

RESOLUTION NO. 12-46

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FY 2012-13 URBAN ADVANCED TECHNOLOGY GRANT AND IF APPROVED, TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, PUBLIC TRANSPORTATION DIVISION AND EXECUTING ALL DOCUMENTS RELATED TO THE SUBJECT GRANT

WHEREAS, funds for the FY 2012-13 Urban Advanced Technology grant are available from the North Carolina Department of Transportation (NCDOT); and

WHEREAS, the City of Asheville is requesting the NCDOT to assist in the funding of the Automated Vehicle Location and Real Time Passenger Information system in the total amount of \$450,000; 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 \$45,000; 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 apply for the FY 2012-13 Urban Advanced Technology grant and if approved, to enter into an agreement with the North Carolina Department of Transportation, Public Transportation Division and executing all documents related to the subject grant.

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

Magdalen Baulson
City Clerk

Amey Bellam
Mayor

Approved as to form:

Amey Bellam
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 12- 47

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH T & K UTILITIES, INC. FOR THE PROJECT KNOWN AS SARDIS ROAD 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 Sardis Road Annexation Area Sewer System Improvements; and

WHEREAS, T & K Utilities, Inc. of Asheville, NC, was the lowest responsible bidder for the project, in the amount of \$599,610, and

WHEREAS, the project involves the furnishing of labor, material, equipment and incidentals for the installation of 6,800 feet of sanitary sewer system; and

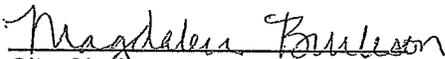
WHEREAS, the bids have been reviewed by the Public Works Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid,

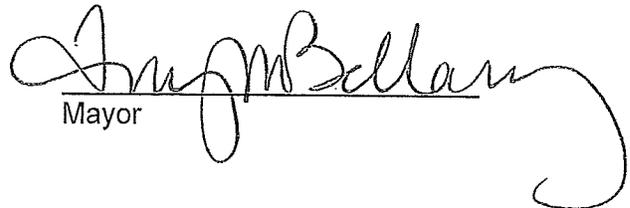
WHEREAS, the work produced from contract would help to fulfill the City's obligation as outlined in the 2007 Annexation Services Plan for the Sardis Road area; and

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 \$599,610 plus a contingency of 20% (\$120,000) with T & K Utilities, Inc. for the project known as Sardis Road Annexation Area Sewer System Improvements, City of Asheville Project # SC-08-09-001.

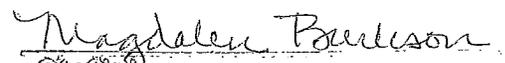
Read, approved and adopted this the 28th day of February, 2012.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 12- 48

RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT WITH BUNCOMBE COUNTY REGARDING RECOMBINATION OF COURTHOUSE PROPERTY

WHEREAS, THE City has authority pursuant to N.C.G.S. 160A-274 to enter into agreements with other governmental entities regarding the use of governmental property; and

WHEREAS, codes and regulations administered by the City contemplate that development projects will not cross property lines; and

WHEREAS, the addition to the Buncombe County Courthouse will span several properties, which are subject to financing commitments such that a routine recombination of the properties would be practically difficult; and

WHEREAS, Buncombe County will agree not to transfer the properties for as long as the Courthouse remains in place, and to record said agreement with the Register of Deeds;

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

The City Manager be and is hereby authorized to execute the "Memorandum of Agreement" attached hereto as Exhibit A, subject to approval of the City Attorney.

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

Magdalen Boulson
City Clerk

Greg Bellan
Mayor

Approved as to form
[Signature]
City Attorney

Magdalen Boulson
City Clerk

STATE OF NORTH CAROLINA

MEMORANDUM OF AGREEMENT

COUNTY OF BUNCOMBE

This Memorandum of Agreement, made and entered into this 1 day of February, 2012, by and between the County of Buncombe, a body politic and corporate pursuant to the laws of North Carolina, and operating pursuant to NCGS Chapter 153A, and the City of Asheville, a North Carolina municipal corporation operating pursuant to NCGS Chapter 160A, for the purpose of facilitating the construction of certain improvements to the Buncombe County Courthouse;

WITNESSETH

- WHEREAS, Buncombe County is the owner of a number of parcels of property along College Street in Asheville, North Carolina, which parcels are further described in instruments recorded in Deed Book 1266, Page 350 (PIN 9649-50-4857), Deed Book 1127, Page 193 (PIN 9649-50-5829), and Deed Book 1802, Page 595 (PIN 9649-50-6913) (all PINs current as of date of execution) in the Buncombe County Registry of Deeds (herein collectively, "Parcels"); and
- WHEREAS, Buncombe County is in the process of constructing a new addition to the Buncombe County Courthouse on the Parcels, a copy of the building footprint is attached as Exhibit A and herein incorporated by reference (herein "Court Building"); and
- WHEREAS, pursuant to codes and ordinances administered by the City of Asheville, and as a condition for approval from the Technical Review Committee, the County is required to recombine the three individual parcels into one parcel such that improvements will not cross property lines, or to provide other satisfactory and binding limitation on its ability to separately convey the individual Parcels; and
- WHEREAS, Buncombe County has previously pledged the Parcels severally as security for bond indentures and other financing instruments which are still outstanding, and cannot recombine the Parcels without great hardship and expense; and

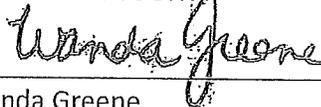
WHAEREAS, Upon completion of the Court Building in accordance with the approved plans, the Court Building and associated improvements will span the property lines of the Parcels such that separate development or alienation of any of said individual parcels will be a practical impossibility.

NOW THEREFORE, in consideration of the premises, and for other good and valuable considerations, including the payment of \$10.00 from Buncombe County to the City of Asheville, the receipt and sufficiency of which is acknowledged, the City and the County do hereby covenant and agree as follows:

1. From and after the date of execution of this memorandum until the Court Building no longer exists on the Parcels, Buncombe County agrees that it will not transfer or sell any of the Parcels individually.
2. Buncombe County will advise the City of Asheville if any of the parcels is pledged as security for any further or additional financing, including any refinancing, and will further advise the City of the retirement of any debt for which any of the Parcels has been individually pledged as security.
3. This memorandum of understanding shall run with the land and shall be applicable to any successors or assigns of Buncombe County.
4. The statutory authority for this Agreement is set out in NCGS 153A-169, 153A-176, 160A-274, 160A-336, 160A-392, and 160A-412.
5. This Agreement is not final or effective until approved by the governing bodies of both parties.
6. This instrument shall be recorded in the Buncombe County Registry of Deeds.

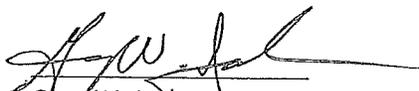
WHEREFORE, the parties have hereunto set their hands and seals, the day and year first above written.

BUNCOMBE COUNTY

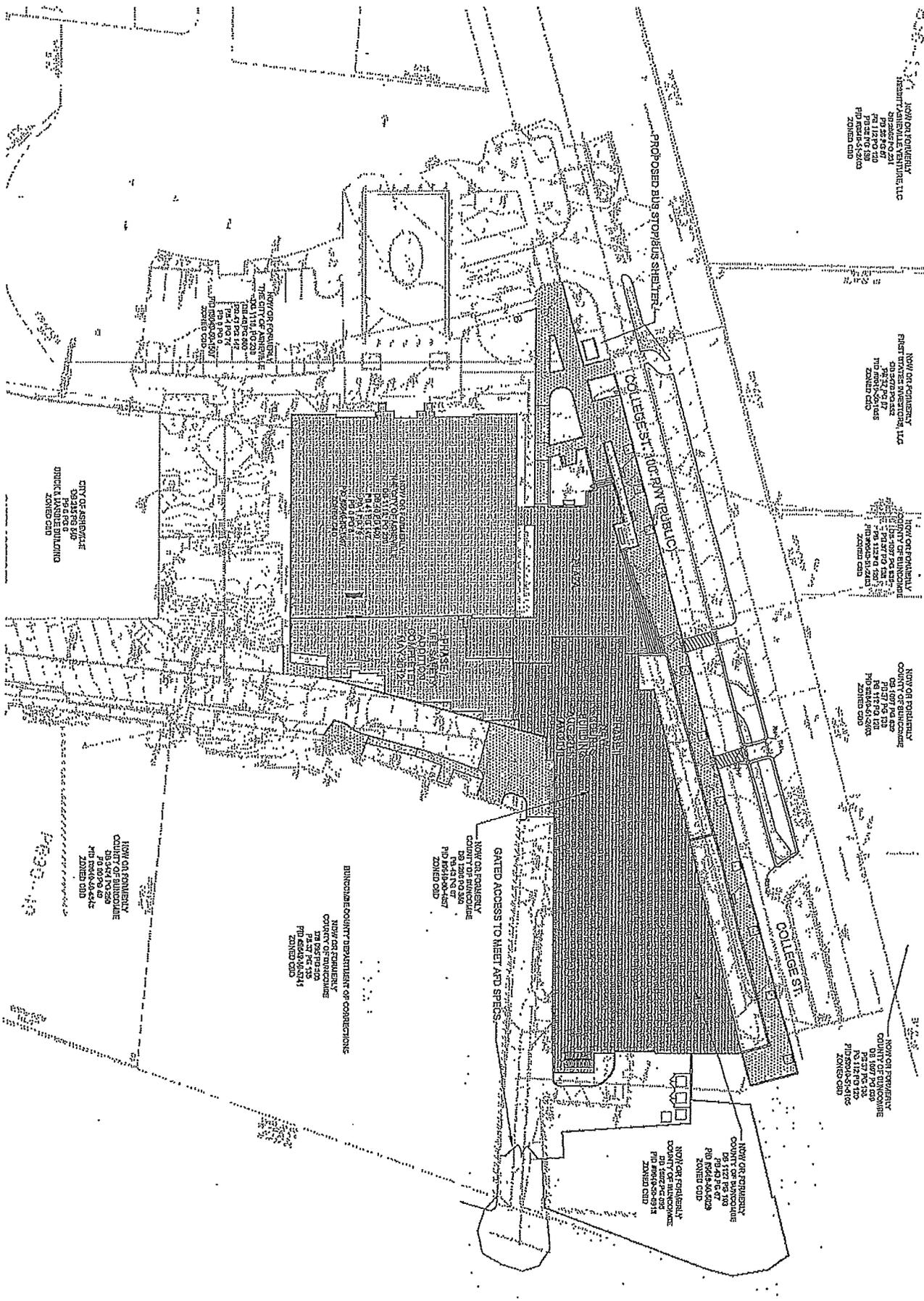


Wanda Greene
County Manager

CITY OF ASHEVILLE



Gary W. Jackson
City Manager



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 FIRST TRUST INVESTMENT, LLC
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BUNCOMBE COUNTY DEPARTMENT OF CONNECTIONS
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CITY OF ASHEVILLE
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RESOLUTION NO. 12- 49

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF S PACK SQUARE

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets or alleys within its jurisdiction upon compliance with applicable law; and

WHEREAS, being the only adjoining property owner, the City of Asheville desires to permanently close a portion of S Pack Square; and

WHEREAS, City Council on the 24th day of January, 2012 adopted a resolution of intent to permanently close a portion of S Pack Square, and ordered a public hearing on the question of this closing for the 28th day of February, 2012 at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order for public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to City Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the portion of S Pack Square to be closed; and

WHEREAS, at said public hearing no objections were made that the proposed closing of a portion of S Pack Square would deprive any individual owning property in the vicinity in which said street portion is located of reasonable means of ingress and regress to their property.

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

Pursuant to the North Carolina General Statutes Section 160A-299, the portion of S Pack Square as herein described is permanently closed to the public for use as a street.

BEGINNING at an iron rod with North American Datum (NAD 1927) coordinates North= 690,580.691 feet and East= 944,777.937 feet; thence with the west margin of S. Spruce Street, South 11° 52' 23" East 19.65 feet to a point; thence leaving said street on a curve for 180.04 feet with a Radius of 575.24 feet and a chord of South 40°02'19" West 179.31 feet to a point in the east margin of S. Market Street; thence with S. Market Street North 26°53'44" West 80.01 feet; thence leaving said street on a curve for 40.72 feet with a Radius of 20.00 feet and a chord of South 85°13'46" East 34.04 feet; thence on a curve for 105.18 feet with a Radius of 615.24 and a chord of North 41°20'04" East 105.05 feet to a point in the south margin of S. College Street; thence with S. College Street North 77°43'54" East 45.13 to a point and place of BEGINNING; being more generally shown in Plat Book 41 Page 142 recorded in the Office of the Buncombe County Registry of Deeds.

Read, approved and adopted this 28th day of February 2012

Magdalen Boulton
City Clerk

[Signature]
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 12-50

RESOLUTION AUTHORIZING A SUBSTANTIAL AMENDMENT OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2011-2012

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, on April 26, 2011 City Council approved an Annual Action Plan for the use of these funds in 2010-2011; and

WHEREAS, the City's Housing and Community Development Committee has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2011-2012;

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

The Consolidated Annual Action Plan 2011-2012 be amended to award of \$11,000 to Partners Unlimited, Inc. for their At-Risk Student Program.

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

Magdalen Boulson
CITY CLERK

Tom Bellamy
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 12-51RESOLUTION TO PROMOTE LOCAL FOOD ECONOMY

WHEREAS, North Carolina has the opportunity to harness consumer spending on food to bolster the sustainability of local farms and fisheries, support economic development, job creation and help address diet-related health concerns; and

WHEREAS, consumers are demanding locally produced foods and food producers are responding positively to this increased consumer demand; and

WHEREAS, the demand for locally produced foods has not been diminished by a weak economy; and

WHEREAS, there is significant potential for local food and farming businesses to be an economic development engine in North Carolina, particularly in rural areas; and

WHEREAS, in 2009, North Carolinians spend about \$35 billion a year on food; and

WHEREAS, if individuals spent 10 percent of their food dollars on local foods, approximately \$3.5 billion would be available in the local economy; and

WHEREAS, city governments have an important role to play in supporting their local food systems; and

WHEREAS, city governments set policies to procure local foods; and

WHEREAS, city governments may commit to purchasing local foods when hosting meetings, conferences and or workshops; and

WHEREAS, the Center for Environmental Farming Systems' **10% Campaign** supports local and regional food economies that benefit local food producers, related businesses and communities; and

WHEREAS, the North Carolina Cooperative Extension Service is working in support of the **10% Campaign** in all 100 counties, including Buncombe County; and

WHEREAS, these on-the-ground experts are working with other community leaders, farmers, businesses, parents, teachers and students, many of whom are already working to build the state's sustainable local food economy, from farm to fork; and

WHEREAS, the City is responsible for promoting economic development and job creation; and

WHEREAS, the City is responsible for protecting and enhancing the health, welfare and safety of its resident in prudent and cost-effective ways; and

WHEREAS, the citizens of Asheville will benefit significantly through the success of the **10% Campaign** through a stronger economy and access to fresh, affordable meats, produce, fish and shellfish;

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

The Asheville City Council pledges to access its ability to source local foods and to promote participation in the **10% Campaign** to its employees and citizenship as appropriate to help build the local food economy.

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

Magdalen Baulson
CITY CLERK

Mayor Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 12-52

RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Charles Worley, as a member on the Alcoholic Beverage Control Board, expired on November 13, 2011; and

WHEREAS, Mr. Worley currently serves as the Chair of the Alcoholic Beverage Control Board; and

WHEREAS, on December 13, 2011, William Russell was appointed as the member to replace Mr. Worley; however; he has since declined the appointment;

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

Mr. John Menkes, 604 Old Toll Road, Asheville, N.C., be and he is hereby appointed as a member of the Alcoholic Beverage Control Board, to serve a three-year term, term to expire November 13, 2014, or until his successor has been appointed.

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

Magdalena Bruleson
CITY CLERK

Mayor
MAYOR

Approved as to form:

Magdalena Bruleson
CITY ATTORNEY

Magdalena Bruleson
City Clerk

RESOLUTION NO. 12-53

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, there currently exists a vacancy on the Asheville-Buncombe Historic Resources Commission until July 1, 2012, left by Mr. John Dean;

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

Ms. Tracey Rizzo, 111 Ashwood Lane, Asheville, N.C., be and she is hereby appointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Mr. King, term to expire July 1, 2012, and then to serve a full three-year term, term to expire July 1, 2015, or until her successor has been appointed.

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

Magdalen Bursleson Mayor Ballew
CITY CLERK MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bursleson
City Clerk