

RESOLUTION NO. 12-255

RESOLUTION IN MEMORY OF JAMES L. WESTBROOK JR.

WHEREAS, on behalf of our community, we wish to record our deep sorrow over the passing of former Asheville City Manager James L. Westbrook Jr. on November 28, 2012; and

WHEREAS, Jim was City Manager from October 14, 1994 - March 1, 2005, and appointed Interim City Manager February 8, 2005 - June 27, 2005; and

WHEREAS, Jim was a principle-centered leader who led with integrity and devoted his entire life to public sector leadership; and

WHEREAS, Jim demonstrated his concern for the welfare and well-being of his fellow citizens by his actions both in his private life and by his participation in numerous civic organizations and projects both local and statewide nature; and

WHEREAS, Jim was a decorated Vietnam veteran who also served in Operation Desert Storm, and a former colonel in the U.S. Army Reserves; and

WHEREAS, our community is grateful for his many contributions; and

WHEREAS, Jim's service was given with such devotion that he readily earned the respect, admiration and friendship of all those whose lives he touched;

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

In recognition of Jim Westbrook's contributions to our community and its residents, we hereby express our deep appreciation for his service and extend to his family our sincere sympathy upon his passing.

Read, approved and adopted this 11th day of December, 2012.

Magdalen Boulson  
CITY CLERK

Jim Bellamy  
MAYOR

Approved as to form:

Kevin J. ...  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 12-256

RESOLUTION ADOPTING 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 following schedule of the meetings of the Asheville City Council for 2013 be, and the same is, hereby established as follows:

City Council Formal Meetings  
5:00 p.m.  
2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month  
Council Chamber – 2<sup>nd</sup> Floor  
City Hall Building, Asheville, N.C.

City Council Community Meetings  
6:30 p.m.  
5<sup>th</sup> Tuesday of any month  
(If a community meeting is cancelled, the next location will be the cancelled meeting location)  
January 29, 2013 – West  
April 30, 2013 – East  
July 30, 2013 – North  
October 29, 2013 – Central  
December 31, 2013 – No meeting

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 9, 2013; Tuesday, December 24, 2013.

BE IT FURTHER RESOLVED THAT:

The City Council organizational meeting will be held on Tuesday, December 3, 2013, at 5:00 p.m. in the Council Chamber, located on the 2<sup>nd</sup> Floor of the City Hall Building.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 11<sup>th</sup> day of December, 2012.

Magdalen Baulison  
CITY CLERK

Jim Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Baulison  
City Clerk

RESOLUTION NO. 12- 257

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH STEPPE CONSTRUCTION INC. FOR THE PROJECT KNOWN AS 2005 AND 2010 ANNEXATION AREA SEWER SYSTEM IMPROVEMENTS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as 2005 and 2010 Annexation Area Sewer System Improvements; and

WHEREAS, Steppe Construction Inc., of Mill Spring, NC was the lowest responsible bidder for the project, in the amount of \$116,521, and

WHEREAS, the project involves the furnishing of labor, material, equipment and incidentals for the installation of 1,025 feet of sanitary sewer system; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid; and

WHEREAS, the work produced from contract would help to fulfill the City's obligation as outlined in the 2005 and 2010 Annexation Services Plan for the Airport Road area;

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$116,521 plus a contingency of 20% (\$23,000) with Steppe Construction Inc. for the project known as 2005 and 2010 Annexation Area Sewer System Improvements, City of Asheville Project # SC-05-06-001 and SC-10-11-001.

Read, approved and adopted this the 11th day of December, 2012.

Magdalena Burtleson  
City Clerk

Tom Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalena Burtleson  
City Clerk

RESOLUTION NO. 12-258RESOLUTION TO SUPPORT THE RIVER ARTS DISTRICT TRANSPORTATION  
IMPROVEMENT PROJECT (RADTIP)

WHEREAS, the Wilma Dykeman RiverWay Plan and other City of Asheville plans recommend infrastructure investments and multi-modal transportation improvements along Asheville's Riverfront; and

WHEREAS, improving the transportation infrastructure in the River Arts District has been identified as a key strategic investment to further the implementation of these plans; and

WHEREAS, Lyman Street and a portion of Riverside Drive are maintained by the City of Asheville; and

WHEREAS, the City of Asheville has identified a range of transportation improvements for the River Arts District along Lyman Street and Riverside that include upgrading the roadway, straightening the sharp curve on Lyman Street, and adding stormwater infrastructure, sidewalks, bicycle lanes, greenway multi-use trails, on-street parking, street trees and other amenities; and

WHEREAS, the proposed transportation project for Lyman Street and Riverside Drive is known as the River Arts District Transportation Improvement Project (RADTIP); and

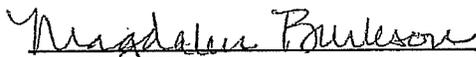
WHEREAS, the options for the RADTIP were thoroughly evaluated as a part of a preliminary engineering study, which included extensive input from stakeholders and the public; and

WHEREAS, the RADTIP preliminary engineering study identifies a preferred alignment and preliminary design for the project;

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

The City of Asheville supports the preferred alignment and preliminary design for the RADTIP and supports ongoing efforts to develop partnerships and identify funding sources in order to implement the project.

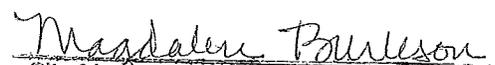
Read, approved and adopted this 11<sup>th</sup> day of December, 2012.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

## RESOLUTION NO. 12-259

RESOLUTION REAFFIRMING ASHEVILLE'S RETENTION OF ITS WATER SYSTEM

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WHEREAS, the N.C. General Assembly is considering adopting legislation that would require the City of Asheville water system be consolidated with the Metropolitan Sewerage District of Buncombe County (MSD) and the Cane Creek Sewer District; and

WHEREAS, the Asheville City Council unanimously adopted Resolution Number 12-36 supporting Asheville's retention of its Water System; and

WHEREAS, 86% of Asheville residents who voted in the 2012 general election chose "no" when asked "Shall the City of Asheville undertake the sale or lease of its water treatment system and water distribution system"; and

WHEREAS, public utilities have the unique responsibility to be protectors of public health and the environment, while serving as partners in the community's growth and development; and

WHEREAS, the Town of Black Mountain, the Town of Weaverville, the Town of Biltmore Forest, the Woodfin Sanitary, Water and Sewer District, and the City of Hendersonville all share that unique responsibility with the City of Asheville; and

WHEREAS, the Legislative Research Commission reported the justifiable reasons for a merger as being the achievement of an economies of scale and a single location for water and wastewater availability; and

WHEREAS, the City of Asheville's Water Utility and the MSD Sewer System have demonstrated solid financial management and positive historical financial results, which are reflected in each utility's strong credit rating.

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

1. The Council remains unanimously opposed to legislation that forces the transfer of the City of Asheville's municipal water system to another entity.
2. The Council is committed to leading an effort to achieve cost savings for all stakeholders through shared services of regional utility providers.
3. The Council remains convinced that local solution arrived at by an open, collaborative process is preferable to a legislative directed disposition of municipal assets.

- 4. The forced taking of the local government infrastructure sets a dangerous precedent in the State of North Carolina, a precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State of North and resulting in job losses for our citizens in Western North Carolina and across the State.

Read, approved, and adopted this the 11<sup>th</sup> day of December, 2012.

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

Randall  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 12- 260

RESOLUTION AUTHORIZING MAYOR TO EXECUTE AN AMENDMENT TO A CONSERVATION EASEMENT TO THE CONSERVATION TRUST OF NORTH CAROLINA

WHEREAS, the City of Asheville is authorized, pursuant to N.C.G.S. 160A-273 to grant easements over any City property, and is authorized pursuant to N.C.G.S. 160A-266(b) and N.C.G.S. 160A-279 to convey property to non-profit entities carrying out a public purpose, or for conservation purposes; and

WHEREAS, by Resolutions 96-97 and 96-121, the City Council authorized the conveyance of a conservation easement over the real property owned by the City of Asheville and known as the North Fork and Bee Tree watersheds; and

WHEREAS, for the same reasons stated in Resolutions 96-97 and 96-121, the City Council has determined that it is in the interest of the citizens of Asheville to amend said watershed easement to strengthen its conservation purposes and clarify some of its provisions;

NOW, THEREFORE, be it resolved by the Asheville City Council as follows:

1. That the Mayor be, and is hereby, authorized to execute an amendment to the watershed easement, subject to approval by the City Attorney, and following the publication of notice, as provided for below.

2. The City Clerk is directed to publish notice summarizing the contents of this resolution, and the conveyance provided for above shall not be consummated until ten days following the date of said publication.

Read, approved, and adopted, this the 11th day of December, 2012.

Magdalen Bourleson  
CITY CLERK

Tom Bellamy  
MAYOR

APPROVED AS TO FORM:

[Signature]  
CITY ATTORNEY

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 12- 261

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT THROUGH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FUND

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WHEREAS, the City is authorized pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from other governmental agencies; and

WHEREAS, Buncombe County Tourism Development Authority's Tourism Development Fund was established to fund projects that will increase the number of overnight stays by visitors in Buncombe County lodging properties; and

WHEREAS, the City of Asheville has received grant funding for numerous projects in the past, including U.S. Cellular Center renovations including the exploreasheville.com arena, the Wayfinding partnership and the John B. Lewis Soccer complex; and

WHEREAS, applications for the 2013 grant funding cycle are due in January 2013; and

WHEREAS, the City of Asheville has identified projects that meet the grant requirements;

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

The City Manager is hereby authorized to apply for grant funding through the Buncombe County Tourism Development Fund for (1) Phase I of the River to Ridge Initiative and (2) Phase III renovations to the U.S. Cellular Center.

Read, approved and adopted the 11th day of December, 2012

Magdalen Bouleson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bouleson  
City Clerk