

RESOLUTION NO. 15- 141

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE APPRENTICE/INTERN PROGRAM FOR FY 2015-16

WHEREAS, funds for FY 2015-16 are available from the North Carolina Department of Transportation (NCDOT) to hire a transit planning apprentice to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of \$37,498 for the cost of transit planning from the North Carolina Department of Transportation; and

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

WHEREAS, the City of Asheville will provide a 10% local match in the amount of \$3,750; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State government and to enter into contracts for the administration of said grants;

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

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the apprentice/intern program for FY 2015-16.

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

Magdalena Paulson
City Clerk

Edna E. Moore
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalena Paulson
City Clerk

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RESOLUTION NO. 15- 142

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT 5 POINT FILM FESTIVAL KICKOFF PARTY ON THE DATE OF FRIDAY, AUGUST 14, 2015 FROM 4:00 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 5 Points Film Festival Kickoff Party.

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 5 Points Film Festival Kickoff Party event area, as set forth on Exhibit A, attached.

The 5 Points Film Festival Kickoff Party event area is within the boundaries of the City of Asheville Surface Parking Lot #18 located on the corner of Haywood Street & Page Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the 5 Points Film Festival Kickoff Party on Friday, August 14, 2015 from 4:00 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 5 Points Film Festival Kickoff Party 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 5 Points Film Festival Kickoff Party 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 5 Points Film Festival Kickoff Party, 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 July, 2015.

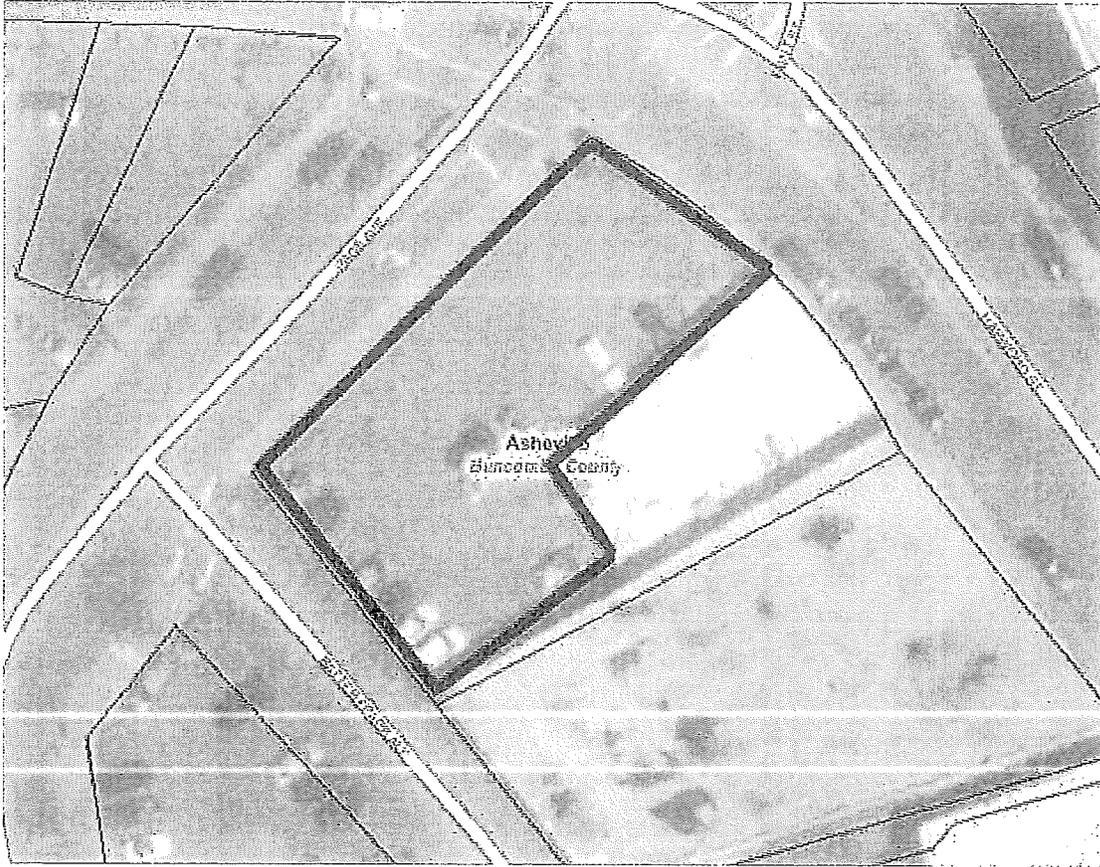
Magdalen Burlison
City Clerk

Edna G. Marks
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Burlison
City Clerk

EXHIBIT A



Alcohol Boundary

RESOLUTION NO. 15- 143

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT GOOMBAY FESTIVAL ON THE DATES OF FRIDAY, SEPTEMBER 11, 2015, FROM 5:00 PM – 10:00 PM, SATURDAY, SEPTEMBER 12, 2015, FROM 10:00 AM – 10:00 PM AND SUNDAY, SEPTEMBER 13, 2015, FROM 1:00 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 the Goombay 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 Goombay Festival area, as set forth in Exhibit A, attached.

The Goombay Festival 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 the Goombay Festival on Friday, September 11, 2015 from 5:00 p.m. – 10:00 p.m., Saturday, September 12, 2015 from 10:00 a.m. – 10:00 p.m., and Sunday, September 13, 2015 from 1:00 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 Goombay 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 Goombay 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 Goombay 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 July, 2015.

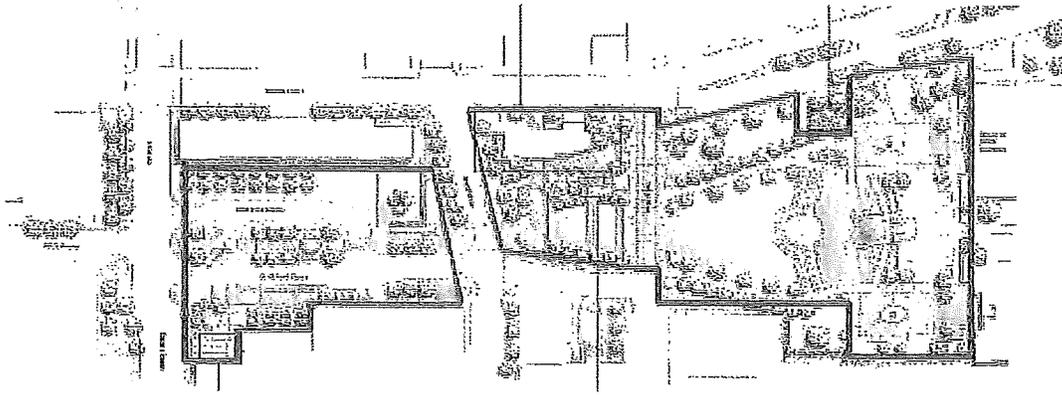
Magdalena Bullock
 City Clerk

Edwin E. Harts
 Mayor

Approved as to form:

[Signature]
 City Attorney

EXHIBIT A



Alcohol Area

Magdalen Bouleson
City Clerk

RESOLUTION NO. 15- 144

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT VENTURE LOCAL FAIR ON THE DATE OF SATURDAY, SEPTEMBER 26, 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 the Venture Local Fair.

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 Venture Local Fair event area, as set forth in Exhibit A, attached.

The Venture Local Fair event area is within the boundaries of Banks Avenue between the intersections of Coxe Avenue and Church Street, Buxton Avenue between the intersections of Coxe Avenue and Millard Avenue, and Collier Avenue between the intersections of Buxton Avenue and Millard Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Venture Local Fair on Saturday, September 26, 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 Venture Local Fair 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 Venture Local Fair 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 Venture Local Fair, 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 July, 2015.

Magdalen Bouleson
City Clerk

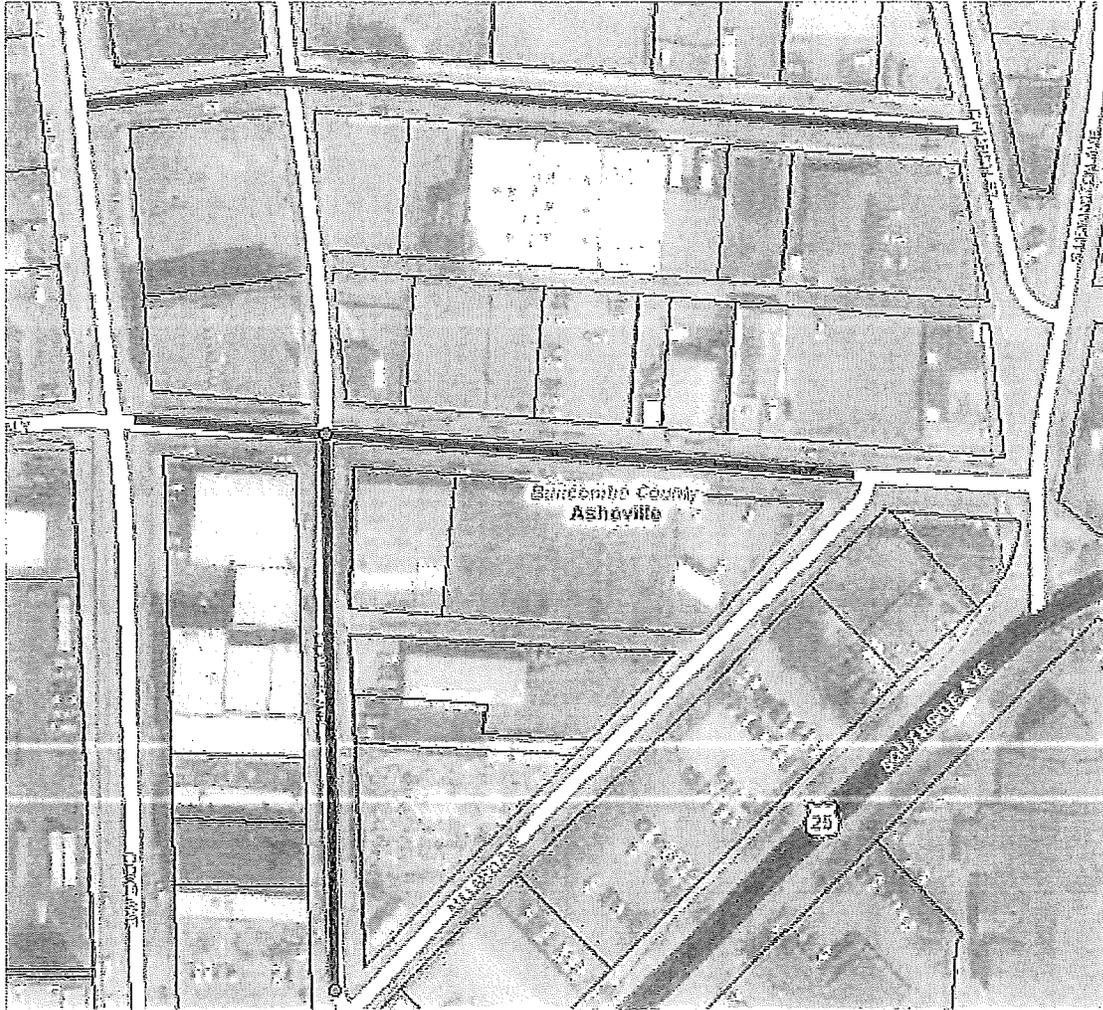
Edna G. Mark
Mayor

Approved as to form:

Billie
City Attorney

Magdalen Bouleson
City Clerk

EXHIBIT A



Alcohol Boundary

RESOLUTION NO. 15-145

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE PURPOSE OF CONDUCTING A RECYCLING PILOT PROJECT IN PUBLIC HOUSING COMMUNITIES

WHEREAS, pursuant to G.S. 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to reducing waste and increasing recycling and has an opportunity to expand recycling availability to the Erskine, Walton and Livingston Heights public housing communities; and

WHEREAS, the City of Asheville applied for and was awarded a grant totaling \$21,625 through NCDENR's Community Waste Reduction and Recycling grant opportunity; and

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

The City Manager is hereby authorized to accept grant funding of \$21,625 from the North Carolina Department of Environment and Natural Resources to provide recycling services as a pilot project to public housing communities.

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

Magdalen Baulson
City Clerk

Ed Anderson
Mayor

Approved as to form:

Jim Allen
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 15-147

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DR. J. PAUL MARTIN MD. DBA ASHEVILLE ADDICTION CONSULTANTS, PA FOR PHYSICIAN SERVICES

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

WHEREAS, the amount of the Agreement is \$120,000 and the monies have been budgeted in the Health Care Fund Budget:

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Dr. J. Paul Martin, MD DBA Asheville Addiction Consultants, PA for \$120,000 for physician services and further authorized to execute any change orders to said contract or documents which may arise during provision of these services of said project up to the budgeted amount.

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

Magdalen Bouleson
City Clerk

Anna Hark
Mayor

Approved as to form:

Billie
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 15-148

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS TO AN AGREEMENT WITH CDM SMITH FOR ENGINEERING AND DESIGN SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT (RADTIP) AND FIVE POINTS ROUNDABOUT

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 City Council has programmed the RADTIP and Five Points Roundabout in the City's Capital Improvements program; and

WHEREAS, City Council directed staff to continue steps toward implementation of the RADTIP and Five Points Roundabout;

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

The City Manager is hereby authorized to execute change orders to a contract with CDM Smith for the amount of \$560,452 for engineering services for the River Arts District Transportation Improvement Project and Five Points Roundabout, and further authorized to execute any additional change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

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

Magdalen Bouleson
City Clerk

Anna C. Mark
Mayor

Approved as to form:

Jim Olin
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 15-149

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GULF COAST LLC TO PROVIDE PROPERTY ACQUISITION SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT (RADTIP)

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 City of Asheville needs expert property acquisition services such as appraisals, negotiations and relocation activities in order to comply with the Federal Uniform Relocation Act and meet the funding agency's (FHWA) requirement for all acquisitions needed for RADTIP right of way acquisition; and

WHEREAS, the amount of the Agreement is \$240,000 and the monies have been budgeted in the CIP allocation for RADTIP in the FY 2016 budget;

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Gulf Coast, LLC for \$240,000 to provide property acquisition services needed for RADTIP and further authorized to execute any change orders to said contract or documents which may arise during provision of these services of said project up to the budgeted amount.

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

Magdalena Paulson
City Clerk

Steve Mahan
Mayor

Approved as to form:

Gimblee
City Attorney

Magdalena Paulson
City Clerk

RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT FOR THE IMPROVEMENT OF NANCY STREET

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

WHEREAS, pursuant to N.C.G.S. 160A-296 the City of Asheville has the authority to establish and control streets; and

WHEREAS, Beacatcher Commons, LLC seeks to develop six (6) affordable housing units on Nancy Street in the City of Asheville; and

WHEREAS, the City of Asheville has agreed to support this development with a loan from its Housing Trust Fund; and

WHEREAS, the section of Nancy Street where this proposed affordable housing development is to be located is not currently a City-owned street; and

WHEREAS, in order for the developer to proceed with the development of the affordable housing there Nancy Street must be brought to City specifications and accepted as a City street by the Asheville City Council; and

WHEREAS, the City and the developer seek to enter into a Memorandum of Agreement that will result in improvements to Nancy Street that will bring it to City specifications, such Agreement to detail the responsibilities of each party;

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

1. The City Manager is hereby authorized, upon the approval of the City Attorney, to execute a Memorandum of Agreement with Beacatcher Commons, LLC, for the improvement of Nancy Street;

Read, approved and adopted the 28th day of July, 2015.

Magdalen Boulson
City Clerk

Estimote Clark
Mayor

Approved as to form:

Kim Klein
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-151

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE
FOR UPSET BIDS REGARDING 110 SQUARE FEET OF AIR RIGHTS LOCATED AT 723
HAYWOOD ROAD

WHEREAS, the City of Asheville owns certain property adjacent to 723 Haywood Road, being a sidewalk within the right of way of Haywood Road; and

WHEREAS, pursuant to North Carolina General Statutes Section 160A-273, the City has the authority to grant air rights over public rights-of-way for the purpose of erecting a building or other permanent structure; and

WHEREAS, on July 1, 2015, a qualifying offer was received from Douglas R. Oster to purchase 110 square feet of air space conditional to the addition of a permanent balcony on a renovated building at 723 W. Haywood Road, in the amount of \$220; and

Whereas, the conveyance of said air rights are conditional on the formal approval of the development plans for the project located at this parcel;

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

Pursuant to North Carolina General Statute 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 110 square feet of air rights located at 723 Haywood Street to Douglas R. Oster. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first \$1,000.00 and 5% of the remainder of the purchase price of \$220. Per the statute, the Council may at any time reject any and all offers.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Doug R. Oster.

Additionally, 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 July, 2015.

Magdalen Paulson
CITY CLERK

Eden E. Hall
MAYOR

Approved as to form:

Billie
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 15-152

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN KEVIN T. AND LISA A. FOX AND THE CITY OF ASHEVILLE FOR A HEALTH SERVICES OFFICE AT 155 BILTMORE AVENUE

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, the City operates a Health Services Office at 155 Biltmore Avenue; and

WHEREAS, Kevin T. and Lisa A. Fox are the owners of real property located at 155 Biltmore Avenue, identified as PIN # 9648-48-2474-00000; and

WHEREAS, the City of Asheville has offered to enter into a lease for approximately 3,422 square feet of office and medical space for a term of three years, with mutual right to terminate at six months notice; and

WHEREAS, the base rental rate for the leased premises is \$4,500 per month for the first year, commencing January 1, 2016, plus the additional responsibility of paying utilities, property taxes and insurance as related tenant expenses; and

WHEREAS, the City's needs for the property during the term of the lease are compatible with the proposed lease;

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

The City Manager is hereby authorized to execute the Lease Agreement between the Kevin T. and Lisa A. Fox and the City of Asheville for property located at 155 Biltmore Avenue, PIN 9648-48-2474-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

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

Magdalen Pouleson
City Clerk

Eric E. Hinkle
Mayor

Approved as to form:

Billie
City Attorney

Magdalen Pouleson
City Clerk

RESOLUTION NO. 15- 153

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY BETWEEN WYOMING RD. AND KEEBLER RD.

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a an unnamed alley between Wyoming Road and Keebler Road; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close an unnamed alley between Wyoming Road and Keebler Road, described as follows:

Description for unnamed alley between Wyoming Road and Keebler Road

Situated in the State of North Carolina, County of Buncombe, City of Asheville and being the portion of road right of way bounded by lots 2, 3, 37 and 39 on the plat titled "Revised Subdivision of Parts of Blocks "A" & "B" Property of Kenilworth Development Co." recorded in Plat Book 14, Page 2 at the Buncombe County Register of Deeds:

Beginning at a 1/2" rebar found at the southeast corner of said lot 37 along the northern margin of Wyoming Road. Said corner being South 87°52'53" East a distance of 17.99 feet and then North 84°20'07" East a distance of 44.21 from a magnetic nail found at the southwest corner of lands now owned by Robert F. Scheiderich as recorded in Deed Book 4344, Page 1764.

Thence along the eastern line of said Scheiderich lands **North 20°26'23" West** a distance of **68.76 feet** to a 1/2" rebar found at the southeast corner of lands now owned by Stephen J. and Elizabeth J. Carr as recorded in Deed Book 4141, Page 1738;

Thence along the eastern line of said Carr lands **North 20°25'55" West** a distance of **31.48 feet** to a calculated point;

Thence along the eastern line of said Carr lands **North 50°38'55" West** a distance of **74.78 feet** to a 1/2" Bent Rebar found at the northeast corner of said Carr lands along the southern right of way of Keebler Road;

Thence along a curve to the right with a radius of 100.00 feet approximately parallel to the curb for Keebler Road, a chord bearing of **South 85°49'08" East** and chord distance of **43.51 feet** to a calculated point along the western line of lands now owned by Stephen J. and Elizabeth J. Carr as recorded in Deed Book 4141, Page 1738;

Thence along the western line of said Carr lands **South 42°52'49" East** a distance of **46.29 feet** to a calculated point;

Thence along the western line of said Carr lands **South 20°17'08" East** a distance of **44.72 feet** to a magnetic nail set at the northwest corner of lands now owned by Robert F. Scheiderich as recorded in Deed Book 4344, Page 1764;

Thence along the western line of said Scheiderich lands **South 20°17'16" East** a distance of **64.34 feet** to a 1/2" rebar found along the northern margin of the Wyoming Road right of way;

Thence along the northern margin of the Wyoming Road right of way **South 84°22'14" West** a distance of **19.98 feet** to the Point of Beginning containing within said bounds **0.080 acres** (3,495 square feet) according to a survey performed by Robert K. Brady, Professional Land Surveyor 3959 in April, 2015.

2. A public hearing on the question of permanently closing an unnamed alley between Wyoming Road and Keebler Road, is hereby called for on September 8, 2015, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a September 8, 2015.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley between Wyoming Road and Keebler Road. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

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

Magdalena Pomleson
City Clerk

Edwin E. Mark
Mayor

Approved as to form:
Jim Olin
City Attorney

Magdalena Pomleson
City Clerk

RESOLUTION NO. 15-154

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY SHERIFF'S OFFICE CONCERNING DWI TASK FORCE OPERATIONS

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-461, any unit of local government and any one or more other units of local government in North Carolina may enter into contracts or agreements with each other in order to execute any undertaking; and

WHEREAS, such agreements must be ratified by resolution of the governing board of each unit spread upon its minutes; and

WHEREAS, the Asheville Police Department (APD) and Buncombe County Sheriff's Office (BCSO) currently operate a joint task force primarily charged with investigating and enforcing laws prohibiting driving while impaired and unrestrained vehicle occupants ("DWI Task Force"); and

WHEREAS, the APD and BCSO now wish to define and memorialize their respective rights and responsibilities with regard to DWI Task Force operations.

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

The City Manager is hereby authorized to enter into an agreement between the City and BCSO under terms previously agreed upon by the APD and BCSO.

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

Magdalen Boulson
CITY CLERK

Edna A. Mark
MAYOR

Approved as to form:
Jim O'Leary
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-155

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE CONTRACT WITH LEAF COMMUNITY ARTS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A-20.1 of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, LEAF currently has a on-going partnership with the City of Asheville Parks and Recreation Department; and

WHEREAS, LEAF provides cultural and educational opportunities for our community; and

WHEREAS, LEAF agrees to provide expanded youth programming under a twelve month service agreement;

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

The City Manager is authorized to enter into a service agreement with LEAF in the amount of \$15,000 to provide expanded youth cultural and educational programming.

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

Magdalen Paulson
City Clerk

Ed Arrington
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk