RESOLUTION NO. 15-64

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF POLYLINKS INC. IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, PolyLINKS Inc. is proposing to expand its existing manufacturing facility within the City limits adding $2,300,000 in building upgrades and machinery and equipment and the creation of 12 new manufacturing jobs; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

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

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on May 12, 2015, to consider an Economic Development Incentive Grant for up to $31,000 for PolyLINKS Inc. subject to terms of the performance contract.

Read and approved and adopted this 28th day of April, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

78

RESOLUTION NO. 15-65

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF HI-WIRE BREWING IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, Hi-Wire Brewing is proposing a new manufacturing facility within the City limits adding $1,620,000 in new capital investment in new building and machinery and equipment; and

WHEREAS, the company will create 15 new jobs within three years, with an average wage of $37,400 and provides 50% of coverage for health insurance and other benefits to employees; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

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

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on May 12, 2015 to consider an Economic Development Incentive Grant for up to $25,000 payable over a five year period to Hi-Wire Brewing upon completion of the said project and successful completion of the terms of the performance contract.

Read and approved and adopted this 28th day of April, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15 - 66

RESOLUTION ACCEPTING WEST SUMMIT AVENUE AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, West Summit Avenue is located in the corporate limits of the City of Asheville; and

WHEREAS, West Summit Avenue was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

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

WHEREAS, dedication of the variable 50 to 100-foot right-of-way for West Summit Avenue has been recorded in Plat Book 140 Page 24;

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

West Summit Avenue is accepted by the City of Asheville for maintenance as indicated on the attached map section.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Burleson
City Clerk

Mayor

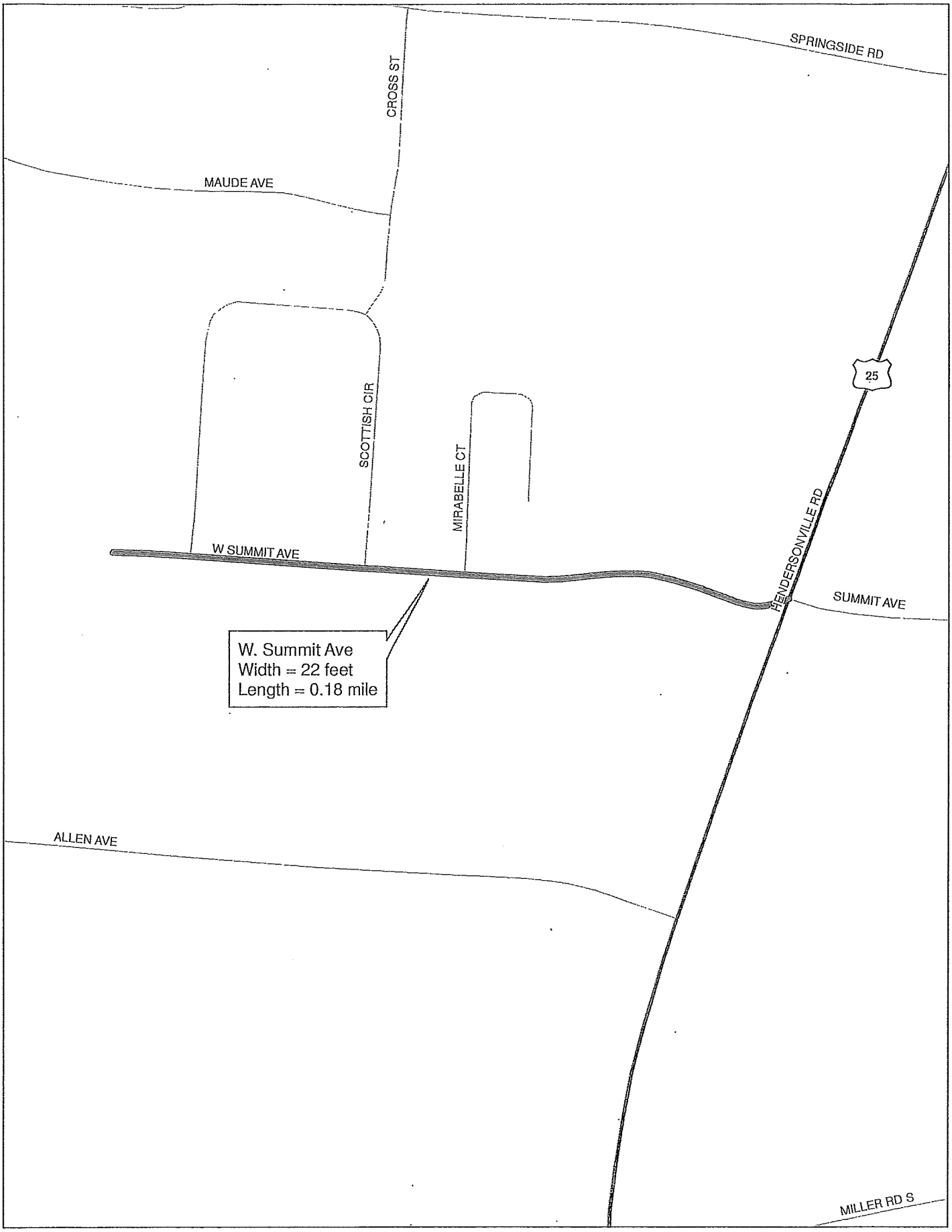
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

80

ATTACHMENT 2



RESOLUTION NO. 15- 67

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT EARTH FARE 5K ON THE DATE OF SATURDAY, MAY 9, 2015, FROM 7:00 AM – 11:30 AM

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 Earth Fare 5K.

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 Earth Fare 5K event area, as set forth on Exhibit A, attached.

   The Earth Fare 5K event area is within the boundaries of the velodrome at Carrier Park located at 220 Amboy Road.

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 Earth Fare 5K on Saturday, May 9, 2015, from 7:00 a.m. – 11:30 a.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 Earth Fare 5K 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 Earth Fare 5K 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 Earth Fare 5K, 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 April, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A

Carrier Park

84

RESOLUTION NO. 15- 68

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAY, MAY 15, JUNE 19, JULY 17, AUGUST 21 & SEPTEMBER 18, 2015, FROM 5:00 PM – 10:00 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 Downtown After 5.

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 Downtown After 5 event area, as set forth in Exhibit A, attached.

   The Downtown After 5 event area is within the boundaries of the 100 block of Lexington Avenue extending within the metered parking lot located at the I-240 underpass.

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 Downtown After 5 on Friday, May 15, June 19, July 17, August 21 & September 18, 2015, from 5:00 p.m. – 10:00 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 Downtown After 5 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 Downtown After 5 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 Downtown After 5, 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 April, 2015.

Magdalen Burleson
City Clerk

Mayor

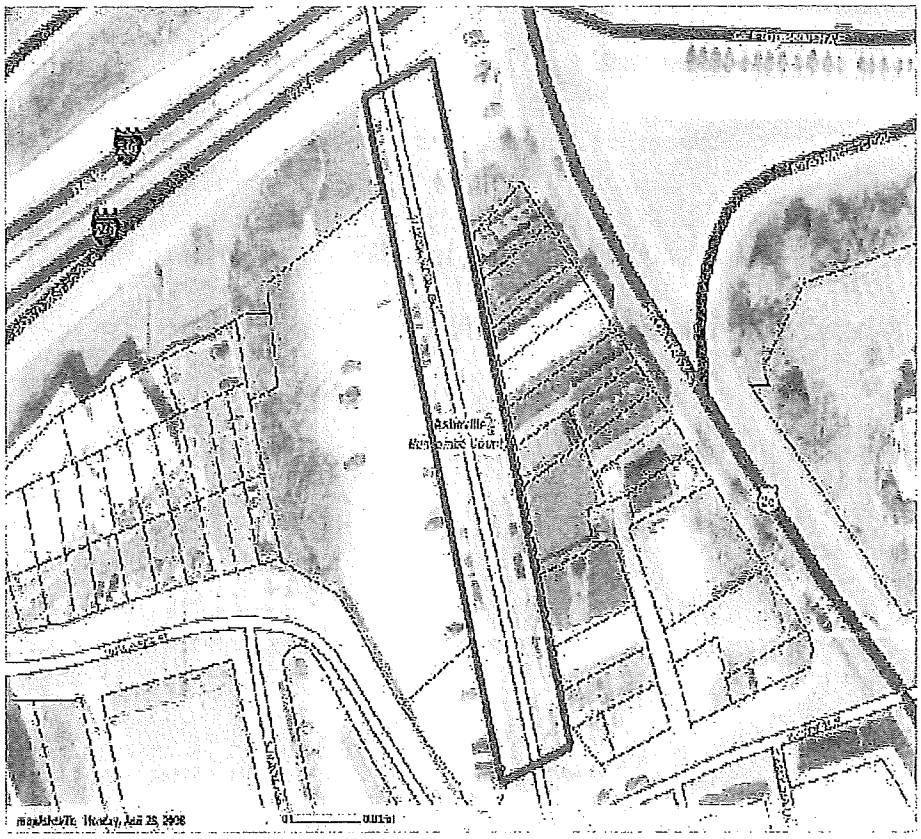
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

86

EXHIBIT A



Lexington Avenue (100 Block)

RESOLUTION NO. 15- 69

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT SUNDAY MUSIC IN THE PARK ON THE DATES OF SUNDAY, MAY 17, MAY 31, JUNE 14, JUNE 28, & JULY 12, 2015, FROM 4:00 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 Sunday Music in the Park.

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 Sunday Music in the Park event area, as set forth in Exhibit A, attached.

   Sunday Music in the Park event area is within the boundaries of Pack Square Park's Roger McGuire Green and the City Hall/Courthouse Parking Lot.

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 Sunday Music in the Park on Sunday, May 17, May 31, June 14, June 28 & July 12, 2015, from 4:00 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 Sunday Music in the Park 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 Sunday Music in the Park 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 Sunday Music in the Park, 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 April, 2015.

Magdalen Burleson
City Clerk

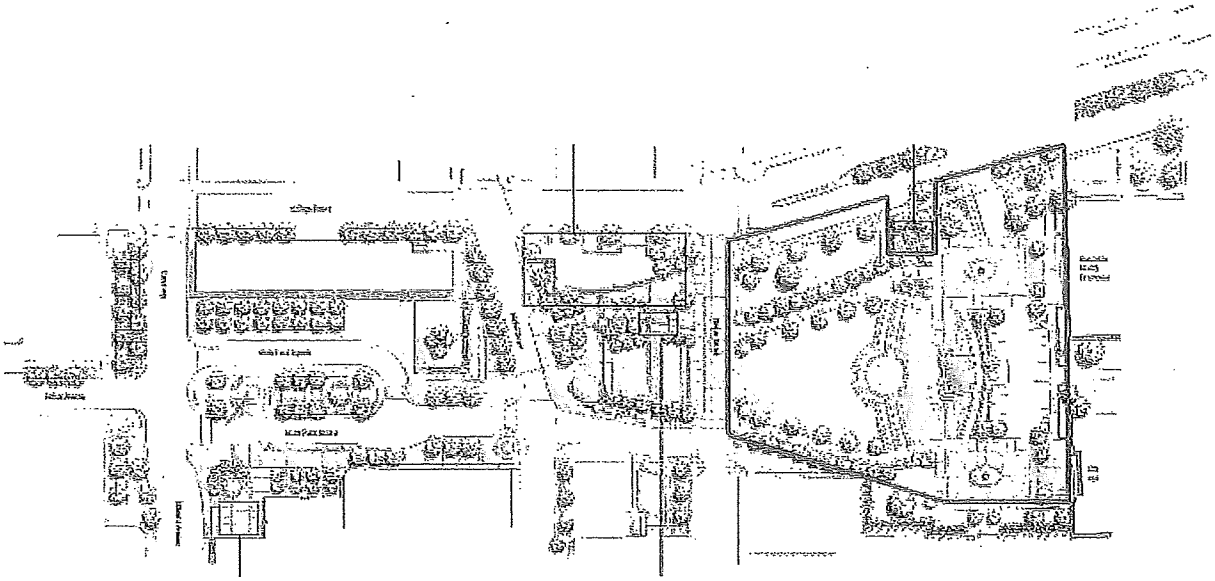
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



ALCOHOL BOUNDARY

90

RESOLUTION NO. 15- 70

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT MOUNTAIN SPORTS FESTIVAL ON THE DATES FRIDAY, MAY 22, 2015, FROM 4:00 PM – 10:00 PM, SATURDAY, MAY 23, 2015, FROM 10:00 AM – 10:00 PM AND SUNDAY, MAY 24, 2015, FROM 10:00 AM – 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 Mountain Sports 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 Mountain Sports Festival event area, as set forth in Exhibit A, attached.

   The Mountain Sports Festival event area is within within the boundaries of the velodrome at Carrier Park located at 220 Amboy Road.

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 Mountain Sports Festival on Friday, May 22, 2015, from 4:00 p.m. – 10:00 p.m., Saturday, May 23, 2015, from 10:00 a.m. – 10:00 p.m. and Sunday, May 24, 2015, from 10:00 a.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 Mountain Sports 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 Mountain Sports 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 Mountain Sports 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 April, 2015.

Magdalen Bullerson
City Clerk

Mayor

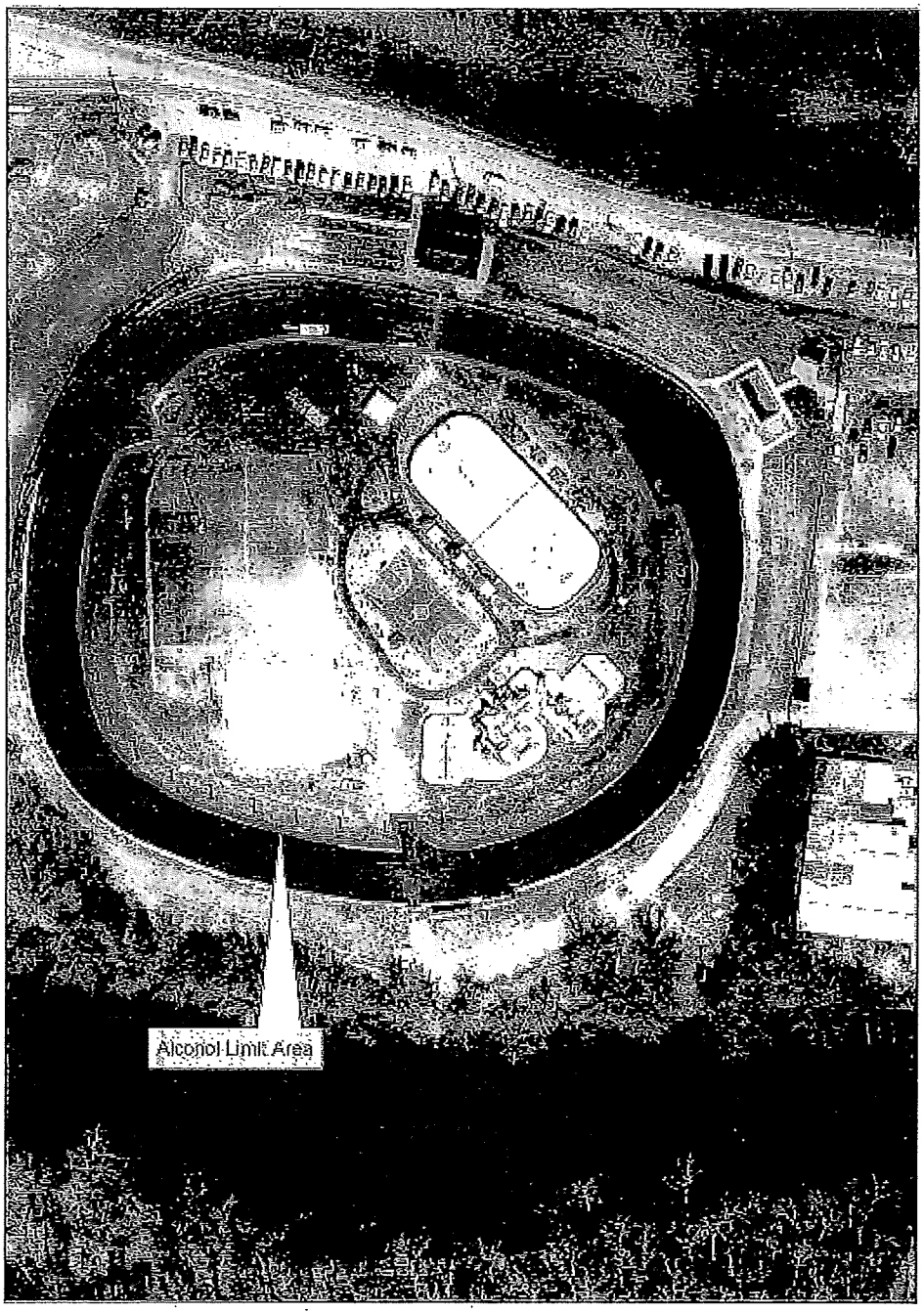
Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

92

EXHIBIT A



Carrier Park

RESOLUTION NO. 15- 71

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON THE DATE OF SATURDAY, MAY 30, 2015, FROM 12:00 PM – 7:00 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 Beer City 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 Beer City Festival event area, as set forth in Exhibit A, attached.

   The Beer City Festival event area is within the boundaries of Pack Square Park's Roger McGuire Green, Spruce Street between the intersections of South Pack Square & College Street, and within the City Hall/Courthouse Parking Lot.

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 Beer City Festival on Saturday, May 30, 2015, from 12:00 p.m. – 7:00 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 Beer City 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 Beer City 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 Beer City 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 April, 2015.

Magdalen Burleson
City Clerk

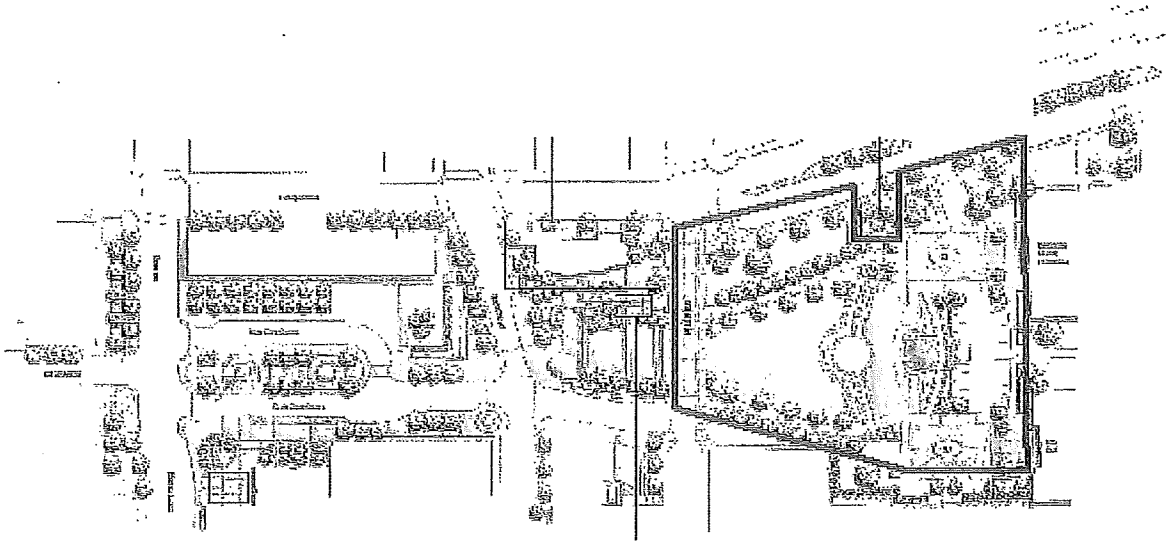
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



ALCOHOL BOUNDARY

96

RESOLUTION NO. 15- 72

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RACE TO THE TAPS – SOUTH SLOPE ON THE DATE OF SATURDAY, AUGUST 8, 2015, FROM 4:30 PM – 10:00 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 Race to the Taps – South Slope.

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 Race to the Taps – South Slope event area, as set forth in Exhibit A, attached.

   The Race to the Taps – South Slope event area is within the boundaries of Banks Avenue between Coxe Avenue and Church Street.

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 Race to the Taps – South Slope on Saturday, August 8, 2015, from 4:30 p.m. – 10:00 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 Race to the Taps – South Slope 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 Race to the Taps – South Slope 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 Race to the Taps – South Slope, 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 April, 2015.

Magdalen Burleson
City Clerk

Mayor

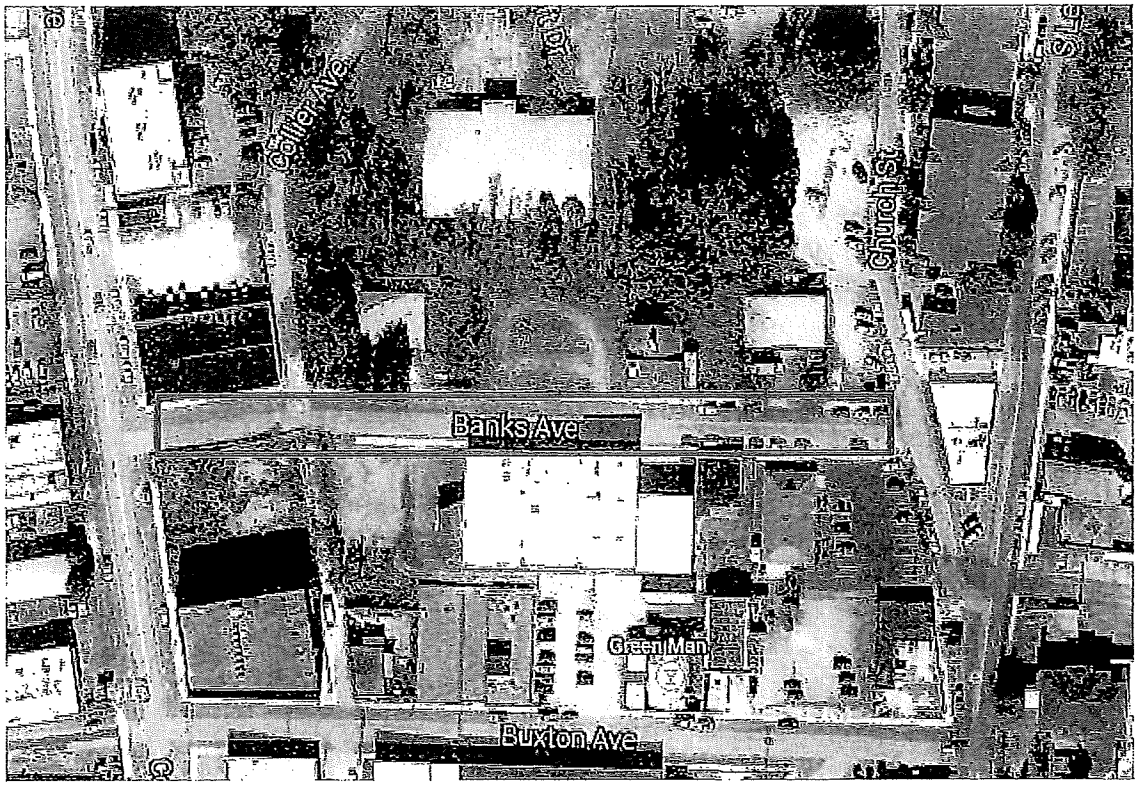
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

98

EXHIBIT A



ALCOHOL BOUNDARY

RESOLUTION NO. 15- 73

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE HALF MARATHON ON THE DATE OF SATURDAY, JUNE 6, 2015, FROM 7:00 AM – 12:00 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 Asheville Half Marathon.

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 Asheville Half Marathon event area, as set forth in Exhibit A, attached.

   The Asheville Half Marathon event area is within the boundaries of Pack Square Park's Roger McGuire Green and within the City Hall/Courthouse parking lot.

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 Asheville Half Marathon on Saturday, June 6, 2015, from 7:00 a.m. – 12:00 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 Asheville Half Marathon 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 Asheville Half Marathon 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 Asheville Half Marathon, 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 April, 2015.

Magdalen Bouleson
City Clerk

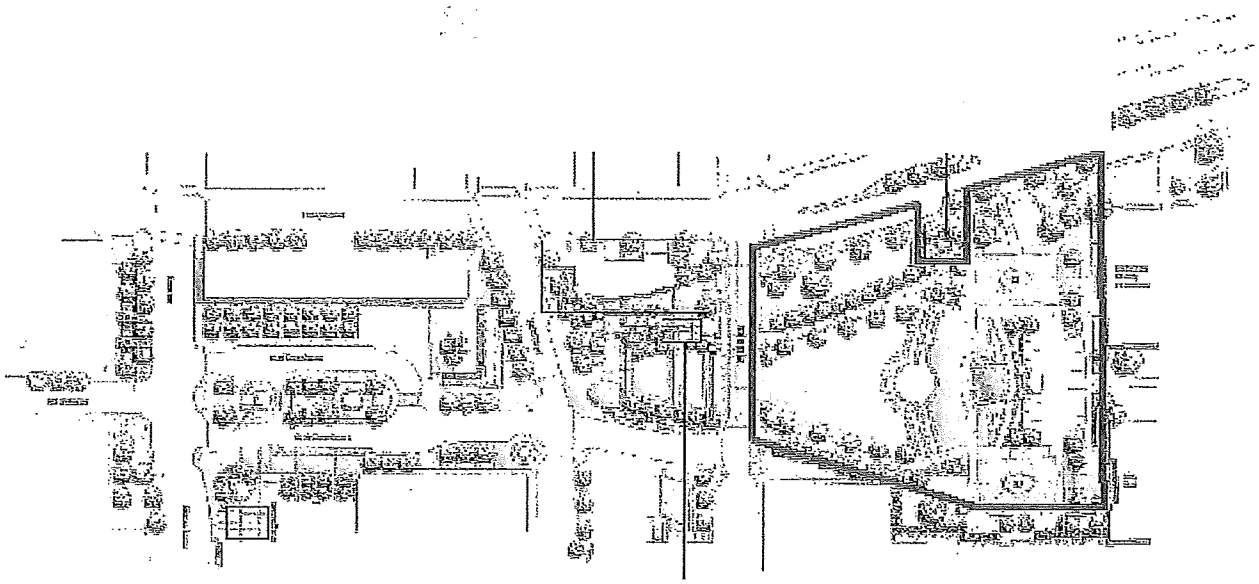
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

EXHIBIT A



ALCOHOL BOUNDARY

102

RESOLUTION NO. 15- 74

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ORGANICFEST ON THE DATE OF SUNDAY, AUGUST 30, 2015, 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 Organicfest.

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 Organicfest event area, as set forth in Exhibit A, attached.

   The Organicfest event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

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 Organicfest on Sunday August 30, 2015, 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 Organicfest 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 Organicfest 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 Organicfest, 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 April, 2015.

Magdalen Burleson
City Clerk

Mayor

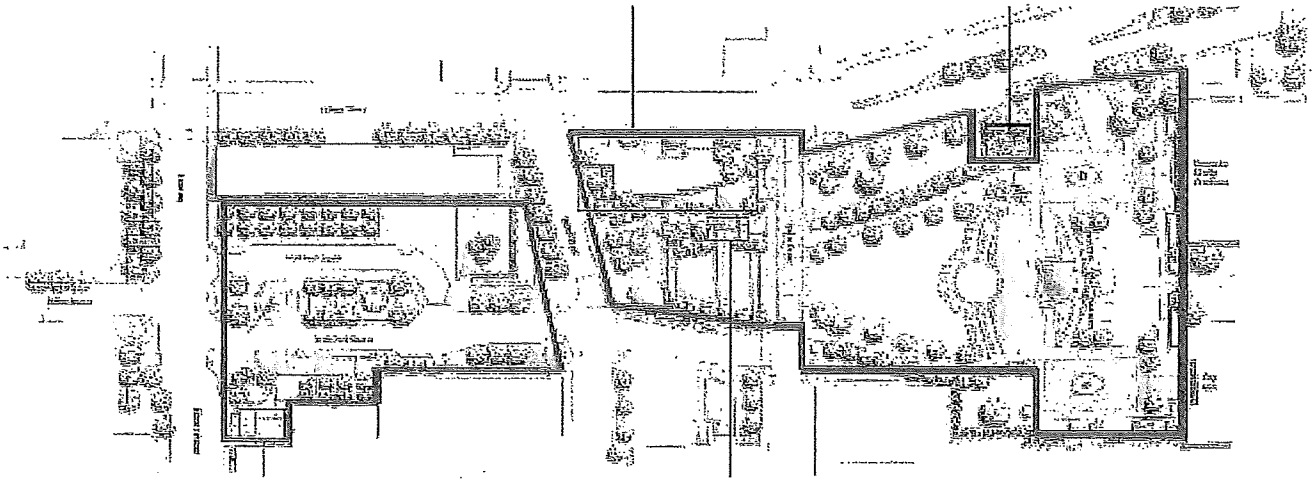
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

104

Exhibit A



Alcohol Area

RESOLUTION NO. 15-75

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO DUKE ENERGY PROGRESS, INC. FOR AN ELECTRIC POWER LINE ON PROPERTY LOCATED ON THOMPSON STREET

WHEREAS, North Carolina General Statute Section 160A-273 grants authority to cities to convey easements across city property or right of way; and

WHEREAS, the City of Asheville, hereinafter the City, owns property located on Thompson Street, identified as PIN # 964881348100000; and

WHEREAS, Duke Energy Progress, Inc. requests that the City grant an easement measuring approximately 7,100.28 square feet in order to accommodate an electric power line; and

WHEREAS, in consideration for the easement, Duke has agreed to compensate the city at the fair market value of $37,500 and

WHEREAS, the easement will not interfere with the City's intended use of the property;

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

Pursuant to North Carolina General Statute 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on the Thompson Street side of the property PIN #9648813481 to Duke Energy Progress, Inc. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney and compliance with applicable North Carolina law.

Read and approved and adopted this 28th day of April 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

106

RESOLUTION NO. 15-76

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CLARK NEXSEN, INC., FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE 200 BINGHAM ROAD PROJECT

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, the Water Resources Department has the need for a professional services contract for Architectural and Engineering Design Services for the 200 Bingham Road project; and

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

WHEREAS, Clark Nexsen, Inc., was selected by City Staff via a Request for Qualifications process to perform professional engineering services for Architectural and Engineering Design Services for the 200 Bingham Road project in the amount of $102,000; and

WHEREAS, the project will be funded from the Water Resources Capital Improvement Projects Fund.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a professional services agreement with Clark Nexsen, Inc., for the proposed amount of $102,000. City Council also grants approval of a contingency amount of $10,200 for a total project budget in the amount of $112,200 for Architectural and Engineering Design Services for the 200 Bingham Road project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 15-77

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR THE GENERAL SERVICES AGREEMENT WITH JOHNSON PRICE SPRINKLE PA FOR THE ASHEVILLE POLICE DEPARTMENT SPEED MEASURING INSTRUMENTS AUDIT

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, the Finance Department is engaged in an audit of the Police Department's speed measuring instruments; and

WHEREAS, Johnson Price Sprinkle PA is contracted to provide agreed-upon procedures as an independent, external party to verify the speed measuring instruments audit; and

WHEREAS, the cost to complete Johnson Price Sprinkle PA's portion of the project may exceed the initially authorized $90,000; and

WHEREAS, the funding is currently allocated within Finance Administration division's professional services budget;

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a contract change order to increase the amount of the general services agreement with Johnson Price Sprinkle PA to $120,000 and also authorizing the City Manager to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 15- 78

RESOLUTION APPROVING THE CITY'S CONSOLIDATED STRATEGIC HOUSING & COMMUNITY DEVELOPMENT PLAN FOR 2015-2019

WHEREAS, The City of Asheville receives an annual entitlement grant from the federal Community Development Block Grant (CDBG) program; and

WHEREAS, the City of Asheville also receives an annual entitlement grant for the HOME Investments Partnership Act (HOME) program as Lead Entity for the Asheville Regional Housing Consortium; and

WHEREAS, The City is required to submit to the U.S. Department of Housing and Urban Development, every five years, a Consolidated Strategic Plan to establish priorities and targets for the use of CDBG and HOME funds; and

WHEREAS, after extensive public consultation including public meetings and focus groups throughout the Consortium area, a draft Strategic Plan has been prepared and was published for comment on March 26, 2015; and

WHEREAS, a final public hearing was held at the City Council meeting on April 28, 2015;

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

City Council approves the submission to HUD of the Consolidated Strategic Housing and Community Development Plan for 2015-2019 which is incorporated by reference as if fully set forth herein.

Read, approved and adopted this 28th day of April 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 15-79

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2015-2016 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 2015-2019; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2015-16; and

WHEREAS, a public hearings has been held on April 28, 2015 to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

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

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2015-16 which is incorporated by reference as if fully set forth herein.

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 28 day of April, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

110

RESOLUTION NO. 15-80

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF BRADLEY STREET

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owner Jay Fiano, d/b/a Fiano Properties, asking that a portion of Bradley Street between Piercy Street to the north and State Street to the south be permanently closed to public use; and

WHEREAS, Mr. Jay Fiano owns on both sides of the portion of the street to be closed; and

WHEREAS, City Council on the 24th day of March, 2015, adopted a resolution of intent to permanently close said portion of Bradley Street, and ordered a public hearing on the question of the closing for the 28th day of April 2015, 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 of said 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 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 Bradley Street; and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join the petition to close; and

WHEREAS, Fiano Properties is proposing to dedicate a new right of way that will be of equal width to the proposed closure to allow continuous right of way around the proposed closure, so as not to deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties; and

WHEREAS, at said public hearing no objections were made that the proposed street closure would deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

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

Pursuant to the North Carolina General Statutes Sec 160A-299, a portion of Bradley Street between Piercy Street to the north and State Street to the south, as shown on a plat attached as Exhibit A is permanently closed to public use as a public street, said potion identified by the metes and bounds description, attached hereto as Exhibit B and incorporated herein by reference.

The closing is subject to the following:

1. The closing is subject to Fiano Properties, dedicating a new right of way to the City of Asheville that will be of equal width to the proposed closure and will allow for a continuous right of way around the proposed closed portion.

2. The closing is subject to the retention by the City of Asheville Water Resources Department, its successors and assigns, of a 20 foot wide permanent easement, for the operation and maintenance of a water line lying 10 feet on each side of the center line of said water line located within the portion of Bradley Street proposed to be closed.

That a certified copy of this resolution and order be filled in the Buncombe County Register of Deeds.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form

City Attorney

Magdalen Burleson
City Clerk

PRELIMINARY: NOT FOR RECORDATION, SALES OR CONVEYANCES

PRELIMINARY: NOT FOR RECORDATION, SALES OR CONVEYANCES

PRELIMINARY: NOT FOR RECORDATION, SALES OR CONVEYANCES

PRELIMINARY-FOR REVIEW

A PLAT SHOWING PROPOSED PARTIAL CLOSURE OF:

BRADLEY STREET

FOR:

FIANO PROPERTIES, INC.

CITY OF ASHEVILLE, BUNCOMBE COUNTY, NC

WES COLE LAND SURVEYING, PA

Exhibit A

Description for Proposed Partial Closure of Bradley Street Area #1 **Exhibit B**

Beginning at a 5/8" existing iron rebar with ID cap "WCLS" in the westerly right of way of the unopened portion of Bradley Street per Plat Book 16 Page 10, said rebar also being the southerly most corner of Plat Book 136 Page 167, Lot 13-R and being located N 38°04'16" W, 43.59 from a 5/8" existing iron rebar with ID cap "WCLS" at the southwesterly most corner of Plat Book 142 Page 176, Lot 1-R having NC Grid Coordinates: Northing: 681,047.90', E: 937,397.01'; thence from the Point of Beginning and with the westerly right of way of Bradley Street per Plat Book 16 Page 10, N 05°50'33" E, 244.15' to a 5/8" existing iron rebar with ID cap "WCLS" at the southeasterly most corner of Plat Book 136 Page 167, Lot 20-R; thence leaving the westerly right of way of Bradley Street and with westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176 the following three calls:

1. S 05°06'13" W, 18.22' to a calculated point;
2. thence with a curve turning to the left with an arc length of 58.06', with a radius of 85.00', with a chord bearing of S 13°43'35" E, with a chord length of 56.94' to a calculated point;
3. thence with a reverse curve turning to the right with an arc length of 22.50', with a radius of 65.00', with a chord bearing of S 23°22'46" E, with a chord length of 22.39' to a calculated point at the intersection point of the westerly right of way of Bradley Street per Plat Book 16 Page 10 and the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176;

thence with the right of way line of Bradley Street per Plat Book 16 Page 10, S 05°50'33" W, 58.09' to a calculated point at the intersection point of the westerly right of way of Bradley Street per Plat Book 16 Page 10 and the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176; thence with the westerly right of way of the re-aligned portion of Bradley Street per Plat Book 142 Page 176 the following three calls:

1. thence S 12°09'39" W, 33.78' to a calculated point;
2. thence S 25°22'48" W, 64.81' to a 5/8" new iron rebar with ID cap "WCLS";
3. thence N 84°09'27" W, 4.84' which is the point of beginning,

having an area of 0.103 acres (4,504.09 square feet).
The described area is subject to a 20' City of Asheville waterline easement as recorded in Deed Book 5143 Page's 1019, 1022, 1025, 1028, 1031, & 1034 and Plat Book 138 Page 23.
All bearings are based on NC Grid North NAD 83 (NSRS 2007) and all distances are horizontal ground distances unless otherwise noted.
The foregoing description is based on an unrecorded plat by John Wesley Cole, PLS of Wes Cole Land Surveying, PA, dated July 31, 2014, and revised on September 10, 2014, October 1, 2014, and January 12, 2015 entitled "A Plat Showing Proposed Partial Closure of: Bradley Street for Fiano Properties, Inc.", Project Number: 11-007.

114

RESOLUTION NO. 15-81

RESOLUTION AMENDING RESOLUTION NO. 06-55, AND REGARDING THE CITY'S POLICY RELATING TO CLAIMS AND JUDGMENTS SOUGHT OR ENTERED AGAINST CITY OFFICERS AND EMPLOYEES

WHEREAS, by Resolution No. 06-55, and pursuant to N.C. Gen. Stat. § 160A-167, the City Council amended its policy relating to claims and judgments sought or entered against City officers and employees; and

WHEREAS, the Council now desires to again amend the policy of the City relating to such claims pursuant to N.C. Gen. Stat. § 160A-167, as set forth below:

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

Section 1. Resolution No. 06-55 be and the same is hereby repealed in its entirety and the following policy is substituted in its place:

A. It shall be the policy of the City of Asheville to defend its officers and employees against civil claims and judgments and to satisfy the same under the standards set forth below; however, the City may elect not to defend or satisfy a claim or judgment if the officer or employee:

   i) Willfully acted, or willfully failed to act, in a wanton, reckless and/or with malicious manner;

   ii) Acted in excess of his or her authority or in any manner outside the officer's or employee's course or scope of employment;

   iii) Engaged in fraud, corruption or acted out of personal animus;

   iv) Acted or failed to act at the time when his or her judgment was substantially impaired because of the use of drugs and/or alcohol;

   v) Acted or failed to act directly contrary to instructions from his or her superiors, or directly contrary to the advice of the City Attorney;

   vi) Acted or failed to act in such a manner so as to constitute a criminal act;

   vii) Acted or failed to act in violation of City rules and/or policies and such violation resulted in the employee's termination or in other disciplinary action being taken against the employee; or

   viii) Is sued in his or her individual capacity.

B. The City Manager or his or her designee shall determine whether the City will or will not provide a defense for an officer or employee under this policy. The City is never required to provide such a defense.

C. In the event any excess policy of insurance carried by the City of Asheville requires the City to provide a defense to any claim or lawsuit filed against an officer or employee, where it has been determined by the City Manager or his or her designee that the City should not provide a defense under this policy, the City may seek indemnity from the officer or employee for all costs of providing such defense to the officer or employee, including but not limited to attorney's fees. The

City Manager or his or her designee shall determine in consultation with the City's excess carrier whether the excess insurance policy requires the City to provide a defense to such officer or employee.

D. The City Council, pursuant to the standards set forth herein, shall determine whether or not a claim or judgment entered against an officer or employee shall be paid or compromised by the City. The City is never required to satisfy or pay a claim or judgment, and any payment shall be in accordance with N.C. Gen. Stat. § 160A-167.

E. The City Council, also pursuant to the standards set forth herein, may elect to settle a claim against an officer or employee, either before or after a lawsuit is filed. Further, the City Council shall have the discretion to demand a complete release of the subject officer(s) or employee(s) in consideration of any such payment by the City. The City is never required to settle any claims under this policy.

F. The term "officer" and "employee" as used herein shall mean present or past officers or employees who might hereafter have claims or judgments filed or entered against them. In order for the City to provide a defense or pay a claim or settlement, the claim must have arisen during the time the officer or employee was an officer or employee of the City and have resulted from actions in the course and scope of, and which relate to, the officer or employee's duties or responsibilities for the City.

G. The policy specified herein shall not be applicable unless and until notice of the claim or lawsuit is given to the City Council through the City Manager or City Attorney prior to the time the claim is settled or the civil suit is litigated and judgment is entered.

H. This resolution and policy shall not be interpreted in any way to relieve any insurance company of its obligations under any insurance policy to protect the interests of any insured under said policy, or to reduce or eliminate the rights of any officer or employee of the City against any other party. Further, except as expressly stated herein, this resolution is not to be interpreted as a waiver of any rights the City has against any party.

I. This resolution shall not be interpreted in any way to constitute a waiver of governmental immunity.

Section 2. This Resolution shall be effective upon adoption.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

116

RESOLUTION NO. 15-82

RESOLUTION APPOINTING MEMBERS TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, Sarah Nunez has resigned as a member of the HUB Community Economic Development Alliance, thus leaving a vacancy until August 22, 2015; and

WHEREAS, Richard Stiles has resigned as a member of the HUB Community Economic Development Alliance, thus leaving a vacancy until August 22, 2015;

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

Ms. Kendra Penland, 14 Pleasant Ridge Drive. Asheville, N.C., be and she is hereby appointed as a member to the HUB Community Economic Development Alliance, to serve the unexpired term of Ms. Nunez, term to expire August 22, 2015, and then a full three-year term, term to expire August 22, 2018, or until her successor has been appointed.

Mr. Adrian Vassallo, Post Office Box 8064, Asheville, N.C., be and he is hereby appointed as a member to the HUB Community Economic Development Alliance, to serve the unexpired term of Mr. Stiles, term to expire August 22, 2015, and then a full three-year term, term to expire August 22, 2018, or until his successor has been appointed.

Read, approved and adopted this 28th day of April, 2015.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk