

RESOLUTION NO. 12-191

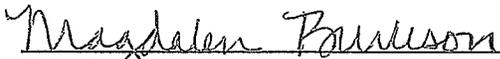
RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INSTALL FLEET GPS TRACKING EQUIPMENT AND ROUTING SOFTWARE

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

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

The City Manager is hereby authorized to apply for and enter into an agreement with North Carolina Department of Environment and Natural Resources for grant in the amount of \$32,000.

Read, approved, and adopted this 28th day of August, 2012.



City Clerk

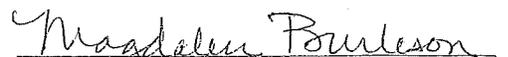


Mayor

Approved as to form:



City Attorney



City Clerk

RESOLUTION NO. 12- 192

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE TANGERINE BALL ON WALNUT STREET AND ON BUXTON AVENUE ON THE DATE OF SATURDAY, SEPTEMBER 15, 2012 FROM 6:00 PM – 9:00 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 Tangerine Ball.

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 Tangerine Ball event area, as set forth on Exhibit A, attached.

The Tangerine Ball event area is contained to Walnut Street between the intersections of Broadway and Carolina Lane, and on Buxton Avenue between the intersections of Collier Avenue and Millard Avenue.

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 Tangerine Ball on Saturday, September 15, 2012 from 6:00 p.m. – 9:00 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 Tangerine Ball 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 Tangerine Ball 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 Tangerine Ball, 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 28th day of August, 2012.

Magdalen Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

Exhibit A

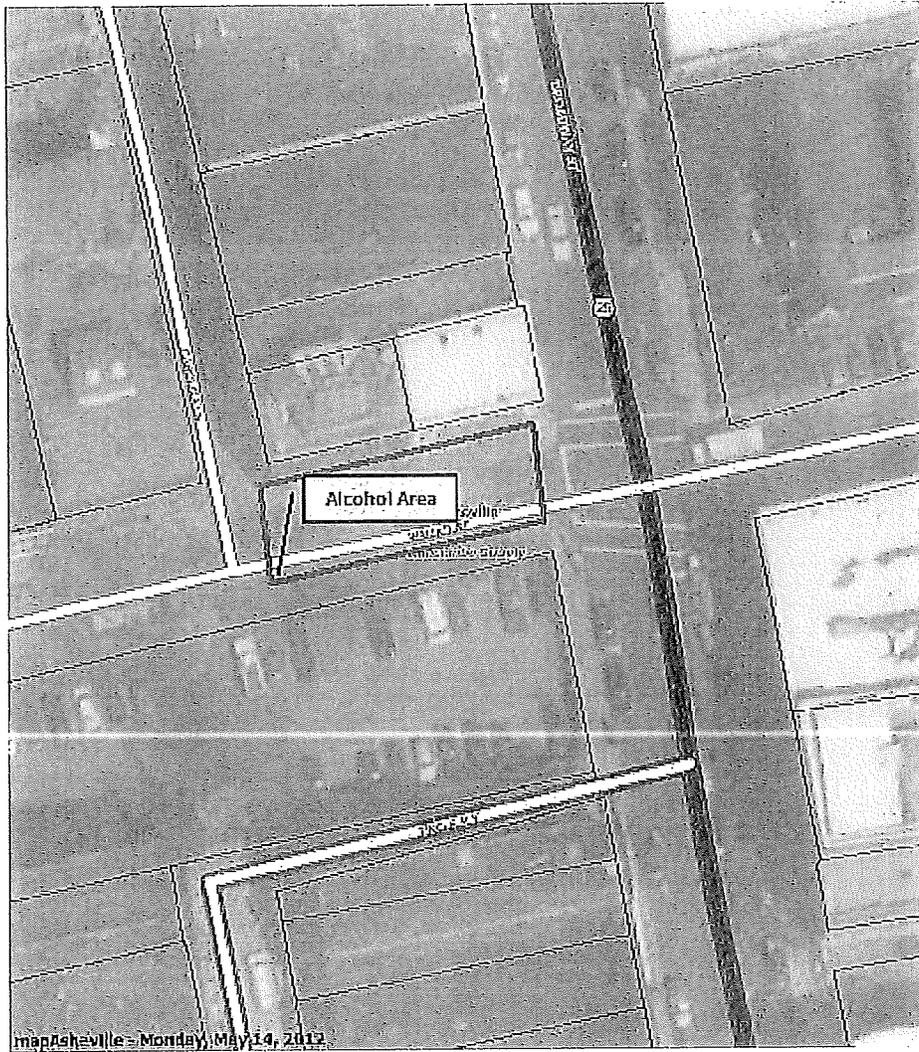
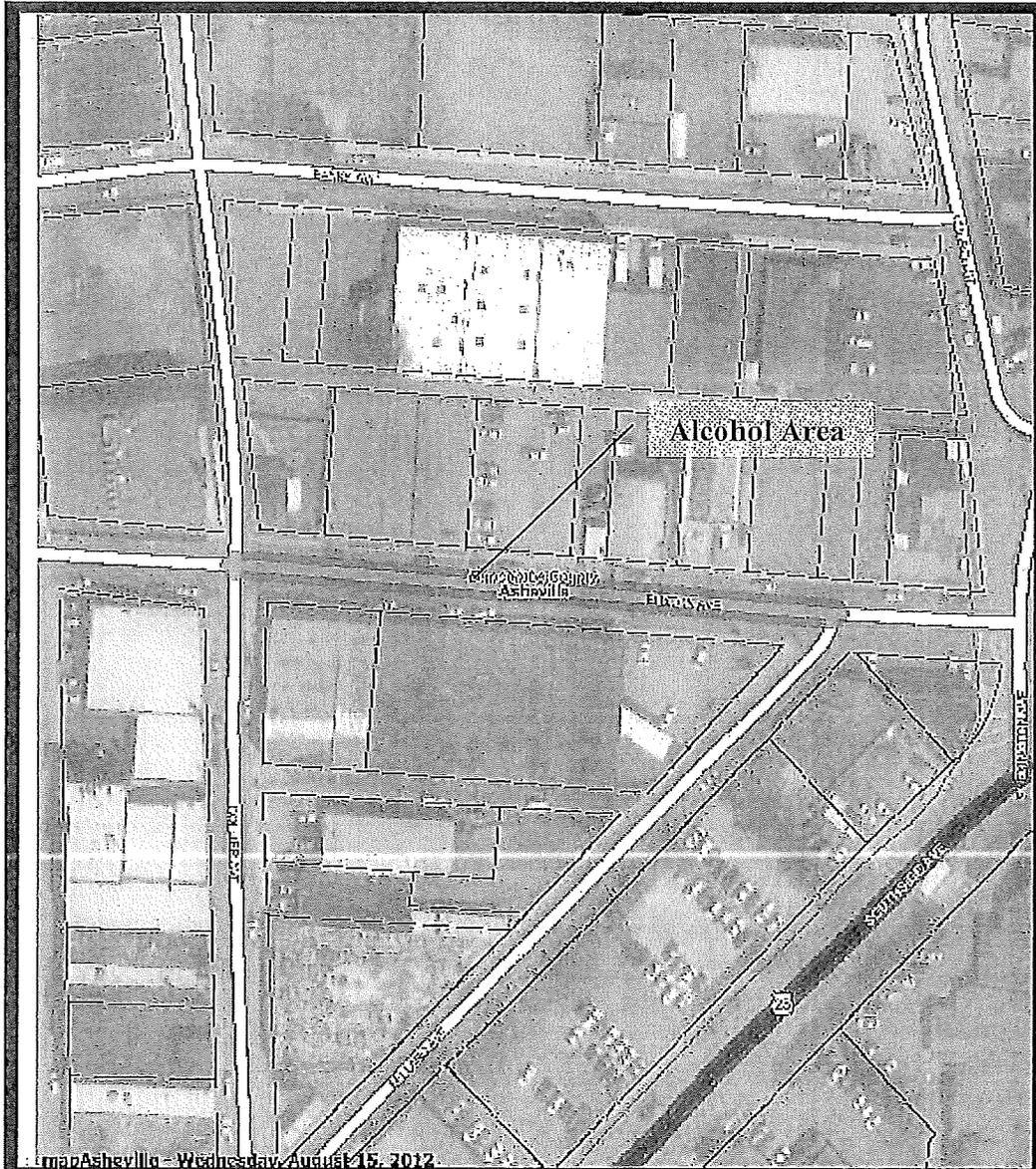


Exhibit A



mapAsheville - Wednesday, August 15, 2012

mapAsheville - Standard GIS

Map of the City of Asheville, North Carolina, showing the 2012 standard GIS data. This map is based on the 2012 standard GIS data and is not intended to be used for legal purposes. The City of Asheville is not responsible for any errors or omissions in this map. The City of Asheville is not responsible for any damages or losses resulting from the use of this map. The City of Asheville is not responsible for any claims or lawsuits filed against the City of Asheville or its employees, agents, or contractors, arising out of or in connection with the use of this map.

Map of the City of Asheville, North Carolina, showing the 2012 standard GIS data. This map is based on the 2012 standard GIS data and is not intended to be used for legal purposes. The City of Asheville is not responsible for any errors or omissions in this map. The City of Asheville is not responsible for any damages or losses resulting from the use of this map. The City of Asheville is not responsible for any claims or lawsuits filed against the City of Asheville or its employees, agents, or contractors, arising out of or in connection with the use of this map.



RESOLUTION NO. 12- 193

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT AVLX IN CARRIER PARK ON THE DATE OF SATURDAY, NOVEMBER 3, 2012 FROM 2:00 PM – 8:00 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 AVLX.

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 AVLX event area, as set forth on Exhibit A, attached.

The Tangerine Ball event area is contained to Carrier Park.

- 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 AVLX on Saturday, November 3, 2012 from 2:00 p.m. – 8:00 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 AVLX 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 AVLX 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 AVLX, 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 28th day of August, 2012.

Magdalena Bouleson
City Clerk

Shirley Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Bouleson
City Clerk

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST ON THE DATE OF SATURDAY, OCTOBER 13, 2012 FROM 12:00 PM – 6:00 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 Oktoberfest.

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 Oktoberfest event area as set forth on Exhibit A, attached.

The Oktoberfest event area is within the boundaries of Wall Street between Otis Street and Battery Park Avenue, and extending into a partial lane closure on Battery Park Avenue at Wall Street intersection.

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 Oktoberfest on Saturday, October 13, 2012 from 12:00 p.m. – 6:00 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 Oktoberfest 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 Oktoberfest 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 Oktoberfest, 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 28th day of August, 2012.

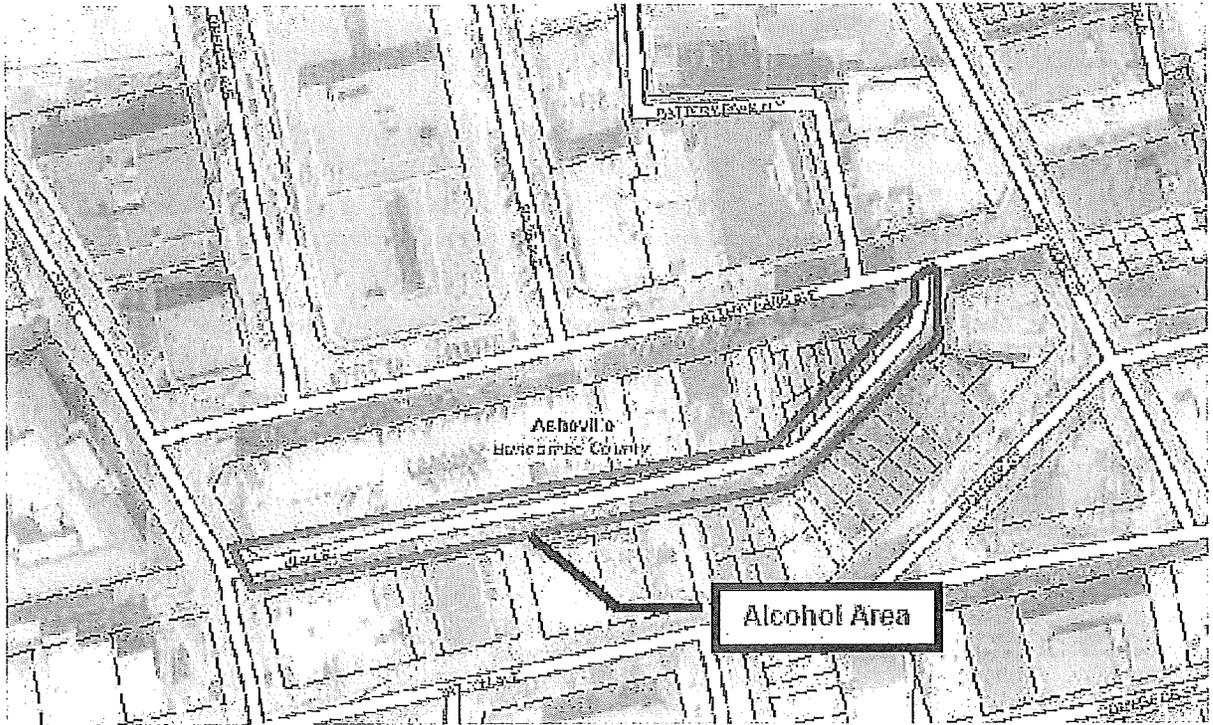
Magdalene Boulton
 City Clerk

John M Bellamy
 Mayor

Approved as to form:
[Signature]
 City Attorney

Magdalene Boulton
 City Clerk

Exhibit A



RESOLUTION NO. 12- 195

RESOLUTION AMENDING RESOLUTION NO. 12-167 MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEXINGTON AVENUE ARTS & FUN FESTIVAL IN DOWNTOWN ON THE DATES OF SATURDAY, SEPTEMBER 1, 2012 FROM 5:00 PM – 10:00 PM AND SUNDAY, SEPTEMBER 2, 2012 FROM 12:00 PM – 9:00 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 Lexington Avenue Arts & Fun Festival.

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 revised Lexington Avenue Arts & Fun Festival event area, as set forth on Exhibit A, attached.

The Lexington Avenue Arts & Fun Festival revised event area is contained within the boundaries of the Rankin Avenue Monthly Parking Surface Lot East on Rankin Avenue between Walnut and Hiwassee on September 1, 2012, and within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 overpass, Walnut Street between Carolina Lane and Rankin Avenue, Rankin Avenue between Walnut Street and Hiwassee, Hiwassee between Rankin Avenue and Carolina Lane, the Rankin Avenue Monthly Parking Surface Lots East and West on Rankin Avenue between Walnut and Hiwassee, and the metered parking lot at Lexington Avenue and the I-240 Underpass on September 2, 2012.

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 Lexington Avenue Arts & Fun Festival during the revised hours of Saturday, September 1, 2012 from 5:00 p.m. – 10:00 p.m. and Sunday, September 2, 2012 from 12:00 p.m. – 9:00 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 Lexington Avenue Arts & Fun Festival 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 Lexington Avenue Arts & Fun Festival 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 Lexington Avenue Arts & Fun Festival, 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 28th day of August, 2012.

Magdalen Baulson
City Clerk

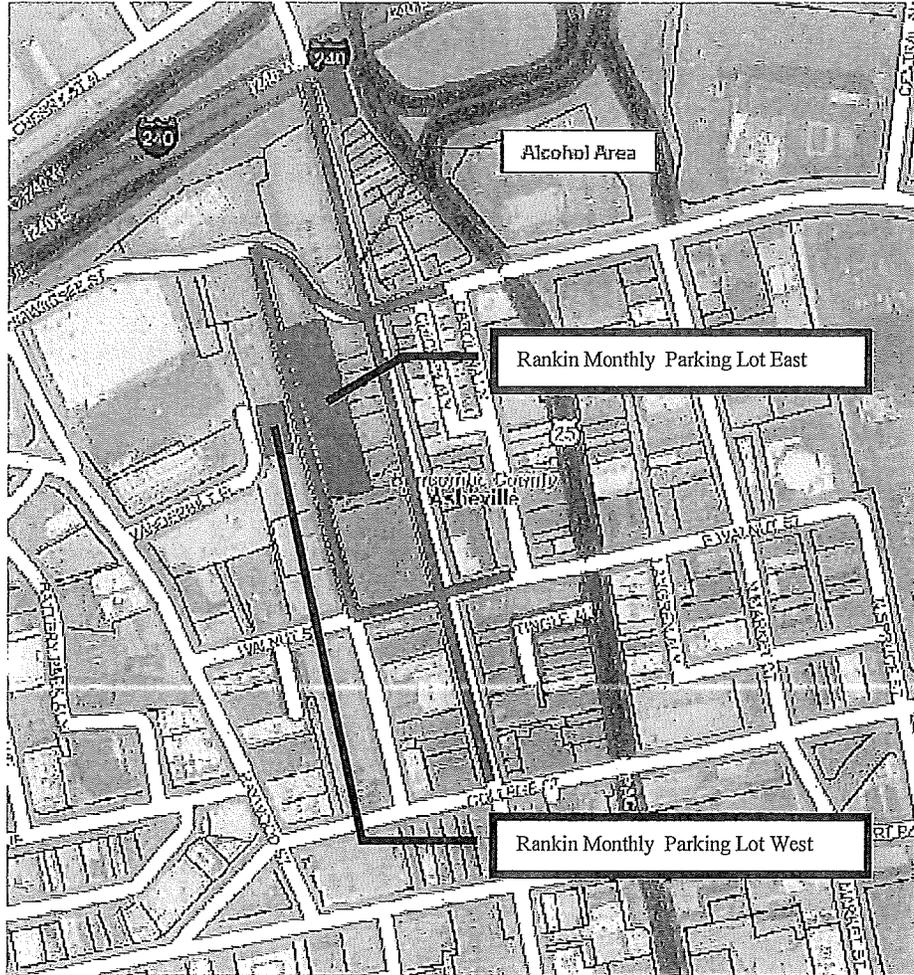
Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

Exhibit A



RESOLUTION NO. 12-196

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, funds for FY 2012-13 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of \$57,610 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of \$5,761; 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 OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration (FTA) for FY 2012-13.

Read, approved and adopted this 28th day of August 2012.

Magdalen Bowleson
City Clerk

Angela Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 12- 197

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SPORTS FIELD, INCORPORATED FOR REPAIR, RESTORATION, AND TURF REPLACEMENT TO THE IRRIGATION, DRAINAGE, AND PLAYING FIELD AT MCCORMICK PARK

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, McCormick Field irrigation and drainage system requires repair and restoration and the turf needs replacing; and

WHEREAS, the repairs to McCormick Field supports and enhances basic City services and is part of the facilities maintenance program to maintain and preserve infrastructure;

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

City Council authorizes the City Manager to execute a contract with Sports Field, Incorporated to perform repair and restoration to the irrigation and drainage system and to replace the turf for the playing surface at McCormick Field, including execute any and all change orders up to the budgeted amount.

Read, approved and adopted this the 28th day of August 2012.

Magdalen Baulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

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RESOLUTION NO. 12-198

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 ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF VARIOUS CAPITAL PROJECTS AND THE ACQUISITION OF VEHICLES AND EQUIPMENT FROM THE PROCEEDS OF AN INSTALLMENT FINANCING CONTRACT TO BE EXECUTED AND DELIVERED IN THE FISCAL YEAR 2013.

WHEREAS, the City Council of the City of Asheville, North Carolina ("*City*") has determined that it is in the best interests of City to (1) acquire, construct and improve certain streets and sidewalks within the vicinity of Craven St in the River Arts District, (2) improve various city buildings, (3) purchase and install street lighting, (4) purchase vehicles and equipment (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 of 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 \$4,000,000.

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 Officer of the City, and her designees, with advice from special counsel, are 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 28th day of August, 2012.

Magdalen Baulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 12- 199

RESOLUTION SETTING PUBLIC HEARING TO CONSIDER AUTHORIZING SALE OF PROPERTY AT HAYWOOD STREET AND PAGE AVENUE FOR ECONOMIC DEVELOPMENT PURPOSES

WHEREAS, when a city proposes to convey property for economic development purposes pursuant to N.C.G.S. 158-7.1, it must first hold a public hearing; and

WHEREAS, the City of Asheville is considering selling several contiguous parcels of property located at 68 and 76 Haywood Street, 33 Page Avenue, and at the intersection of Page Avenue and Battery Park Alley (herein "Haywood/Page property") to McKibbon Hotel Group for development of a hotel; and

WHEREAS, Council's rules of procedure provide for public hearing to be organized by special order;

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

That the Asheville City Council shall hold a public hearing at its regular meeting on September 11, 2012, at 5:00 p.m. on the question of approving the sale of the Haywood/Page property to McKibbon Hotel Group for development as a hotel, pursuant to N.C.G.S. 158-7.1;

BE IT FURTHER RESOLVED:

That the City Clerk shall cause a notice of the public hearing to be published as required by law.

Read, approved and adopted this the 28th day of August, 2012.

Magdalen Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 12-200

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DR. PAUL MARTIN, MD FOR PHYSICIAN SERVICES

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 under the purview of the City Manager, the Human Resources Department contracts with Dr. Paul Martin for professional physician services for employees and their dependents in the Health Services division; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertized the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, the amount of the Agreement is \$120,000.00 and the monies have been budgeted in the Human Resources Department 2012 – 13 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 Dr. Paul Martin, MD for \$120,000 for physician services and further authorized to execute any change orders to the contract, up to the budgeted amount.

Read, approved and adopted this the 28th day of August, 2012

Magdalen Boulton
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 12-201

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BLUE CROSS BLUE SHIELD OF NORTH CAROLINA FOR SPECIFIC STOP LOSS INSURANCE COVERAGE

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 is in need of Specific Stop Loss Insurance to cover the cost of large or catastrophic claims paid during the contract period that exceed \$150,000; and

WHEREAS, the amount of the Agreement is \$750,000 and the monies have been budgeted in the Human Resources Department 2012 – 13 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 Blue Cross Blue Shield of North Carolina for \$750,000 for Specific Stop Loss Insurance, and further authorized to execute any change orders to said contract which arise, up to the budgeted amount.

Read, approved and adopted this the 28th day of August, 2012.

Magdalen Burleson City Clerk Angela Bellamy Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 12-202

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH A&D ENVIRONMENTAL, INC. FOR ENVIRONMENTAL REMEDIATION OF CONTAMINATED SOILS AT THE FORMER ASHEVILLE POLICE DEPARTMENT FIRING RANGE AT 82 WESTFELDT ROAD IN FLETCHER, NC

WHEREAS, N. C. Gen. Stat. sec. 160A-20.1 the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, A&D Environmental, Inc. was identified as the lowest responsive, responsible bidder to perform the scope of services needed for the soils remediation and lead abatement at the former Asheville Police Department Firing Range at 82 Westfeldt Road in Fletcher, NC; and

WHEREAS, the City of Asheville is currently under contract with A&D Environmental, Inc. for the Firing Range remediation in the amount of \$93,060; and

WHEREAS, a change order in the amount of \$35,000 is needed in order for A&D Environmental to complete their initial scope of services.

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 \$35,000 with A&D Environmental, Inc. for environmental remediation of contaminated soils at the former Asheville Police Department Firing Range at 82 Westfeldt Drive in Fletcher, NC for a total contract cost of \$128,060.00.

Read, approved and adopted this 28th day of August, 2012.

Margdalen Paulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Margdalen Paulson
City Clerk

RESOLUTION NO. 12-203

RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

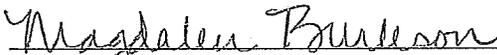
WHEREAS, the terms of Mark Brooks and Holly Shriner, as members on the Planning & Zoning Commission, expired on August 14, 2012;

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

(1) Mr. Joe Minicozzi, 13 Brucemont Circle, Asheville, N.C., be and he is hereby appointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2015, or until his successor has been appointed.

(2) Ms. Holly Shriner, 176 Merrimon Avenue, Asheville, N.C., be and she is hereby reappointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2015, or until her successor has been appointed.

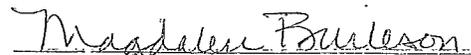
Read, approved and adopted this 28th day of August, 2012.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


CITY CLERK

RESOLUTION NO. 12-204

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO FUND AND CREATE A PUBLIC HOUSING POLICING UNIT

WHEREAS, pursuant to N.C.G.S. §160A-461, any unit of local government and any other units of local government in this State may enter into agreements with each other in order to execute any undertaking; and

WHEREAS, the City and the Housing Authority of the City of Asheville desire to enter into an agreement to have the Asheville Police Department provide officers for the increased security and safety of the Authority's properties; and

WHEREAS, the Authority will be responsible for funding 4 officers for the unit which includes salary and benefits; and

WHEREAS, additional officers to the public housing policing unit will be funded by the City as part of the COPS Hiring Program, subject to further budgetary approval; 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 on behalf of the City of Asheville with the Asheville Housing Authority to create a public housing policing unit, subject upon approval by the City Attorney's Office.

Read, approved and adopted this the 28th day of August, 2012.

Magdalen Bourleson
City Clerk

Angie Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 12-205

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PROPERTY OWNERS ALONG BLAIR STREET TO CONSTRUCT A NEW STORM DRAINAGE PIPE ALONG BLAIR STREET TO REPLACE A FAILING STORM DRAINAGE PIPE ON PRIVATE PROPERTY.

WHEREAS, a privately maintained storm drainage pipe located under private property collapsed on April 17, 2012 causing significant private property damage; and

WHEREAS, the only cost effective solution to the problem is to redirect the storm water into a new pipe installed along Blair Street; and

WHEREAS, the failure of this system is causing flash flooding of Charlotte Street; and,

WHEREAS, the complete failure of the existing pipe could cause Albemarle Place and Charlotte Street to collapse; and

WHEREAS, an engineer's estimate has been completed and determined that the cost to relocate the storm water would cost approximately \$155,720.

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

The City Manager is hereby authorized to execute an Agreement subject to the City Attorney's approval, with property owners along Blair Street to construct a new storm drainage pipe along Blair Street, to replace a failing storm drainage pipe on private property with a 75/25 city/private cost share.

Read, approved and adopted this the 28th day of August, 2012.

Magdalen Burlington
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlington
City Clerk

RESOLUTION NO. 12-206

RESOLUTION TO AUTHORIZE A MANAGEMENT AGREEMENT FOR POPE GOLF, L.L.C
FOR MANAGEMENT OF ASHEVILLE MUNICIPAL GOLF COURSE.

WHEREAS, the City has the authority pursuant to G.S. 160A-353 to set aside lands and buildings for parks, and to provide, construct, equip, operate and maintain parks and associated facilities; and has the authority pursuant to G.S. 160A-20.1 to contract with any private entity to carry out any public purpose that the City is authorized by law to engage in; and

WHEREAS, the City is the owner of real property known as Municipal Golf Course; and

WHEREAS, the City and Pope Golf, LLC wish to enter into a management agreement wherein Pope Golf, LLC will assume all operating and staff costs and the City will receive management fee from gross revenues for the golf course operations to support capital improvements; and

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

The City Manager is hereby authorized to execute a Management Agreement between the City of Asheville and Pope Golf, LLC and any and all documents necessary to give effect to this resolution, subject to the approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of August, 2012.

Magdalen Bouleson
CITY CLERK

Jimmy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 12-207

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE GROVE ARCADE PUBLIC MARKET FOUNDATION, INC. AND THE CITY OF ASHEVILLE FOR A DOWNTOWN ENGAGEMENT SITE FOR THE RENAISSANCE COMPUTING INSTITUTE AT UNC ASHEVILLE (RENCI)

WHEREAS, N. C. Gen. Stat. sec. 160A-240.1 authorizes the City to acquire leases of real property for use by any department or agency of the City; and

WHEREAS, the Grove Arcade Public Market Foundation, Inc. serves as Landlord of certain property located at One Page Avenue, Suite 116, Asheville NC within the historic Grove Arcade building; and

WHEREAS, the City of Asheville has offered to enter into a two year lease agreement with the option to renew for an additional two years in order to utilize the property for the Renaissance Computing Institute at UNC Asheville (RENCI); and

WHEREAS, the monthly rental for the leased premises is \$3,007.40 and RENCi will reimburse the City in total for this rental amount; and

WHEREAS, the stated needs for the property during the term of the lease are compatible with the proposed lease;

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 Grove Arcade Public Market Foundation, Inc. and the City of Asheville for certain real property located at One Page Avenue, Suite 116, Asheville NC. In addition, the City Manager be, and 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 28th day of August, 2012.

Magdalen Bourleson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 12-208

RESOLUTION AUTHORIZING A SUBLEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE STATE OF NORTH CAROLINA FOR A DOWNTOWN ENGAGEMENT SITE FOR THE RENAISSANCE COMPUTING INSTITUTE AT UNC ASHEVILLE (RENCI)

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. sec. 160A-274, to lease its interest in real or personal property to other governmental agencies and units of government upon such terms as it deems wise; and

WHEREAS, the City of Asheville leases certain property located at One Page Avenue, Suite 116, Asheville NC within the historic Grove Arcade building from the Grove Arcade Public Market Foundation, Inc.; and

WHEREAS, the State of North Carolina requests to enter into a sublease agreement with the City of Asheville in order to utilize the property for the Renaissance Computing Institute at UNC Asheville (RENCI); and

WHEREAS, the State of North Carolina, as Sublessee, will be responsible for the rental, utilities, janitorial obligations for the term of the sublease; and

WHEREAS, the stated needs for the property during the term of the lease are compatible with the proposed lease;

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

The City Manager is hereby authorized to execute the Sublease Agreement between the City of Asheville and the State Of North Carolina for certain real property located at One Page Avenue, Suite 116, Asheville NC. 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 28th day of August, 2012.

Magdalen Bouleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 12- 209

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH RAFTELIS FINANCIAL CONSULTANTS, INC., FOR ADDITIONAL SERVICES – WATER UTILITIES MERGER/CONSOLIDATION ANALYSIS

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 previously engaged the services of Raftelis Financial Consultants to assist with the City's response to requirements of the legislative study report related to the merger / consolidation of the water system with MSD; and

WHEREAS, the Water Resources Department desires to execute a contract for the proposed amount of \$59,863.00 with Raftelis Financial Consultants, Inc., plus a contingency to provide additional expertise to City staff during the internal impact analysis for the Water Utilities Merger/Consolidation Analysis project.

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

The City Manager is hereby authorized to execute a contract with Raftelis Financial Consultants, Inc., for the proposed amount of \$59,863.00. Water Resources will control a contingency of \$7,337.00 for a total budget amount of \$67,200.00 for the Additional Services – Water Utilities Merger/Consolidation Analysis Project.

Read, approved and adopted this 28th day of August, 2012.

Magdalen Boulton
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 12 - 210

RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM (JASON SMITH)

WHEREAS, pursuant to policies and procedures of the City of Asheville, including Resolution No. 93-145, the Asheville City Council is authorized to approve the settlement of liability claims against the City; and

WHEREAS, the City Risk Management Office, following investigation and review, recommends that the claim of Jason Smith for damages for personal injury sustained on September 30, 2011, be settled by payment to or on behalf of Mr. Smith of the amount of \$38,000, said amount being a portion of Mr. Smith's actual medical expenses, and consistent with the City's claims settlement policy; and

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

1. The City's Risk Management Office is hereby authorized to cause a payment in the amount of \$38,000 to be made to Jason Smith in full settlement of his claim against the City, with appropriate liability releases;
2. By entering into this settlement, the City does not waive its governmental immunity.

Read, approved and adopted this 28th day of August, 2012.

Magdalen Bouleson
City Clerk

Andy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouleson
City Clerk