

RESOLUTION NO. 12- 34

RESOLUTION DECLARING IT A PUBLIC PURPOSE FOR THE CITY TO PARTNER WITH AND PROVIDE FOR THE PROCUREMENT, STORAGE AND ALLOCATION OF SNOW FIGHTING MATERIALS TO EMERGENCY FACILITIES

WHEREAS, pursuant to NCGS §160A-296, the City has a duty to keep the public streets, sidewalks, alleys and bridges in proper condition, open to travel and free from unnecessary obstructions; and

WHEREAS, due to the mountainous terrain and topography of the Asheville area, during inclement weather, public roads leading to transportation corridors serving schools, hospitals and major medical facilities that provide medical treatment of a dire and urgent nature, (herein "Emergency Facilities"), if left untreated from the elements of the weather, may jeopardize school scheduling, the lives and safety of emergency workers and result in devastating consequences for critically ill patients or those in need of emergency services; and

WHEREAS, during inclement weather months, it is in the best interest of the public welfare for the City and such Emergency Facilities to partner together to provide for the procurement, storage and allocation of snow fighting materials; and

WHEREAS, NCGS §160A-20.1, authorizes the City to enter into contracts with private entities in order to carry out any public purpose; and

WHEREAS, City Council hereby deems it to be a public purpose for the City to include in the City's procurement of snow fighting materials, the needs of Emergency Facilities as identified herein; and

WHEREAS, the procurement, storage and allocation of snow fighting materials to such Emergency Facilities shall be in accordance with City policy to be developed and administered by the City Manager/designee; and

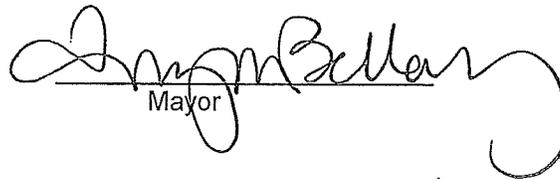
WHEREAS, the Policy as referenced in the foregoing paragraph, shall provide that the City may not profit from this endeavor; that the procurement only be an amount sufficient to provide public access to public streets and the Emergency Facilities' parking lots; that public streets leading to the Emergency Facilities receive first priority and that the City shall be compensated in an amount equal to that charged by the Vendor, minus storage and administrative cost, if any, for all materials provided by the City used for the Emergency Facilities private parking lots;

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

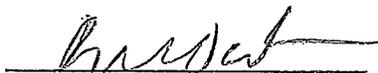
City Council declares the procurement of snow fighting materials to be a public purpose and authorizes the City Manager to develop and administer a policy to regulate its procurement.

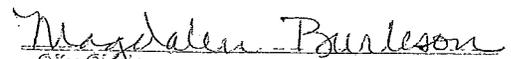
Read, approved and adopted this the 14TH day of February, 2012.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 12-35

RESOLUTION FOR THE CITY OF ASHEVILLE TO BE THE LOCAL GOVERNMENT PARTNER FOR THE ASHEVILLE ART MUSEUM'S APPLICATION FOR THE 2012 NEA OUR TOWN GRANT

WHEREAS, the Public Art and Cultural Commission presents for consideration the grant criteria and applicable outcomes; and

WHEREAS, the grant, if awarded, will require a partnership between the City of Asheville and the Asheville Art Museum on the proposed project; and

WHEREAS, the approval will allow for the Asheville Art Museum to meet the required grant deadlines;

WHEREAS, the grant, if awarded, requires a nonfederal dollar for dollar match to be covered by the Asheville Art Museum; and

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

The City of Asheville will be the local government partner for the Asheville Art Museum's application for the 2012 NEA Our Town Grant.

Read, approved and adopted this 14th day of February, 2012.

Margaret Baulson
CITY CLERK

Tom Ballan
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Margaret Baulson
City Clerk

RESOLUTION NO. 12-36

RESOLUTION SUPPORTING ASHEVILLE'S RETENTION OF ITS WATER SYSTEM

WHEREAS, the City of Asheville has operated a public water system in the City of Asheville since as early as 1900; and

WHEREAS, water provided by the system remains plentiful, safe, and among the cleanest and purest available anywhere; and

WHEREAS, said water system currently serves all of the City of Asheville, approximately 60 percent of Buncombe County, and a portion of Henderson County; and

WHEREAS, the water system includes a pristine 20,000 acre watershed which Asheville has diligently protected for decades and will continue to do so, two reservoirs and three treatment plants with a capacity of over 40 million gallons per day, over 1,600 miles of transmission and service lines, 40 pump stations, 34 storage reservoirs, and associated equipment; and

WHEREAS, through operation of the water system Asheville has supported and will continue to support growth and economic development for the region; and

WHEREAS, since 1991, the City has issued over \$100 million in revenue bonds and other financing for the repair, maintenance, and improvement of the water system, including \$39 million in 2007; and

WHEREAS, the water system and the City's Water Resources Department are recognized by State and national organizations as being well run and financially sound; and

WHEREAS, the development and operation of the water system in Asheville and Buncombe County is similar to other systems across the State; and

WHEREAS, there is no compelling reason to transfer responsibility for the operation or control of the water system from Asheville to another entity;

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

1. Through leadership and sound governmental practice, the City of Asheville has developed a water system that is well run, financially sound, and able to meet water demand in the area for the foreseeable future.
2. The City is committed to continuing to maintain and improve the water system, and to provide water to its customers at fair and reasonable rates and in accordance with recognized best practices for the industry.
3. The water system is a public asset held by the City of Asheville for the benefit of its citizens and regional customers. The City operates the water system as a public enterprise pursuant to North Carolina law. Ownership and operational control of the water system should remain with the City of Asheville.

Read, approved and adopted this the 14th day of February, 2012.

Magdalen Bureson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bureson
City Clerk

RESOLUTION NO. 12- 37

RESOLUTION TO ELIMINATE CORPORATE PERSONHOOD

Whereas, natural human beings are entitled to citizenship and the rights, privileges, and benefits thereof; and

Whereas, corporations, while generally constructive and providing important benefits, are not human beings, but "artificial immortal beings," as defined by Chief Justice John Marshall; and

Whereas, the 2010 Supreme Court decision, Citizens United v. the Federal Election Commission, declared corporations to be persons and eliminated legal limits on corporate political spending; and

Whereas, corporate money may be spent limitlessly to influence elections at the federal, congressional, state, county, and municipal levels thereby diluting the power of the people; and

Whereas, the United States Constitution has been amended many times in response to a groundswell of public opinion, it is the responsibility of local representatives to give voice to the concerns of its citizenry and advise Congressional representatives of these concerns; and

Whereas, a growing number of people and municipalities across the nation have joined together to call for an Amendment to the United States Constitution to abolish corporate personhood;

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

On behalf of the citizens of our municipality, calls on our elected representatives in the United States Congress to initiate the process to amend the Constitution of the United States to abolish corporate personhood; and

BE IT FURTHER RESOLVED THAT:

The City of Asheville calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions.

Read, approved and adopted this 14th day of February, 2012.

Magdalen Boulton
CITY CLERK

Ingrid Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulton
CITY CLERK

RESOLUTION NO. 12- 38

RESOLUTION DESIGNATING PACK SQUARE AND CITY COUNTY PLAZA AS CITY PARK,
AND DESIGNATING CERTAIN AREAS AND PUBLIC FORUM AREAS

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-353 to set apart lands and buildings for parks and recreation facilities; and

WHEREAS, the renovation of the area known as Pack Square and City-County Plaza within the City of Asheville, has recently been completed; and

WHEREAS, City Code, Sec. 12-27 defines "Park" to include any area set aside and designated as a public park by the City Council, and any park, play ground, or recreational area owned by the City, and City Council wishes to designate or re-designate Pack Square and City-County Plaza as park property; and

WHEREAS, certain areas of Pack Square and City-County Plaza have, through custom and usage, acquired the status of public forums, and the City Council desires to recognize those areas by designation.

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

1. The areas shown on Exhibit A, attached hereto, are hereby designated as park property in the City of Asheville, in the area known as Pack Square and City-County Plaza;
2. The areas shown on Exhibit A as "public forum areas," are hereby designated as public forums within Pack Square and City-County Plaza;
3. Nothing herein affects the status of other park properties in the City of Asheville, or other properties owned or controlled by the City of Asheville.
4. This ordinance shall be effective at 12:00 noon on February 17, 2012.

Read, approved and adopted this the 14th day of February, 2012.

Magdalen Baulson
City Clerk

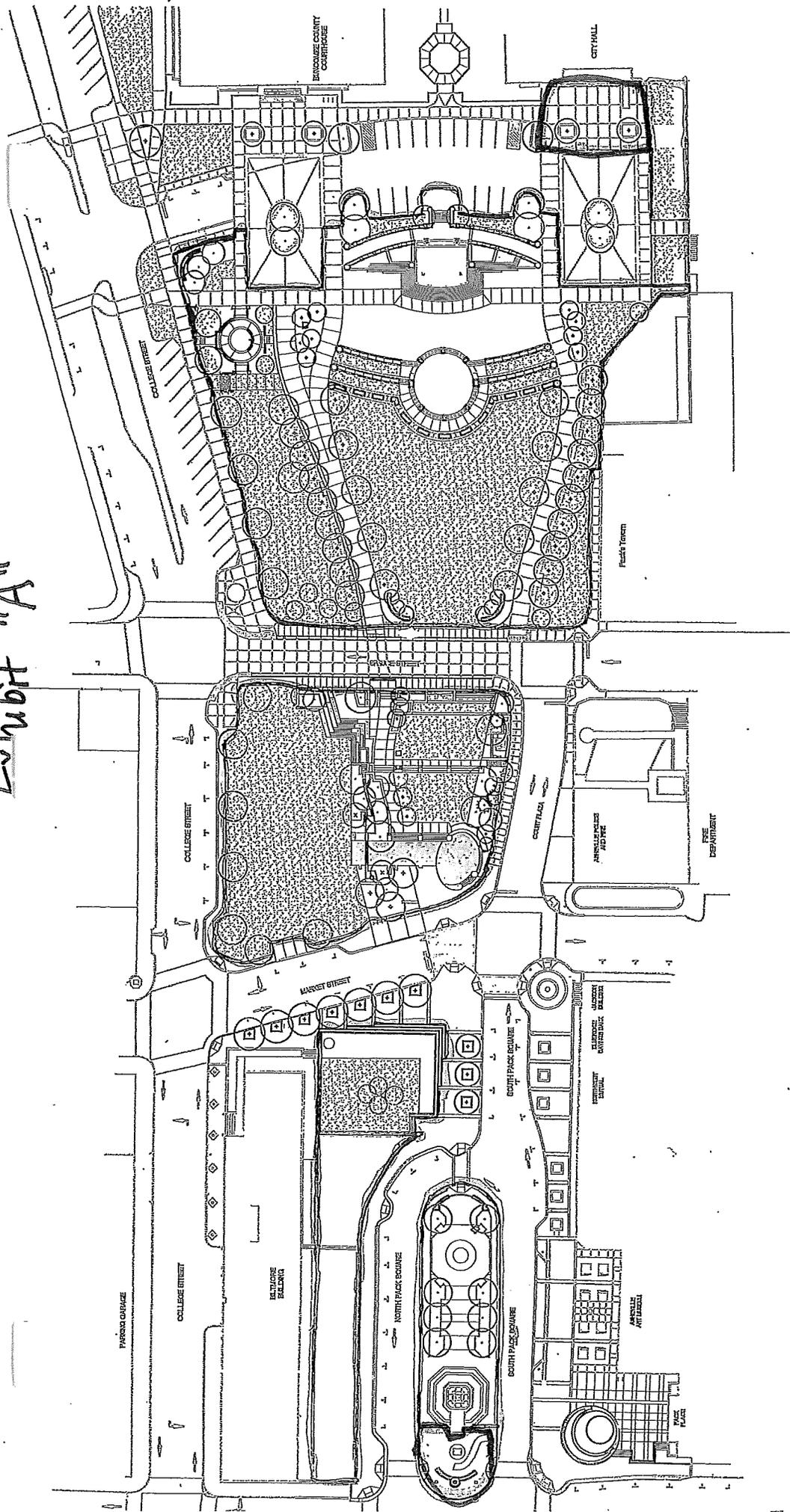
Ing M Bellan
Mayor

Approved as to form:

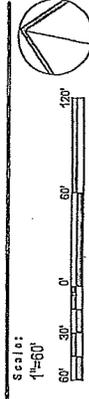
[Signature]
City Attorney

Magdalen Baulson

Exhibit "A"



-  = Park property
-  = Public forum area



Wick Square Park

RESOLUTION NO. 12-39

RESOLUTION DIRECTING STAFF TO PREPARE A REPORT ON A MUNICIPAL SERVICE DISTRICT FOR DOWNTOWN ASHEVILLE

WHEREAS, downtown Asheville is recognized as an essential economic engine for the City of Asheville, Buncombe County and Western North Carolina; and

WHEREAS, the continued health and vitality of downtown Asheville is critical to all citizens; and

WHEREAS, City Council adopted a Downtown Master Plan in May, 2009, which recommended a municipal service district for downtown; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city, and

WHEREAS, N. C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N. C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.;

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

Section 1. A report of shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 2. Notice of the public hearing shall be given as required by law.

Read, approved and adopted this 14th day of February, 2012.

Magdalena Bouleson
CITY CLERK

Ingrid Buller
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalena Bouleson
CITY CLERK

RESOLUTION NO. 12-40

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the term of Vice-Mayor Newman, as a member of the Asheville Regional Airport Authority, expires on June 30, 2012; and

WHEREAS, since Vice-Mayor Newman is no longer a member of City Council, Council feels it is in their best interest to appoint a seated Council member;

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

Vice-Mayor Esther Manheimer be and is hereby appointed as a member of the Asheville Regional Airport Authority to serve the unexpired term of former Vice-Mayor Newman, term to expire June 30, 2012, or until she is no longer a member of City Council, whichever occurs earlier.

Read, approved and adopted this 14th day of February, 2012.

Margalene Boulton
CITY CLERK

Ingobullan
MAYOR

Approved as to form:

hwdot
CITY ATTORNEY

Margalene Boulton
CITY CLERK

RESOLUTION NO. 12-41

RESOLUTION APPOINTING A CHAIR TO THE CIVIL SERVICE BOARD

WHEREAS, it is the responsibility of City Council to appoint the Chair of the Civil Service Board; and

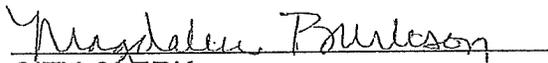
WHEREAS, the Chair of the Civil Service Board shall be appointed annually by City Council; and

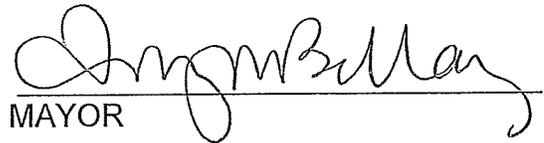
WHEREAS, Mr. Larry C. Harris Jr. is current Chair of the Civil Service Board;

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

Mr. Larry C. Harris Jr., 330 Stratford Road, Asheville, N.C., be and he is hereby reappointed as Chairman of the Civil Service Board, effective February 14, 2012, or until his successor is duly and annually appointed by the City Council, as provided by law.

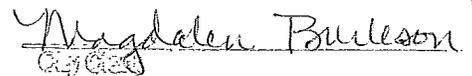
Read, approved and adopted this 14th day of February, 2012.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY



RESOLUTION NO. 12-42

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, the term of Kitty Love, as a member on the Asheville Downtown Commission, expired on December 31, 2011;

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

Mr. Byron T. Greiner, 86 Asheland Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Asheville Downtown Commission, to serve a three-year term, term to expire December 31, 2014, or until his successor has been appointed.

Read, approved and adopted this 14th day of February, 2012.

Magdalen Burlison
CITY CLERK

Imogen Bellan
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burlison
City Clerk

RESOLUTION NO. 12-43

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE
ADVISORY COMMITTEE

WHEREAS, there currently exists a vacancy on the Homeless Initiative Advisory Committee until November 1, 2013, due to the passing of Mr. Gerald Hixson; and

WHEREAS, the terms of Stephen Bolden and Wanda Lanier, as members on the Homeless Initiative Advisory Committee, expired on November 1, 2011;

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

Ms. Marcie Walker, 125 S. Lexington Avenue, Asheville, N.C., be and she is hereby appointed to the Homeless Initiative Advisory Committee to serve a three-year term, term to expire November 1, 2014, or until her successor has been appointed.

Read, approved and adopted this 14th day of February, 2012.

Magdalen Bullison
CITY CLERK

Jimmy Bellas
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bullison
CITY CLERK

RESOLUTION NO. 12-44

RESOLUTION APPOINTING A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, Ms. Kim MacQueen has resigned from the HUB Community Economic Development Alliance, thus leaving an unexpired term until August 22, 2012

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

Mr. Edward Hay, 210 Blake Mountain Circle, Asheville, N.C. be and he is hereby appointed to the HUB Community Economic Development Alliance to serve the unexpired term of Ms. MacQueen, term to expire August 22, 2012, and then a full three-year term, term to expire August 22, 2015, or until his successor has been appointed.

Read, approved and adopted this 14th day of February, 2012.

Margalene Paulson
CITY CLERK

Tom Bellan
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Margalene Paulson
City Clerk

RESOLUTION NO. 12-45

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, Robert Camille has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus leaving an unexpired term until January 1, 2014;

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

Ms. Cindy Weeks, 265 Charlotte Street, Asheville, N.C., be and she is hereby appointed as a member of the Asheville Area Riverfront Redevelopment Commission, to serve the unexpired term of Mr. Camille, term to expire January 1, 2014, or until her successor has been appointed.

Read, approved and adopted this 14th day of February, 2012.

Margalen Paulson
CITY CLERK

Greg Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Margalen Paulson
02/20/12