

RESOLUTION NO. 08- 91

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO TWO (2) YEAR INTERLOCAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT TO PROVIDE REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE FOR REGION 6

WHEREAS, the City of Asheville has the authority pursuant to G.S. 166A-10 to enter into mutual aid agreements with the State of North Carolina; and

WHEREAS, funds are available from the State of North Carolina through the Department of Crime Control and Public Safety, Division of Emergency Management for provision of Regional Hazardous Materials Emergency Response; and

WHEREAS, the State of North Carolina agrees to provide specialized equipment and materials for use by the City of Asheville; and

WHEREAS, the City of Asheville has the required personnel, expertise and commitment to provide regional hazardous materials emergency response services;

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 a contract between the City of Asheville and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management for Regional Hazardous Materials Response for Region 6, with the contract to be effective July 1, 2008, through June 30, 2010.

Read, approved and adopted this 13th day of May, 2008.

Magdalen Boulson
City Clerk

Jerzy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 08- 92

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A NON-MATCHING GRANT FROM THE NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE OF EQUIPMENT TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the Department of Crime Control and Public Safety, Division of Emergency Management has awarded RRT 6 – Asheville - a non-matching grant in the amount of \$251,571.00 for the purchase of specialized equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters, and

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 with the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, for a non-matching grant in the amount of \$251,571.00 to purchase equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters.

Read, approved and adopted this 13th day of May, 2008.

Magdalen Burlison
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

City Attorney

Magdalen Burlison
City Clerk

RESOLUTION NO. 08-93

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A UTILITY AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$3,441,162.00, FOR THE PROJECT KNOWN AS U-3601, WBS ELEMENT: 34958.2.2

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into agreements to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Department determined that it is in the public interest to have and execute a Utility Agreement for the upgrade of a 6 inch water line to a 24 inch water line on Brevard Road for the City of Asheville's water system; and

WHEREAS, the Water Resources staff recommends that City Council to approve the Utility Agreement with NCDOT for the water line project; and

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

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute a Utility Agreement for the installation of a 24 inch water line on Brevard Road in the amount of \$3,441,162.00 and further authorizes the City Manager to execute any change orders to said contract or other documents which might arise during said project up to the FY 2008-2009 budgeted amount in a contract agreement form approved by the City Attorney.

Read, approved, and adopted this 13th day of May 2008.

Magdalen Burlington
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burlington
City Clerk

RESOLUTION NO. 08-94

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TRAFFIC AGREEMENT WITH NCDOT FOR INSTALLING EMERGENCY VEHICLE INITIATED PRE-EMPTION EQUIPMENT AT THE SIGNALIZED INTERSECTION OF US 70/74-A/SR 3284 (CHARLOTTE STREET/COLLEGE STREET/SOUTH CHARLOTTE STREET) and US 70/74-A (COLLEGE STREET) IN ASHEVILLE

WHEREAS, Asheville Fire and Rescue would like to expedite responses to emergency situations with the use of vehicle actuated traffic signal pre-emption equipment; and,

WHEREAS, the City of Asheville has requested that the NCDOT approve the use of the subject equipment at the intersection of US 70/74-A/SR 3284 (Charlotte Street/College Street/South Charlotte Street) and US 70/74-A (College Street); and,

WHEREAS, the City of Asheville agrees to adhere to the NCDOT's Guidelines for the Application of Emergency Vehicle Initiated Pre-Emption (*dated October 1, 1999*); and,

WHEREAS, the NCDOT has agreed that the subject equipment can be installed at the intersection of US 70/74-A/SR 3284 (Charlotte Street/College Street/South Charlotte Street) and US 70/74-A (College Street),

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

The installation of emergency vehicle initiated pre-emption equipment at the signalized intersection of US 70/74-A/SR 3284 (Charlotte Street/College Street/South Charlotte Street) and US 70/74-A (College Street) is hereby formally approved by the City Council of the City of Asheville and that the Mayor and the City Clerk are hereby empowered to sign and execute the Traffic Agreement with the NCDOT.

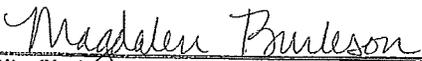
Read, approved and adopted this the 13 day of May 2008.


 City Clerk


 Mayor

Approved as to form:


 City Attorney


 City Clerk

RESOLUTION NO. 08- 95

RESOLUTION SUPPORTING THE METROPOLITAN SEWERAGE DISTRICT'S PROGRAMS TO ENCOURAGE DEVELOPMENT OF AFFORDABLE HOUSING

WHEREAS, the City of Asheville is a member entity of the Metropolitan Sewerage District of Buncombe County ("MSD"); and

WHEREAS, the City of Asheville believes there is a compelling governmental interest in encouraging the development of affordable housing in the City of Asheville, affordable housing being defined in accordance with the criteria attached hereto as Exhibit A and being referred to herein as "Affordable Housing"; and

WHEREAS, MSD currently has in place two programs to encourage the development of affordable housing, 1) A reduced facility fee and 2) A cost recovery program wherein MSD contributes a portion of the cost of extending the public sewer to the property on which the affordable housing is located (the "Property"), or the cost of constructing the public sewer on the Property, such contribution being limited to the net revenues to be derived from sewer use charges collected in the first five years of the project; and

WHEREAS, the two programs have enabled and assisted in the development of Affordable Housing within the MSD service area.

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

1. There is a compelling governmental interest in the development and expansion of Affordable Housing in the MSD Service Area.
2. MSD's current Programs to encourage the development of Affordable Housing have resulted in increased development of Affordable Housing in the MSD service area.
3. The Asheville City Council requests that MSD continue and keep in place programs to encourage the development of Affordable Housing.

Read, approved and adopted this 13th day of May, 2008.

Magdalen Burlington
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burlington
City Clerk

EXHIBIT A**Definition of Projects Qualifying as Affordable, for the Purposes of the Fee Rebate Program**

- A. Housing for Sale – new single family or condominium-type units that meet state building code (not manufactured HUD homes) and are priced within the following limits:

<u>Number of Bedrooms</u>	<u>Maximum Sale Price</u>
0 (Efficiency Unit)	\$ 110,000
1	\$ 120,000
2	\$ 135,000
3 or more	\$ 150,000

- B. Rental Housing – new housing that is developed with assistance from a local, state or federal program requiring it to remain affordable for tenants below 80% of median income.

RESOLUTION NO. 08-96

RESOLUTION SUPPORTING BUNCOMBE COUNTY'S REQUEST TO THE STATE BOARD OF TRANSPORTATION TO DEDICATE THE STATE MAINTAINED BRIDGE OR INTERCHANGE CROSSING US 25 AT EXIT 50 ON I-40 THE "WINSTON PULLIAM BRIDGE OR INTERCHANGE"

WHEREAS, Winston Pulliam is a community leader, philanthropist and someone who deserves to be recognized as a "Man To Match Our Mountains"; and

WHEREAS, Winston Pulliam has served on numerous boards and agencies throughout his career and has always been a visionary leader; and

WHEREAS, as part of his vision to help veterans, Winston Pulliam and Pulliam Properties has helped develop the largest homeless veteran's housing and veteran employment training service center in the State here in Buncombe County; and

WHEREAS, Asheville Buncombe Community Christian Ministries and its 2500 active volunteers have requested that Exit 50 Interchange or Bridge on I-40 be named in Mr. Pulliam's honor; and

WHEREAS, the Asheville City Council finds it would be fitting and proper to honor Mr. Winston Pulliam;

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

- 1. The Asheville City Council does hereby support Buncombe County's request that the Board of Transportation for the State of North Carolina designate the Interchange or bridge located at Exit 50 on I-40 over US 25 as the Winston Pulliam Bridge or Interchange.
- 2. That upon said designation the State Department of Transportation cause to have erected appropriate signage to make the general public aware of said dedication.

Read, approved and adopted this the 13th day of May, 2008.

Magdalen Burlison
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

Robert O'Neil
CITY ATTORNEY

Magdalen Burlison
City Clerk

RESOLUTION NO. 08- 97

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL ON THE DATES OF FRIDAY, MAY 30, 2008, SATURDAY, MAY 31, 2008 AND SUNDAY, JUNE 1, 2008 FROM 4:00 PM – 6:30 PM WITHIN THE BOUNDARIES OF CARRIER PARK

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 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. The Mountain Sports Festival event area described is as follows:
Within the boundaries of Carrier Park, as set forth in Exhibit A attached 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 Mountain Sports Festival on the days and during the times specified as follows:
 - a. Friday, May 30, 2008 from 4:00 PM until 6:30 PM
 - b. Saturday, May 31, 2008 from 4:00 PM until 6:30 PM
 - c. Sunday, June 1, 2008 from 4:00 PM until 6:30 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 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 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 Festival area.

Read, approved and adopted this 13th day of May 2008.

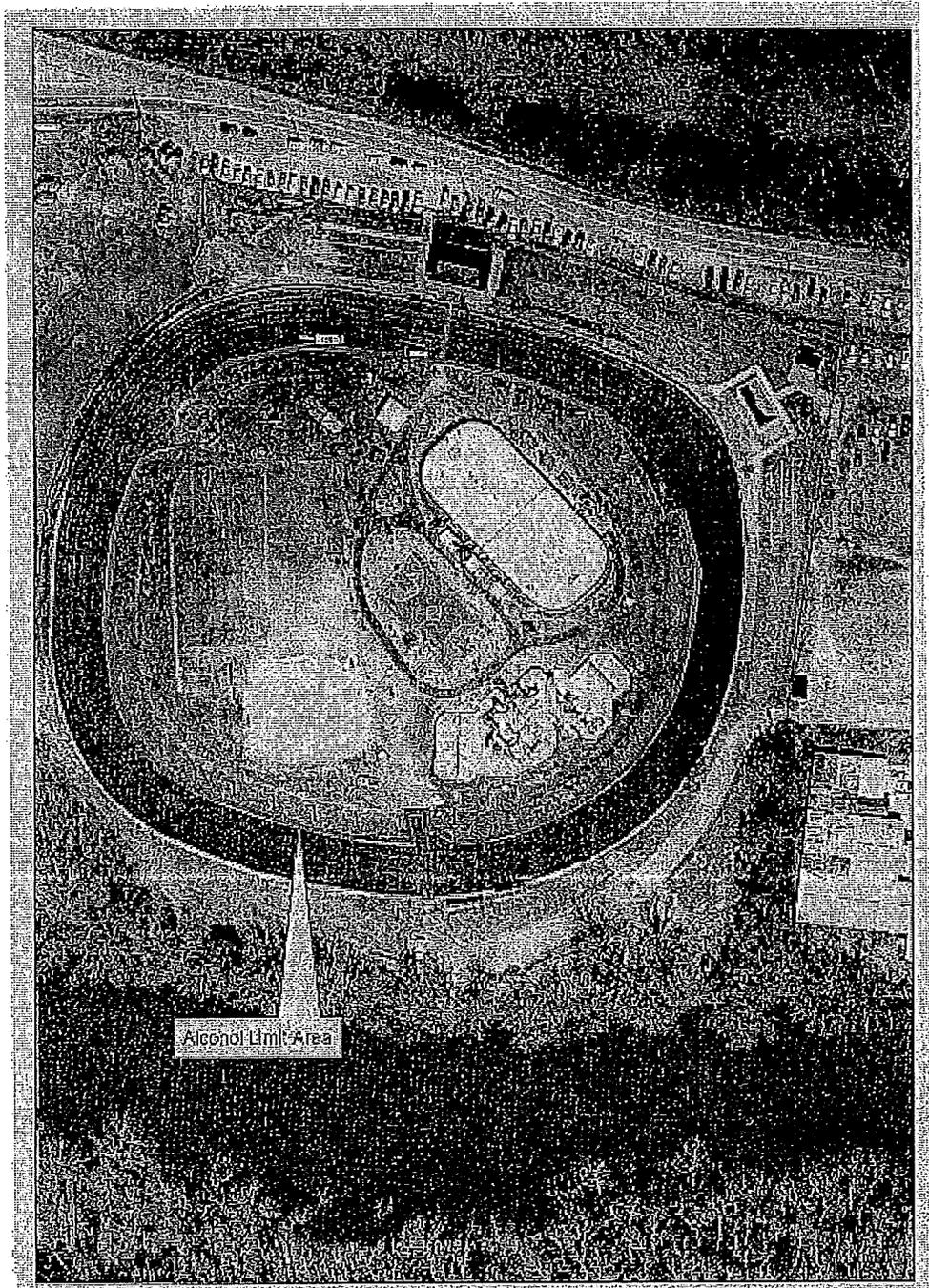
Magdalen Boulson
City Clerk

Joey Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk



Carrier Park

RESOLUTION NO. 08- 98

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE FRIDAYS OF, MAY 16, JUNE 20, JULY 18, AUGUST 15 and SEPTEMBER 19, 2008 FROM 5:00 PM – 9:30 PM ON THE 100 BLOCK OF LEXINGTON AVENUE

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. The Downtown After 5 event area described is as follows: Within the boundaries of the 100 block of Lexington Avenue, as set forth in Exhibit A attached 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 Downtown After 5 on the days and during the times specified as follows:
 - a. Friday, May 16, 2008 from 5:00 PM until 9:30 PM
 - b. Friday, June 20, 2008 from 5:00 PM until 9:30 PM
 - c. Friday, July 18, 2008 from 5:00 PM until 9:30 PM
 - d. Friday, August 15, 2008 from 5:00 PM until 9:30 PM
 - e. Friday, September 19, 2008 from 5:00 PM until 9:30 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 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 Festival area.

Read, approved and adopted this 13th day of May 2008.

Magdalen Paulson
City Clerk

Jerome Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk



Lexington Avenue (100 Block)

Alcohol Limit Area

RESOLUTION NO. 08- 99

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CITY OF ASHEVILLE OPEN TENNIS CHAMPIONSHIPS ON THE DATES OF THURSDAY, JULY 17, 2008 AND FRIDAY, JULY 18, 2008 FROM 4:00 PM – 11:00 PM WITHIN THE BOUNDARIES OF THE ASTON PARK TENNIS COMPLEX

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 City of Asheville Open Tennis Championships.

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 City of Asheville Open Tennis Championships event area. The City of Asheville Open Tennis Championships event area described is as follows:
Within the boundaries of the Aston Park Tennis Complex, as set forth in Exhibit A attached 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 City of Asheville Open Tennis Championships on the days and during the times specified as follows:
 - a. Thursday, July 17, 2008 from 4:00 PM until 11:00 PM
 - b. Friday, July 18, 2008 from 4:00 PM until 11:00 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 City of Asheville Open Tennis Championships 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 City of Asheville Open Tennis Championships 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 City of Asheville Open Tennis Championships, 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 13th day of May 2008.

Magdalen Baulson
City Clerk

Jerry Bellamy
Mayor (P)

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk



Aston Park

RESOLUTION NO. 08-100

RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY AND THE ENVIRONMENT

WHEREAS, Tabetha Reyes has resigned as a member from the Sustainable Advisory Committee on Energy and the Environment, thus leaving an unexpired term until December 31, 2008;

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

Ms. Ashley Featherstone, 128 Kingsgate Road, Asheville, NC, be and she is hereby appointed, as a member of the Sustainable Advisory Committee on Energy and the Environment, to serve the unexpired term of Ms. Reyes, term to expire on December 31, 2008, or until her successor has been appointed.

Read, approved and adopted this 13th day of May, 2008.

Magdalen Boulson
CITY CLERK

Jerry M Bellamy
MAYOR

Approved as to form:

Russell
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 08-101

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE
HISTORIC RESOURCES COMMISSION

WHEREAS, Lupe Perez has resigned as a member of the Asheville-Buncombe Historic Resources Commission, thus leaving an unexpired term until July 1, 2009; and

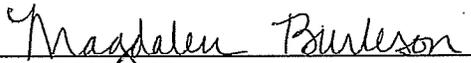
WHEREAS, Amanda Warren has moved out of the Asheville city limits, thus leaving an unexpired term until July 1, 2009;

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

(1) Mr. Brad Brock, 53 Wild Cherry Road, Asheville, N.C., be and he is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Mr. Perez, term to expire July 1, 2009, or until his successor has been appointed.

(2) Ms. Beth Gillespie, 333 Cumberland Avenue, Asheville, N.C., be and she is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Ms. Warren, term to expire July 1, 2009, or until her successor has been appointed.

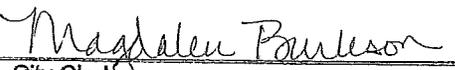
Read, approved and adopted this 13th day of May, 2008.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


City Clerk

RESOLUTION NO. 08-102

RESOLUTION APPOINTING A MEMBER TO THE RIVER DISTRICT DESIGN REVIEW COMMITTEE

WHEREAS, the term of Ken Fulford, as a member on the River District Design Review Committee, expired on September 1, 2007;

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

Mr. Mark Allison, 17 Crowningway Drive, Asheville, NC, be and he is hereby appointed, as a member of the River District Design Review Committee, (design professional) to serve until September 1, 2010, or until his successor has been appointed.

Read, approved and adopted this 13th day of May, 2008.

Magdalen Baulson
CITY CLERK

Jeremy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Baulson
City Clerk