon emissions in the Asheville area, releasing emissions annually equivalent to 500,000 cars; and

WHEREAS, over the past three years, power companies have announced the retirement of 150 coal plants in communities across the country, including 7 Duke Energy plants in NC; and

WHEREAS, the region's beauty, clean air and water are vital to the citizens of Asheville and the region's economy; and

WHEREAS, the clean energy economy currently provides approximately 15,000 jobs in the state of North Carolina; and

WHEREAS, Asheville and Western North Carolina are a hub for clean energy development in the state; and

WHEREAS, North Carolina is the only state in the Southeast with a Renewable Energy and Energy Efficiency Portfolio Standard; and

WHEREAS, North Carolina is currently ranked sixth in the United State for installed solar capacity; and

WHEREAS, Duke Energy Progress is ranked eighth, among the other operating utilities across the U.S., for added solar capacity in 2012; and

WHEREAS, prices for renewable energy sources, specifically solar energy, continue to decline and become more affordable to build, own and operate; and are providing affordable and reliable electricity nationwide; and

WHEREAS, energy efficiency is the least-cost means of satisfying potential new demand; and

WHEREAS, the State of North Carolina filed an enforcement action against Duke Energy Progress in March 2013 stating that the "continued operation of the Asheville [coal-fired power plant in violation of state law] . . . poses a serious danger to the health, safety and welfare of the people of the State of North Carolina and serious harm to the water resources of the state;" and

WHEREAS, the City of Asheville values its collaborative working relationship with Duke Energy Progress and looks forward to more success in the future;

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

1. The City of Asheville supports a local clean energy future for the city and the region.
2. The City of Asheville calls on Duke Energy Progress to partner with the City to help meet its carbon reduction goals by decreasing its reliance on fossil fuels, including transitioning from coal to electricity provided by clean renewable energy sources; while continuing to meet the company's obligation to provide affordable and reliable electricity to all customers 24-hours/day 7-days/week.
3. The City of Asheville further calls on Duke Energy Progress to continue and expand its investments in and programs supporting renewable energy, energy efficiency, and energy conservation.
4. The City of Asheville further calls on Duke Energy Progress to stop the spread of new coal ash pollution, and remediate existing coal ash pollution.
5. The City of Asheville develops a Clean Energy Partnership Progress Report that documents the achievements of this new partnership with Duke Energy Progress

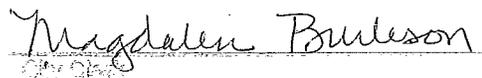
Read, approved and adopted this 22nd day of October, 2013.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 13- 229

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, 2013;

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, 2015, or until her successor has been appointed.

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

Magdalen Boulson
CITY CLERK

Tommy Bellamy
MAYOR

Approved as to form:

Martha McKelton
CITY ATTORNEY

Magdalen Boulson
CITY CLERK

RESOLUTION NO. 13-230

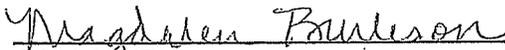
RESOLUTION AMENDING THE 2013 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

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

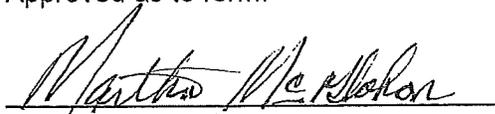
The Asheville City Council formal meeting on Tuesday, November 26, 2013, is hereby cancelled.

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


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


City Clerk

RESOLUTION NO. 13-231

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the terms of Scott Rogers, David Nash and Hilliard Carlisle, as members on the Homeless Initiative Advisory Committee, expire on November 1, 2013;

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

(1) Mr. Scott Rogers, 6 Beaverdam Court, Asheville, N.C., be and he is hereby appointed to the Homeless Initiative Advisory Committee to serve an additional three-year term, term to expire November 1, 2016, or until his successor has been appointed.

(3) Mr. David Nash, 119 Estes Court, Asheville, N.C., be and he is hereby appointed to the Homeless Initiative Advisory Committee to serve an additional three-year term, term to expire November 1, 2016, or until his successor has been appointed.

(3) Mr. Hilliard Carlisle, 15 Woodfin Street, Asheville, N.C., be and he is hereby appointed to the Homeless Initiative Advisory Committee to serve a three-year term, term to expire November 1, 2016, or until his successor has been appointed.

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

Magdalen Bouleson
CITY CLERK

Jim McCallamy
MAYOR

Approved as to form:

Matthew McAlister
CITY ATTORNEY

Magdalen Bouleson
CITY CLERK

RESOLUTION NO. 13-232

RESOLUTION A APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the term of Pattiy Torno, as a member on the Asheville Area Riverfront Redevelopment Commission, expired on January 1, 2013; and

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

Ms. Pattiy Torno, 12-B Riverside Drive, Asheville, N.C., be and she is hereby reappointed to the Asheville Area Riverfront Redevelopment Commission to serve an additional three year term, term to expire January 1, 2016, or until her successor has been appointed.

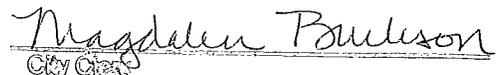
Read, approved and adopted this 22nd day of October, 2013.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


City Clerk

RESOLUTION NO. 13-233

RESOLUTION APPOINTING MEMBERS TO THE SOIL EROSION/STORMWATER REVIEW COMMITTEE

WHEREAS, on June 8, 2010, by Ordinance No. 3875, City Council established a Soil Erosion/Stormwater Review Committee created for the purpose of hearing appeals taken from the Stormwater Administrator; and

WHEREAS, the five members of the Committee shall consist of two City Department Directors designated by the City Manager, one member of the Planning & Zoning Commission, and two members appointed by the City Council (one a resident of the City of Asheville and the other from either the City of Asheville or the extra-territorial jurisdiction of the City); and

WHEREAS, the terms of Mr. Pete Hildebrand and Ms. Ter Mc Spinner expire on November 1, 2013;

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

Mr. Pete Hildebrand, 337 Chunn's Cove Road, Asheville, N.C., be and he is hereby reappointed as a member of the Soil Erosion/Stormwater Review Committee (as the City resident) to serve an additional three-year term, term to expire on November 1, 2016, or until his successor has been appointed.

Ms. Ter Mc Spinner, 4 Haw Creek Circle, Asheville, N.C., be and he is hereby reappointed as a member of the Soil Erosion/Stormwater Review Committee (as the City resident) to serve an additional three-year term, term to expire on November 1, 2016, or until her successor has been appointed.

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

Magdalen Paulson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

Martha Mc Glohon
CITY ATTORNEY

Magdalen Paulson
CITY CLERK

RESOLUTION NO. 13-234

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the term of Ron Storto, as a member of the Buncombe County Tourism Development Authority, (owner or operator of a hotel, motel or other taxable tourist accommodation with less than 100 rental units), expired on August 30, 2013;

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

Mr. James Muth, 61 N. Liberty Street, Asheville, N.C., be and he is hereby appointed, as a member of the Buncombe County Tourism Development Authority (as the owner or operator of a hotel, motel or other taxable tourist accommodation with less than 100 rental units), to serve a three year term, term to expire August 30, 2016, or until his successor has been appointed.

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

Madalen Bouleson
CITY CLERK

Sam Bellamy
MAYOR

Approved as to form:

Walter McElhannon
CITY ATTORNEY

Madalen Bouleson
City Clerk