

RESOLUTION NO. 08- 129

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TEMPORARY SERVICES AGREEMENT WITH THE CITY OF ASHEVILLE AND FORSYTH INITIATIVE FOR RESIDENTIAL SELF-HELP TREATMENT, INC.

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, the City has a need for temporary laborers based on certain short term needs of various City departments including but not limited to leaf pickup, civic center events, and general maintenance;

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 Forsyth Initiative For Residential Self-Help Treatment, Inc. to provide temporary workers on an as needed basis for the Fiscal Year of 2008/2009, with the final form of said contract to be subject to the approval of the City Attorney

Read, approved and adopted this the 24th day of June, 2008

Magdalen Brunson
City Clerk

Jerry Mallory
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Brunson
City Clerk

RESOLUTION NO. 08-130

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FROM JULY 1, 2008 THROUGH JUNE 30, 2009

WHEREAS, pursuant to G.S. § 160A-493, a city may contribute to the support of an animal shelter; and

WHEREAS, pursuant to G.S. §160A-20.1, the city has authority to contract with private entities in order to carry out any public purpose; and

WHEREAS, the City Council has determined that it is in the public interest to provide animal shelter services for the City of Asheville.

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

The City Manager be and is hereby authorized to enter into an agreement with the Asheville Humane Society to provide animal sheltering services for the City of Asheville for the FY 2008-2009.

Read, approved and adopted the 24th day of June 2008.

Magdalen Bourleson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 08 - 131

RESOLUTION ACCEPTING HERITAGE DRIVE (EXTENSION), ASHWOOD DRIVE, ASHWOOD LANE, HEATHBROOK CIRCLE (EXTENSION), AND GLENWOOD CIRCLE IN THE RECENTLY ANNEXED HERITAGE BUSINESS AREA, THE ASHWOOD AREA, THE HEATHBROOK AREA, AND THE SWEETEN CREEK ROAD AREA OF THE CITY OF ASHEVILLE AS CITY-MAINTAINED STREETS

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, Heritage Drive (Extension), Ashwood Drive, Ashwood Lane, Heathbrook Circle (Extension), and Glenwood Circle are now located in the corporate limits of the City of Asheville; and

WHEREAS, Heritage Drive (Extension) is located in the Heritage Business Annexation area; and

WHEREAS, Ashwood Drive and Ashwood Lane are located in the Ashwood Annexation area; and

WHEREAS, Heathbrook Circle (Extension) is located in the Heathbrook Annexation area; and

WHEREAS, Glenwood Circle is located in the Sweeten Creek Road Annexation area; and

WHEREAS, the Annexation Services Plan for the subject areas states that the City will accept these streets in the annexed areas if the property owners provide the right-of-way; and

WHEREAS, dedication of the 50-foot right-of-way for Heritage Drive (Extension) has been recorded in Deed Book 1075 Page 714 and 715; and

WHEREAS, dedication of the 50-foot right-of-way for Ashwood Drive has been recorded in Plat Book 50 Page 92; and

WHEREAS, dedication of the 50-foot right-of-way for Ashwood Lane has been recorded in Plat Book 50 Page 92; and

WHEREAS, dedication of the 50-foot right-of-way for Heathbrook Circle (Extension) has been recorded in Plat Book 72 Page 199; and

WHEREAS, dedication of the 40-foot right-of-way for Glenwood Circle has been recorded in Plat Book 49 Page 77; and

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

Heritage Drive (Extension), Ashwood Drive, Ashwood Lane, Heathbrook Circle (Extension), and Glenwood Circle indicated on the attached maps are accepted by the City of Asheville for maintenance.

Read, approved and adopted this 24th day of June, 2008.

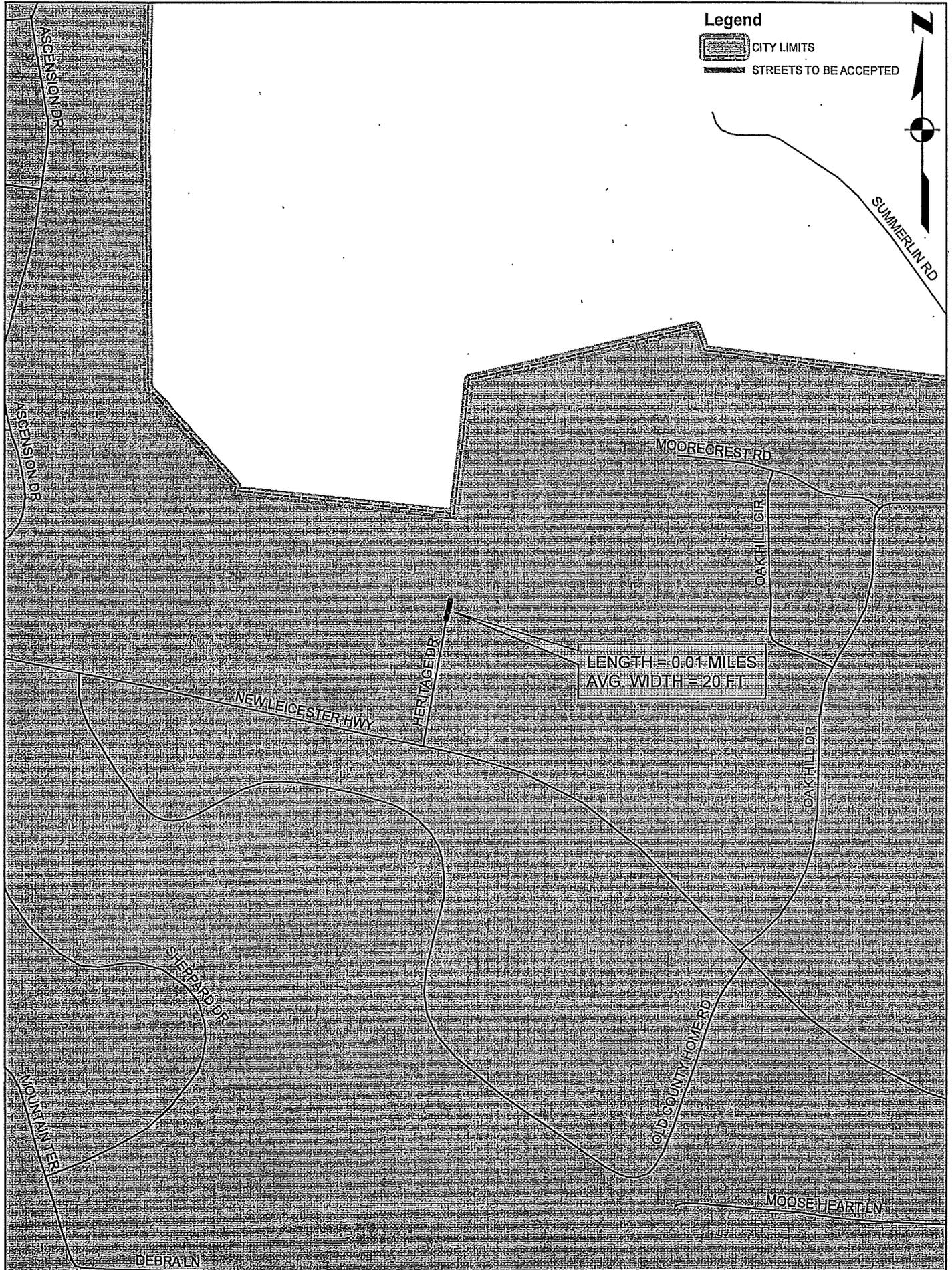
Magdalen Paulson
City Clerk

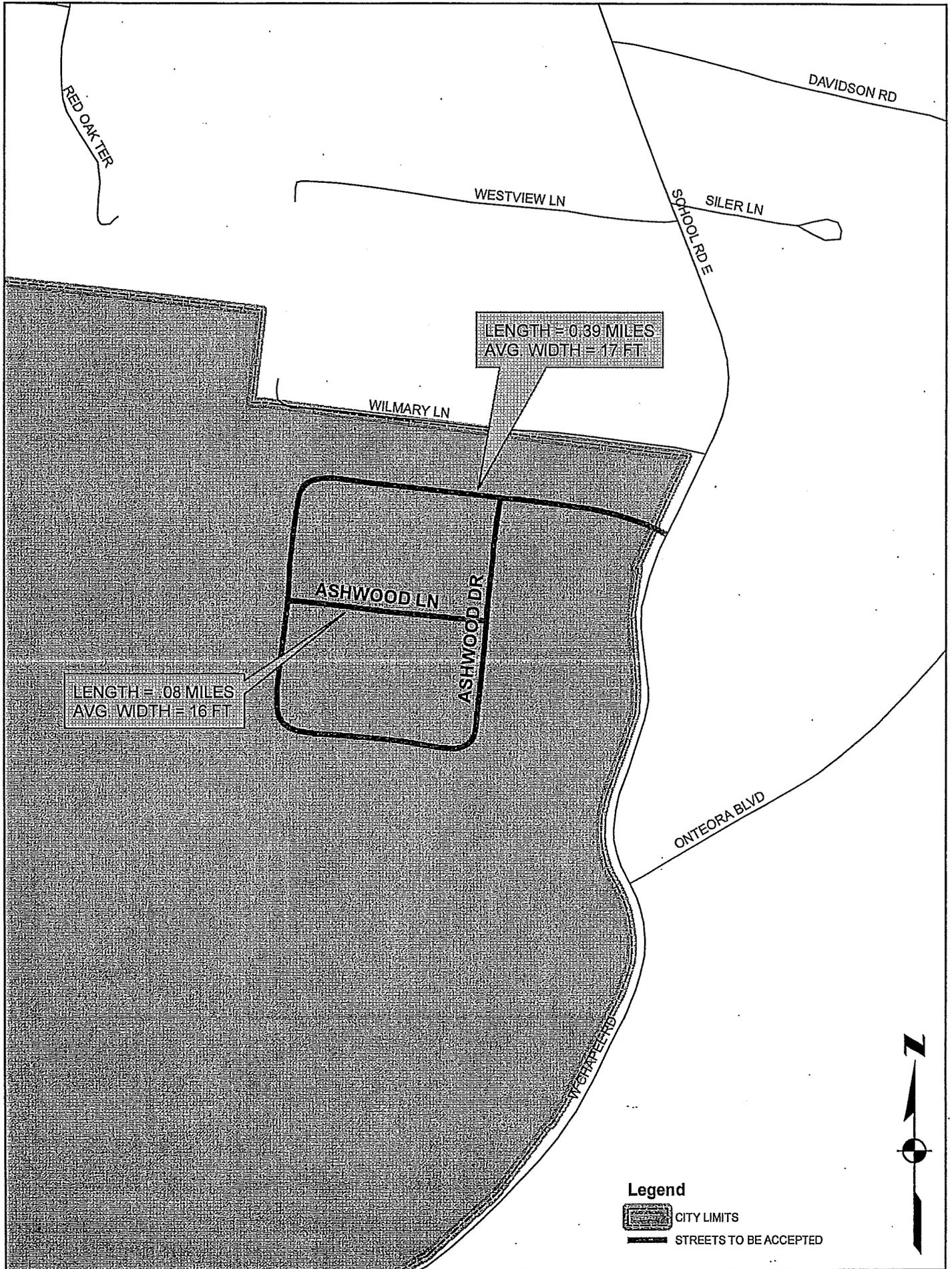
Mayor Jerry Bellamy

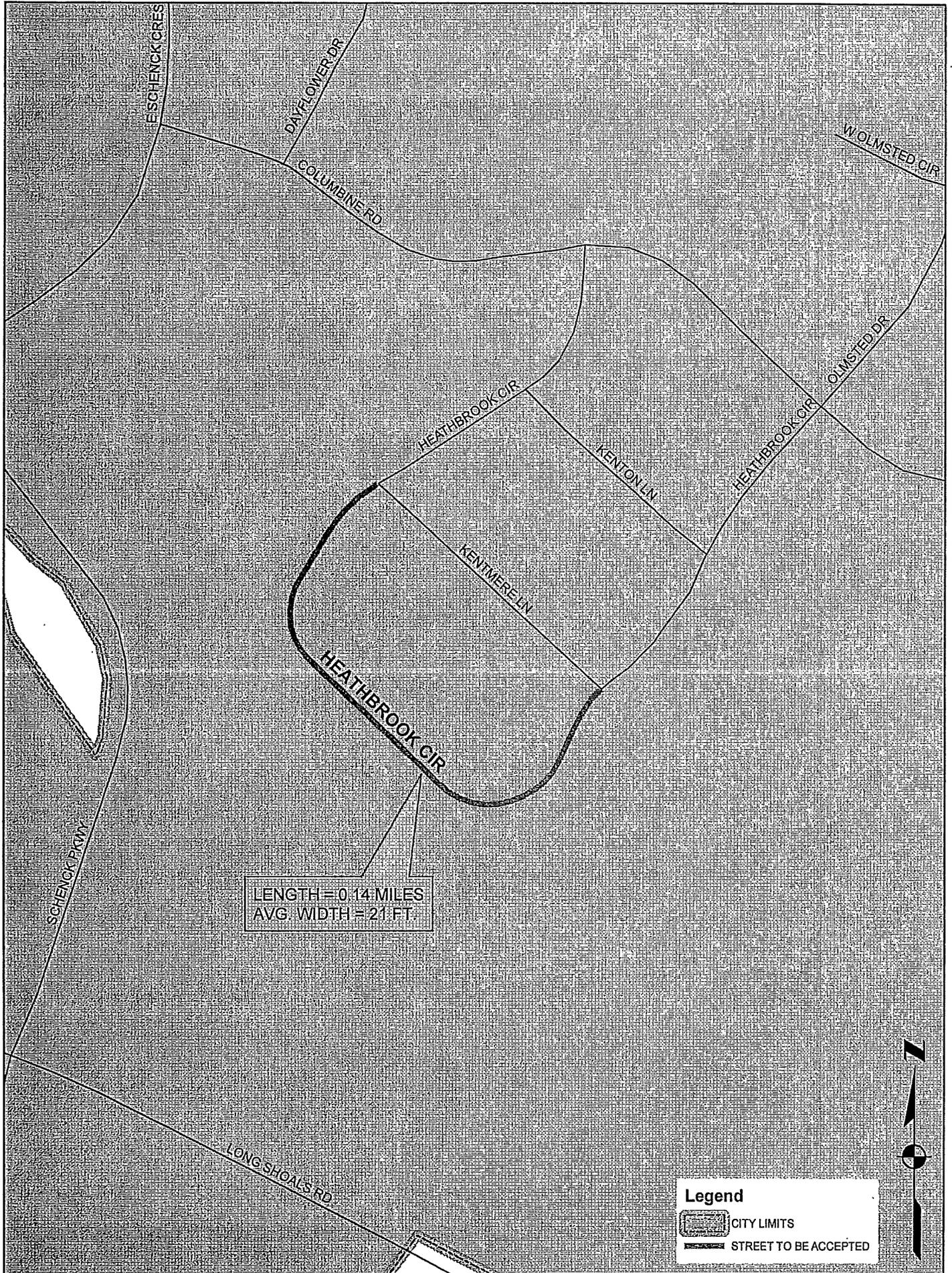
Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk









QUAIL HOLLOW DR

WESTON RD

SUNDANCE LN

GLENWOOD CIR

GLENWOOD CIR

TAMPA BLVD

LENGTH = 0.04 MILES
AVG WIDTH = 14 FT.

PEACOCK LN

RIGDON LN

GLEN COVE DR

Legend

 CITY LIMITS

 STREET TO BE ACCEPTED

RESOLUTION NO. 08-132

RESOLUTION ACCEPTING DONATION OF REAL PROPERTY (APPROX. 4 ACRES – RIVERSIDE DRIVE) FROM PROGRESS ENERGY

WHEREAS, the City of Asheville has the authority, pursuant to N.C.G.S. 160A-353 to accept donations of real property for park and recreation uses; and

WHEREAS, by resolution adopted January 22, 2008, the City Council entered into an agreement with Carolina Power & Light Company d/b/a Progress Energy Corporation of the Carolinas, Inc. (herein "PEC") for the donation by PEC to the City of approximately 4 acres of real property along Riverside Drive, the approximate location of which is shown on Exhibit A attached hereto (herein "Subject Property"), for park and recreation uses; and

WHEREAS, as a result of the previous use of the Subject Property as a gas manufacturing facility, it was designated by the State of North Carolina as inactive hazardous waste site pursuant to Part 3, Article 9, Chapter 130A of the North Carolina General Statutes; and

WHEREAS, pursuant to said law, a Remedial Action Plan to remove and mitigate the hazardous conditions on the Subject Property was implemented, and the remediation work was substantially carried out in 2004 and 2005; and

WHEREAS, as part of the Remedial Action Plan, the Subject Property is subject to certain limitations and restrictions on its use as set out in a Declaration of Perpetual Land Use Restrictions recorded in Deed Book 4295 at Page 992 in the Buncombe County Registry; and

WHEREAS, pursuant to the donation agreement, the City has caused investigations to be made as to the sufficiency of the environmental remediation, the title, and the restrictions and limitations on the use of the Subject Property, and the results of said investigations are satisfactory to the City; and

WHEREAS, the City Council has determined that it is in the public interest to accept the donation of the Subject Property from PRC for use for park and recreation purposes, subject to the restrictions and limitations on its use as proposed;

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

1. The City does hereby accept the donation of the Subject Property;

2. The City Manager be, and is hereby, authorized to execute any and all documents necessary to give effect to this resolution, subject to approval of the City Attorney; and
3. Any and all acts heretofore performed by or at the direction of the City Manager with respect to the maintenance or operation of the Subject Property are hereby ratified and approved.
4. The City Council expresses its gratitude to PEC for this donation.

Read, approved and adopted this 24th day of June, 2008.

Magdalen Burlison
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

Rand Jek
City Attorney

Magdalen Burlison
City Clerk

RESOLUTION NO. 08- 133

RESOLUTION APPOINTING MAGDALEN BURLESON AS CITY CLERK OF THE CITY OF ASHEVILLE

WHEREAS, pursuant to N.C. Gen. Stat. sec. 160A-171, the City is required to have a Clerk perform certain official functions; and

WHEREAS, Magdalen Burleson has been serving as Interim City Clerk since April 1, 2008; and

WHEREAS, the City Council has previously made an offer of employment to Ms. Burleson to serve as City Clerk of the City of Asheville; and

WHEREAS, Ms. Burleson has accepted that position and will assume the duties as City Clerk on July 1, 2008;

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

Ms. Magdalen Burleson be and she is hereby appointed to the position of City Clerk of the City of Asheville, effective July 1, 2008, said appointment to be at the pleasure of the City Council and subject to all applicable laws.

Read, approved and adopted this 24th day of June, 2008.

Magdalen Burleson
CITY CLERK

Greg Bellamy
MAYOR

Approved as to form:

Russell
CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 08- 134

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLE'S JULY 4TH CELEBRATION ON THE DATES OF FRIDAY, JULY 4, 2008 FROM 1:00 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 the Ingle's July 4th Celebration.

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 Ingle's July 4th Celebration event area.

The Ingle's July 4th Celebration event area described is as follows:
 Within the boundaries of the public right of ways of Pack Square park area including sidewalks on both sides of S. Pack Square from N. Pack Square/Biltmore Avenue to Market Street; then within the public right of way including sidewalks on Market Street from S. Pack Square to the northern boundary of College Street; then within the public right of way including sidewalks from College Street beginning at the western boundary of Market Street to the western boundary Davidson Street including the entire area known as City/County Plaza park area. A map of the Ingle's July 4th Celebration Alcohol Area is attached as Exhibit A to this resolution.

- 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 Ingle's July 4th Celebration on Friday, July 4, 2008 from 1:00 PM – 10:00 PM.
- 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 Ingle's July 4th Celebration 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 Ingle's July 4th Celebration 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 Ingle's July 4th Celebration, 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 Festival area.

Read, approved and adopted this 24th day of June 2008.

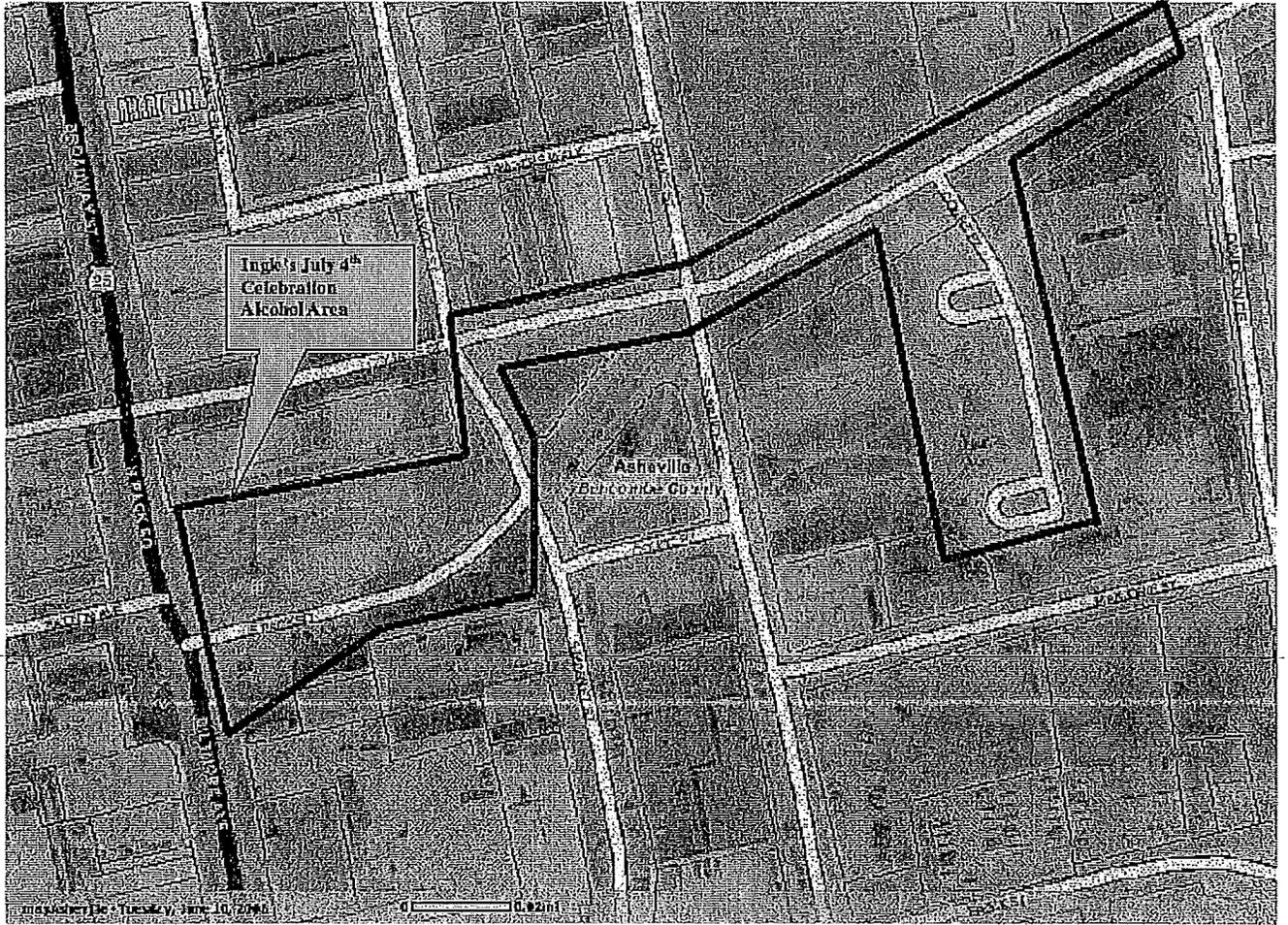
Magdalen Bouderson
City Clerk

[Signature]
Vice Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouderson
City Clerk



RESOLUTION NO. 08-135

RESOLUTION PROVIDING FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2008 BELE CHERE FESTIVAL

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 and consumption 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 that it is appropriate to make other provisions for the possession and consumption of malt beverages and/or unfortified wine at the 2008 Bele Chere 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 2008 Bele Chere Festival area, except for at the locations set forth hereinafter.
2. The 2008 Bele Chere Festival area is described as follows:
 - a. Main Festival Area

BEGINNING at the intersection of the northern margin of the sidewalk on the northern side of College Street with the eastern margin of the sidewalk on the eastern side of Davidson Street and running thence southerly with the eastern margin of the sidewalk on the eastern side of Davidson Street to its intersection with the northern margin of the paved area of Marjorie Street;

thence westerly with the northern margin of the paved area of Marjorie Street to its intersection with the eastern margin of the paved area on South Spruce Street;

thence southerly with the eastern margin of the paved area of South Spruce Street to its intersection with the southern margin of the sidewalk on the southern side of Eagle Street;

thence westerly with the southern margin of the sidewalk on the southern side of Eagle Street to its intersection with the eastern margin of the sidewalk on the eastern side of Biltmore Avenue;

thence southerly with the eastern margin of the sidewalk on the eastern side of Biltmore Avenue to its intersection with an extension of the southern margin of the sidewalk on the southern side of Aston Street;

thence westerly with said extension, crossing the sidewalk on the eastern side of Biltmore Avenue, Biltmore Avenue, and the sidewalk on the western side of Biltmore Avenue and continuing with the southern margin of the sidewalk on the southern side of Aston Street to its intersection with the eastern margin of the sidewalk on the eastern side of Lexington Avenue;

thence westerly with an extension of the southern margin of the sidewalk on the southern side of Aston Street, crossing the sidewalk and the eastern side of Lexington Avenue, Lexington Avenue and the sidewalk on the western side of Lexington Avenue to its intersection with the western margin of the sidewalk on the western side of Lexington Avenue;

thence northerly along the western margin of the sidewalk on the western side of Lexington Avenue to its intersection with the southern boundary of the parking lot owned by the property owners of the Drhumor Building (which parking lot is bounded on the east by Lexington Avenue, on the north by Patton Avenue and on the west by Church Street)-, thence westerly along the southern boundary of said parking lot to the intersection of its boundary line with the eastern margin of the sidewalk on the eastern side of Church Street;

thence westerly, continuing along an extension of the southern boundary line of said parking lot to the intersection of said extension with the western margin of the sidewalk on the western side of Church Street;

thence northerly with the western margin of the sidewalk on the western side of Church Street to its intersection with the southern margin of the sidewalk on the southern side of Commerce Street;

thence westerly with the southern margin of the sidewalk on the southern side of Commerce Street to its intersection with the eastern margin of the sidewalk on the eastern side of Coxe Avenue;

thence southerly along the eastern margin of the sidewalk on the eastern side of Coxe Avenue to its intersection with the northern margin of the pavement of Hilliard Avenue;

thence westerly with the northern margin of the pavement on Hilliard Avenue, crossing Coxe Avenue, to its intersection with the eastern margin of the pavement of Ashland Avenue;

thence continuing westerly with an extension of the northern margin of the pavement on Hilliard Avenue to its intersection with the western margin of the sidewalk on the western side of Ashland Avenue;

thence northerly with the western margin of the sidewalk on the western side of Ashland Avenue to its intersection with the southern margin of the sidewalk on the southern side of Patton Avenue;

thence westerly with the southern margin of the sidewalk on the southern side of Patton Avenue to its intersection with an extension of the western margin of the sidewalk on the western side of Otis Street;

thence northerly with said extension and with the western margin of the sidewalk on the western side of Otis Street, crossing the sidewalk on the southern side of Patton Avenue, Patton Avenue and the sidewalk on the northern side of Patton Avenue, to its intersection with an extension of the northern margin of the sidewalk on the northern side of Battery Park Avenue;

thence easterly with said extension and continuing with the northern margin of the sidewalk on the northern side of Battery Park Avenue, crossing Otis Street and the sidewalks on both sides of it, O'Henry Avenue and the sidewalks on both sides of it and Page Avenue and the sidewalks on both sides of it, to its intersection with the western margin of the sidewalk on the western side of Haywood Street;

thence northerly with the western margin of the sidewalk on the western side of Haywood Street to its intersection with an extension of the southern margin of the sidewalk on the southern side of Vanderbilt Place;

thence easterly with said extension, crossing Haywood Street and the sidewalks on both sides of it, to its intersection with the eastern margin of the sidewalk on the eastern side of Haywood Street;

thence southerly with the eastern margin of the sidewalk on the eastern side of Haywood Street to its intersection with the northern margin of the sidewalk on the northern side of Walnut Street;

thence easterly with the northern margin of the sidewalk on the northern side of Walnut Street, crossing Rankin Avenue, Lexington Avenue, Broadway, North Market Street and the sidewalks on both sides of those Avenues and that Street to its intersection with the eastern margin of the sidewalk on the eastern side of North Spruce Street;

thence continuing easterly with an extension of the northern margin of the sidewalk on the northern side of Walnut Street, crossing the property occupied by the Radisson Hotel, thence southerly along the eastern border of the Radisson Hotel Parking Lot to the intersection of the northern margin of the sidewalk on the northern side of College Street, thence easterly along the northern margin of the sidewalk of College Street to the intersection of the eastern side of the sidewalk of Davidson Street, being the point and place of BEGINNING.

b. Ticket Event Area

The metal fenced in area of the City own property known as Memorial Stadium, Property Identification Number 9648.11-57-5224 excluding the paved parking lot area adjacent to Buchanan Street on the Memorial Stadium property.

3. Possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine shall be prohibited within certain areas and during certain times of the 2008 Bele Chere Festival area as follows:

- a. The "Children's Area," which area is more particularly described as BEGINNING at the intersection of the northern margin of the sidewalk of College Street at the intersection of the western property border of the property owned by the Buncombe County Health Department, thence continuing northerly along said boundary to the Buncombe County Health Department Building, thence running easterly crossing the First Christian Church Parking Lot to the intersection with the western margin of the sidewalk on the western side of Oak Street;

thence southerly with the western margin of the sidewalk on the western side of Oak Street to its intersection with the southern margin of the sidewalk on the southern side of College Street;

thence westerly, crossing the sidewalk on the northern side of Davidson Street, thence northerly to the northern margin of the sidewalk at the intersection of Davidson Street and College Street, thence westerly to the intersection of the northern margin of the sidewalk of College Street at the intersection of the western property border of the property owned by the Buncombe County Health Department, being the point and place of BEGINNING.

4. The possession of and consumption from open containers of malt beverages and unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in unbreakable plastic cups. Possession of and/or consumption from glass or can containers of malt beverages and/or unfortified wine are not allowed anywhere in the 2008 Bele Chere Festival area and 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 2008 Bele Chere Festival area or elsewhere in the City of Asheville as prohibited by Section 11-11 of the Code of Ordinances of the City of Asheville.

5. The possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall only be allowed in the 2008 Bele Chere Festival area, as described hereinabove, during the following hours of the 2008 Bele Chere Festival:
 - a. Main Festival Area
 1. Friday, July 25, 2008, from 12:00 Noon to 11 p.m.
 2. Saturday, July 26, 2008, from 10:00 a.m. to 11 p.m.
 - b. Ticketed Event Area
 1. Friday, July 25, 2008 from 7:00 p.m. to 11 p.m.
 2. Saturday, July 26, 2008 from 7:00 p.m. to 11 p.m.

6. 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 in the 2008 Bele Chere Festival area, as described hereinabove only for those individuals who have purchased a wristband from the 2008 Bele Chere Festival at designated 2008 Bele Chere Festival booths. Proper identification shall be required to show that the individual purchasing the wristband is of lawful age to possess malt beverages and/or unfortified wine within the 2008 Bele Chere Festival area. Purchase and display of a different colored wristband is required for each day of the 2008 Bele Chere Festival. The purchase price shall be determined by the Bele Chere Festival prior to the opening of the 2008 Bele Chere Festival and will remain constant for both days.

7. The possession of personal coolers of any shape, size or form shall not be allowed in the 2007 Bele Chere Festival area, as described hereinabove.

8. The areas in the 2008 Bele Chere Festival area where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed or prohibited and where possession of personal coolers are prohibited as set forth herein shall be designated by the posting of signs in the 2008 Bele Chere Festival area.

Read, approved and adopted this 24th day of June, 2008.

Magdalen Bouderson
City Clerk

Jerry Bellamy
Mayor

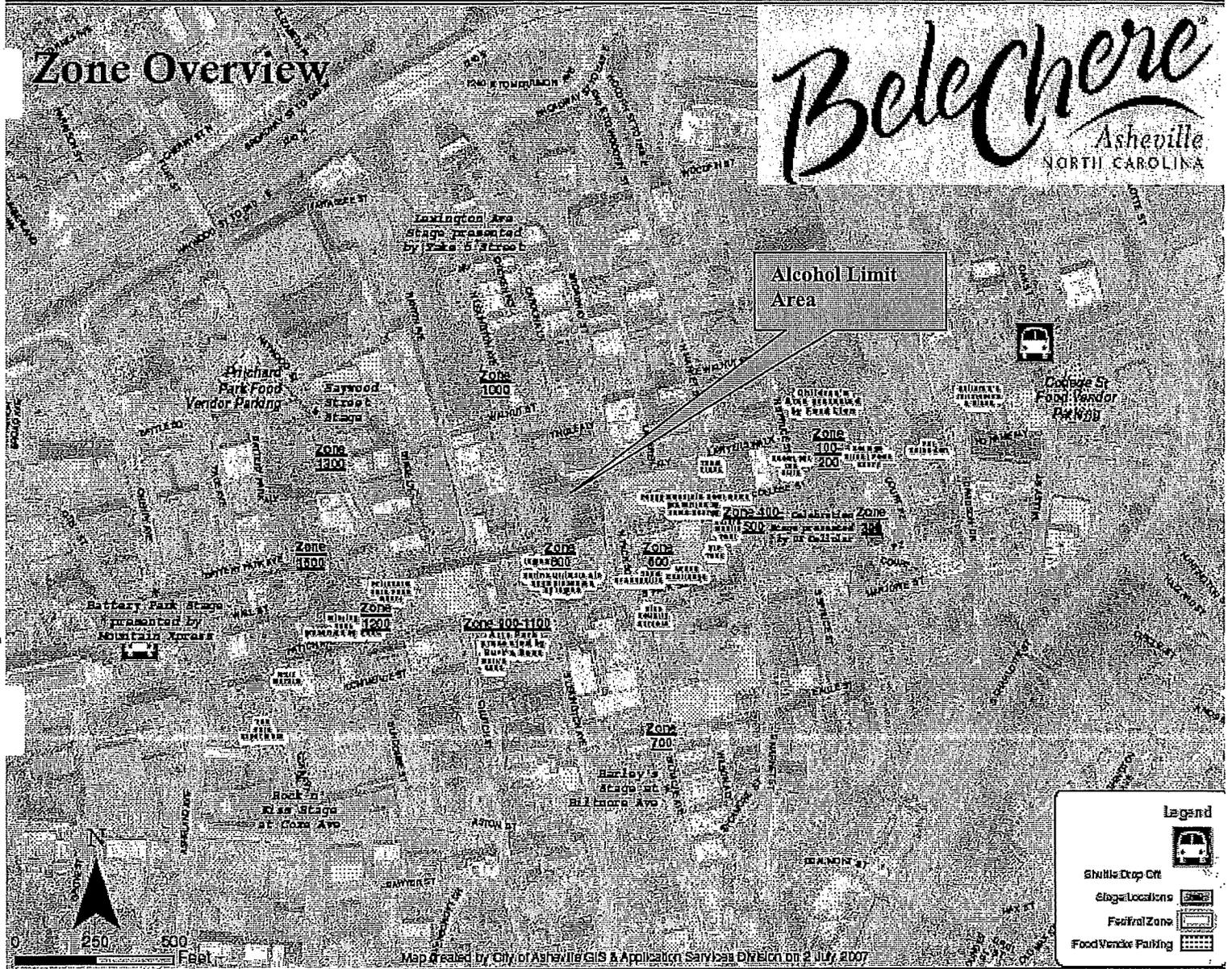
Approved as to form:
[Signature]
City Attorney

Magdalen Bouderson
City Clerk

Zone Overview

BeleChere

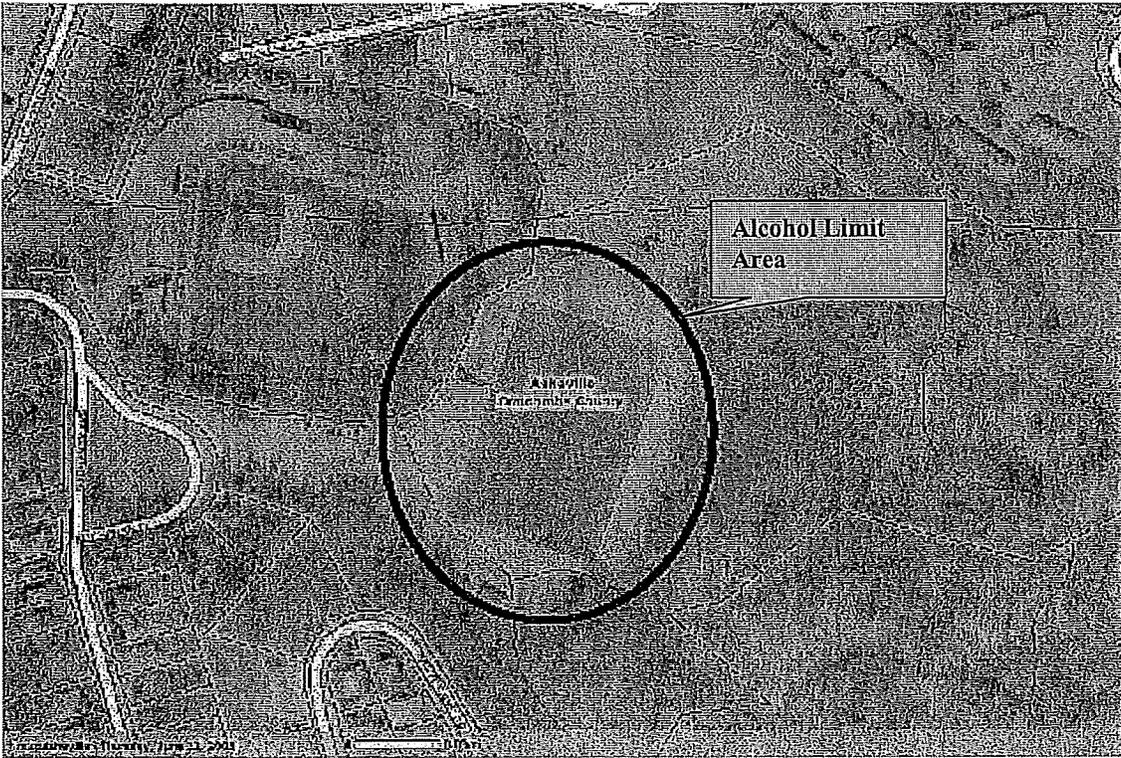
Asheville
NORTH CAROLINA



Alcohol Limit Area

Legend

- Shuttle Drop Off
- Stage Locations
- Festival Zone
- Food Vendor Parking



RESOLUTION NO. 08-136

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the terms Councilman Brownie Newman, as a member of the Asheville Regional Airport Authority, expires on June 30, 2008;

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

Councilman Brownie Newman be and is hereby reappointed as a member of the Asheville Regional Airport Authority to serve a four-year term, term to expire June 30, 2012, or until he is no longer a member of City Council, whichever occurs earlier.

Read, approved and adopted this 24th day of June, 2008.

Magdalen Paulson
CITY CLERK

Greg Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 08- 137RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of Max Alexander, W.L. Lack and Elizabeth Jones, as members on the Civic Center Commission, expire on June 30, 2008.

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

(1) Mr. John West, 35 Summerhill Drive, Asheville, N.C., be and he is hereby appointed as a member of the Civic Center Commission, to serve a three-year term, term to expire June 30, 2011, or until his successor has been appointed.

(2) Mr. W. L. Lack, 319 Sulphur Springs Road, Asheville, N.C., be and he is hereby reappointed as a member of the Civic Center Commission, to serve an additional three-year term, term to expire June 30, 2011, or until his successor has been appointed.

(3) Ms. Elizabeth Jones, 174 W. Chestnut Street, Asheville, N.C., be and she is hereby reappointed as a member of the Civic Center Commission, to serve a three-year term, term to expire June 30, 2011, or until her successor has been appointed.

Read, approved and adopted this 24th day of June, 2008.

Magdalen Boulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 08-138

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE CRIME STOPPERS BOARD

WHEREAS, the terms of Councilman Carl Mumpower, Bill McGuire and William Price, as members of the Asheville-Buncombe Crime Stoppers Board, expire on June 30, 2008; and

WHEREAS, the Crime Stoppers Board of Directors amended their by-laws to reduce City Council appointments to two members;

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

(1) Mr. David Herbert, 221 Lakewood Drive, Asheville, North Carolina, be and he is hereby appointed as a City Council representative on the Crime Stoppers Board of Directors, to serve a three-year term, term to expire June 30, 2011, or until his successor has been appointed.

(2) Ms. Michele McClure, 100 Atkinson Street, Asheville, North Carolina, be and she is hereby appointed as a City Council representative on the Crime Stoppers Board of Directors, to serve a three-year term, term to expire June 30, 2011, or until her successor has been appointed.

Read, approved and adopted this 24th day of June, 2008.

Magdalen Bourleson
CITY CLERK

Gregory Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 08-139

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of Diane Duermit and John Cram, as members of the Asheville-Buncombe Historic Resources Commission, expire on July 1, 2008;

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

(1) Ms. Diane Duermit, 1801 Ellicott Lane, Asheville, N.C., be and she is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve an addition three-year term, term to expire July 1, 2011, or until her successor has been appointed.

(2) Ms. Hillary Gerstenberger, 209 Michigan Avenue, Asheville, N.C., be and she is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire July 1, 2011, or until her successor has been appointed.

Read, approved and adopted this 24th day of June, 2008.

Magdalen Boulson
CITY CLERK

Gregory Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 08- 140

**RESOLUTION TO PERMANENTLY CLOSE A PORTION OF EAST SCHENCK
CRESCENT**

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. sec. 160A-299 to permanently close streets or alleys within its jurisdiction, upon compliance with applicable law; and

WHEREAS, a petition has been filed by Biltmore Farms Inc., asking that a portion of East Schenck Crescent be permanently closed to public use; and

WHEREAS, City Council on the 27th day of May, 2008 adopted a resolution of intent to close said street and ordered a public hearing on the question of this closing for the 24th of June, 2008, at its regular meeting in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina; and

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

WHEREAS, a copy of said resolution of intent to close and order for such public hearing was prominently posted at two places along said right-of-ways, and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join in the petition to close; and

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

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

1. Pursuant to North Carolina General Statute Section 160A-299, a portion of East Schenck Crescent, more particularly described as that portion of East Schenck Crescent as shown on Plat recorded in Book 108, Page 156 bordered on the north side by PIN# 9645-03-20-3555 and on the south side by PIN # 9645-03-20-5451, and located to the southwest of Columbine Road and to the northeast of Schenck Parkway, as shown on said Plat, be permanently closed to public use as a public street.
2. That a certified copy of this resolution and order be filed in the Buncombe County Register of Deeds Office.

Read, approved and adopted this 24th day of June, 2007

Magdalen Bourleson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

R. M. Dist
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 08 - 141RESOLUTION ACCEPTING EAST SCHNECK CRESCENT IN THE BILTMORE PARK TOWN SQUARE AREA OF SOUTH ASHEVILLE 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, East Schenck Crescent is located in the corporate limits of the City of Asheville; and

WHEREAS, East Schenck Crescent 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 the street including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period; and

WHEREAS, dedication of the 34 to 41-foot right-of-way for East Schenck Crescent has been recorded in Plat Book 139 Page 59; and

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

East Schenck Crescent is accepted by the City of Asheville for maintenance as indicated on the attached map.

Read, approved and adopted this 24 day of June, 2008.

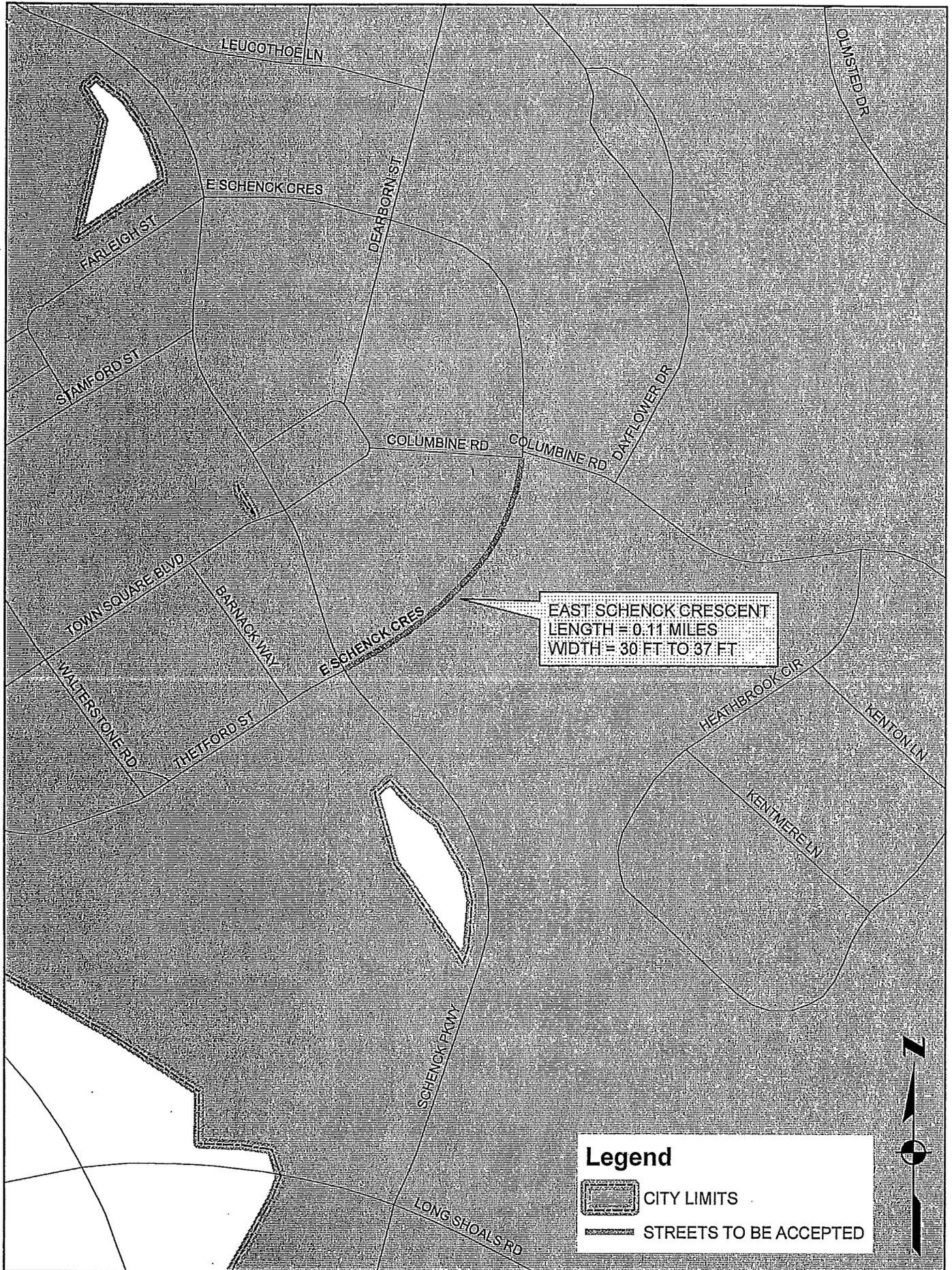
Magdalen Burlington
City Clerk

Jerry M. Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlington
City Clerk



RESOLUTION NO. 08-142

RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH A NOTICE REGARDING THE INTENT TO EXCHANGE REAL PROPERTY LOCATED ON HUNT HILL PLACE FOR PROPERTY LOCATED ON ARDMION PARK ROAD PLUS ADDITIONAL CONSIDERATION

WHEREAS, the City of Asheville (hereinafter referred to as "City"), owns real property located on Hunt Hill Place, further described as an 1.0592+/- acre portion of PIN 9648.07-57-5714, on the Buncombe County Tax Map; and

WHEREAS, Satchel's Development, Inc. has proposed to exchange real property located on Ardmion Park Road further described as an 0.854 +/- acre portion of PIN 9648.07-57-9853, on the Buncombe County Tax Map; and

WHEREAS, the City's property has an appraised value of \$130,300 per an appraisal performed by Underdown Ball and Associates, LLC; and

WHEREAS, the property owned by Satchel's Development, Inc. has an appraised value of \$120,900 per an appraisal performed by Underdown Ball and Associates, LLC; and

WHEREAS, to provide that the exchange is full and fair, Satchel's Development will provide additional consideration in the amount of \$9,400 in cash; and

WHEREAS, the City and Satchel's Development, Inc. has negotiated an exchange of the City property for the Satchel's Development, Inc. property; and

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

Pursuant to North Carolina General Statute Sec. 160A-271, the City Clerk is hereby directed to publish a notice in a newspaper of general circulation announcing the City Council's intent to authorize the exchange of City owned real property located on Hunt Hill Place, being an 1.0592 +/- acre portion of PIN 9648.07-57-5714, for the property owned by Satchel's Development, Inc. further described as a 0.85 +/- acre portion of PIN 9648.07-57-9853 plus additional monetary consideration in the amount of \$9,400. The notice shall describe the properties to be exchanged, shall state the value of the properties and other consideration changing hands and shall further announce City Council's intent to authorize the exchange at its next regular meeting; such notice to be published at least 10 days prior to such regular meeting.

Read and approved and adopted this 24th day of June, 2008.

Magdalen Boulson
CITY CLERK

Jeff Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION TO AMEND THE HOUSING TRUST FUND GUIDELINES

WHEREAS, in its Budget Ordinance for fiscal year 1999, the City Council of the City of Asheville first implemented a schedule of reduced building permit fees for the construction of affordable housing, known as the fee rebate program, and

WHEREAS, on September 12, 2000, the City Council first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, the program guidelines for both programs have been amended from time to time, most recently in October 2006; and

WHEREAS, increased costs of housing construction and other factors have now made a further revision desirable; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the guidelines and made recommendations to Council regarding the sales price and rent limits for units qualifying under these programs;

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

1. The Housing Trust Fund program guidelines be amended, with effect from July 1, 2008, to incorporate revised sales price and limits as recommended in the report attached hereto;
2. In the City's Schedule of Fees and Charges for fiscal year 2009, the schedule of fees for affordable housing specify the same sales price limits as those specified for the Housing Trust Fund.

Read, approved and adopted this 24th day of June, 2008.

Magdalen Boulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved As To Form:
[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

ATTACHMENT

**Current (FY 2007) and Proposed (FY 2009) Rent and Price Limits
for the City of Asheville's Housing Trust Fund and Fee Rebate Programs**

1. Maximum Rents for units assisted by the Housing Trust Fund - normal terms*

Bedrooms	Current Maximum Monthly Rents	Proposed Maximum Monthly Rents	% Increase
0 BR	550	600	9.1%
1 BR	650	650	0.0%
2 BR	750	780	4.0%
3 BR	850	900	5.9%
4 BR	950	1,000	5.3%

* Normal loan terms are 2% interest with repayments amortized over a maximum term of 30 years.

2. Maximum Rents for units assisted by the Housing Trust Fund with special terms*

Bedrooms	Current Maximum Monthly Rents	Proposed Maximum Monthly Rents	% Increase
0 BR	442	475	7.5%
1 BR	465	510	9.7%
2 BR	551	610	10.7%
3 BR	638	700	9.7%
4 BR	698	770	10.3%

* Special loan terms are either 0% interest with principal-only payments amortized over a maximum of 30 years or 2% interest-only payments with principal deferred for up to 30 years.

3. Maximum Sales Prices for units assisted by the Housing Trust Fund or Fee Rebate Program

Bedrooms	Current Maximum Sales Price	Proposed Maximum Sales Price	% Increase	Income needed to buy w/o subsidy*
0 BR	\$110,000	\$115,000	4.5%	37,000
1 BR	\$120,000	\$125,000	4.2%	40,000
2 BR	\$135,000	\$145,000	7.4%	46,500
3 BR	\$150,000	\$160,000	6.7%	51,500
4 BR	\$150,000	\$170,000	13.3%	56,000

* Assumes buyer qualifies for a 30-year mortgage at 7% interest, with a 3% downpayment.

RESOLUTION NO. 08- 144

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE AN AGREEMENT WITH THE BUNCOMBE COUNTY GANG PREVENTION TASK FORCE AND OTHER LOCAL SERVICE AGENCIES FOR THE DEVELOPMENT OF A COMMUNITY GANG PREVENTION COALITION

WHEREAS, the recent rise in gang activity in Asheville is a grave concern for the citizens of Asheville; and

WHEREAS, the Buncombe County Gang Prevention Task Force is an excellent resource for community outreach initiatives; and

WHEREAS, through collaboration with this group and other local service agencies, our community has the potential to significantly decrease gang violence in our area; and

WHEREAS, through increased collaboration, we can better service stakeholders in the community and serve our community's needs;

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

The Asheville City Council endorses the creation of a Community Gang Prevention Coalition with the involvement of the Buncombe County Gang Prevention Task Force with the involvement other local service agencies.

Read, approved and adopted this ~~24th~~ day of June, 2008.

Magdalen Boulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk