

RESOLUTION NO. 11-65

RESOLUTION AUTHORIZING AN AMENDMENT TO THE LICENSE AGREEMENT WITH BELL ATLANTIC MOBILE OF ASHEVILLE, INC. FOR ADDITIONAL ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 57 CRESTWOOD DRIVE, ARDEN, NC

---

WHEREAS, the City of Asheville is the owner of real property located at 57 Crestwood Drive, Arden, NC, identified as PIN #965459509700000; and

WHEREAS, Bell Atlantic Mobile of Asheville, Inc. d/b/a/ Verizon Wireless, a telecommunications company, has an existing license agreement with the City of Asheville as authorized by N. C. Gen. Stat. sec. 160A-272 to operate antennas and related equipment upon the property at 57 Crestwood Drive; and

WHEREAS, Bell Atlantic Mobile of Asheville, Inc. has proposed an amendment to the license agreement to increase the number of antennas, coax lines and leased ground space at the site; and

WHEREAS, Bell Atlantic Mobile of Asheville, Inc. has offered to increase the license fee by \$1,000, thus establishing the current rate in year three of the license agreement at \$33,448; and

WHEREAS, the City foresees no anticipated conflict with the telecommunications use of this property during the term of the license;

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

The City Manager is hereby authorized to execute an amendment, as approved by the City Attorney, to the current license agreement between the City of Asheville and Bell Atlantic Mobile of Asheville, Inc. d/b/a Verizon Wireless for increased antennas and related equipment at 57 Crestwood Drive.

Read, approved and adopted this 12th day of April, 2011.

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11- 66

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE EARTH DAY & HEALTHY KIDS DAY ON THE DATE OF SATURDAY, APRIL 16, 2011 FROM 2:00 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 Asheville Earth Day Healthy Kids Day.

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 specific sections of the Asheville Earth Day & Healthy Kids Day event area.

The Asheville Earth Day & Healthy Kids Day event area where open containers of malt beverages and/or unfortified wine shall be allowed is specifically within the boundaries of the Pack Square Park's Roger McGuire Green and Reuter Terrace, including Spruce Street between the intersections of South Pack Square & College Street, and within the City Hall/Courthouse Parking Lot, as set forth in Exhibit A, attached.

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 Asheville Earth Day & Healthy Kids on Saturday, April 16, 2011 from 2:00 p.m. – 10:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans.

Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Earth Day & Healthy Kids Day event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Earth Day & Healthy Kids Day 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 Asheville Earth Day & Healthy Kids Day, 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 12<sup>th</sup> day of April, 2011.

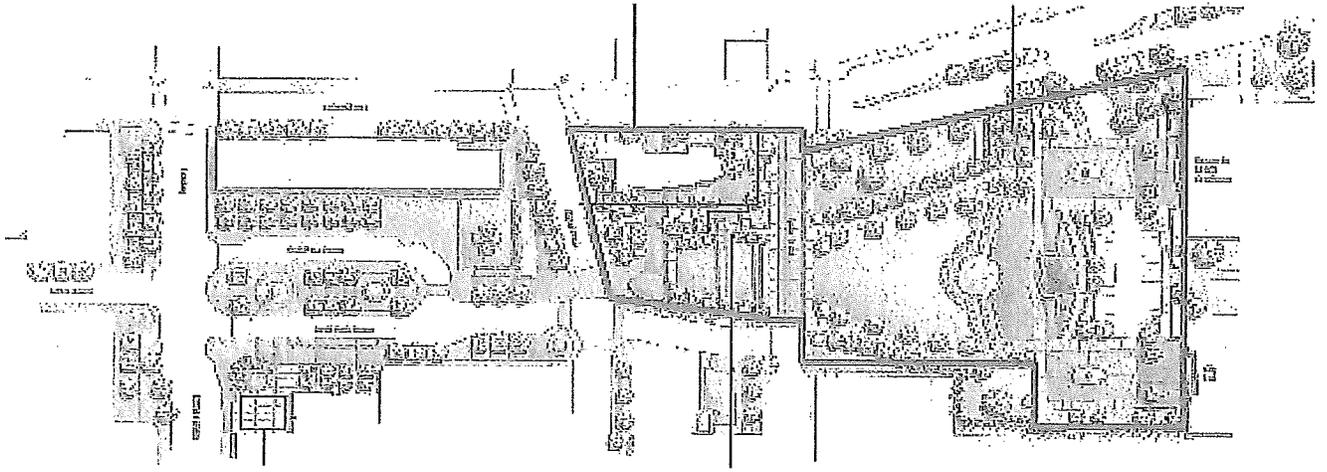
Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk



Alcohol Area

RESOLUTION NO. 11- 67

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ALL GO WEST ON THE DATE OF SATURDAY, APRIL 23, 2011 FROM 12:00 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 All Go West 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 All Go West festival area.

The All Go West festival area is within the boundaries of Westwood Place & Waynesville Avenue, as set forth in Exhibit A, attached.

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 All Go West on Saturday, April 23, 2011 from 12:00 p.m. – 10:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the All Go West festival 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 All Go West 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.

- 4. The location of All Go West, 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 12<sup>th</sup> day of April, 2011.

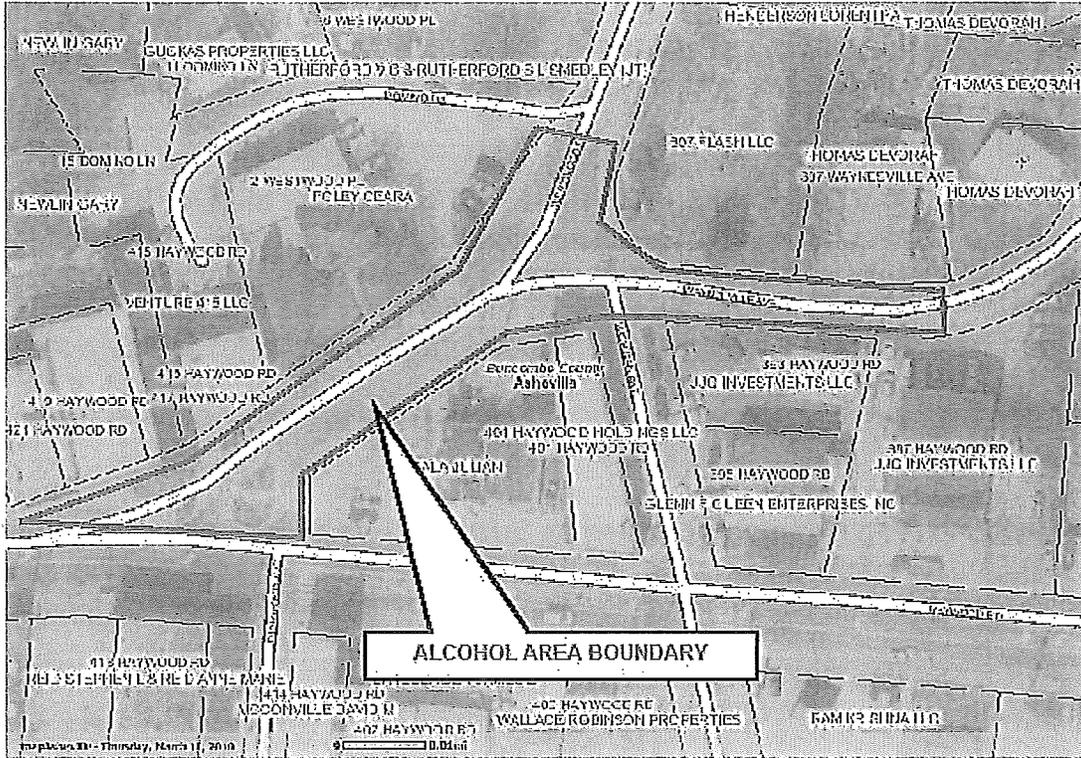
Margalene Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margalene Boulson  
City Clerk



RESOLUTION NO. 11- 68

## RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG LOVE FEST ON THE DATE OF SUNDAY, MAY 1, 2011 FROM 1:00 PM – 8:00 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 Big Love Fest.

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 Big Love Fest event area.

The Big Love Fest event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Market 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, as set forth in Exhibit A, attached.

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 Big Love Fest on Sunday May 1, 2011 from 1:00 p.m. – 8:00 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 Big Love Fest 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 Big Love Fest 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 Big Love Fest, 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 12<sup>th</sup> day of April, 2011.

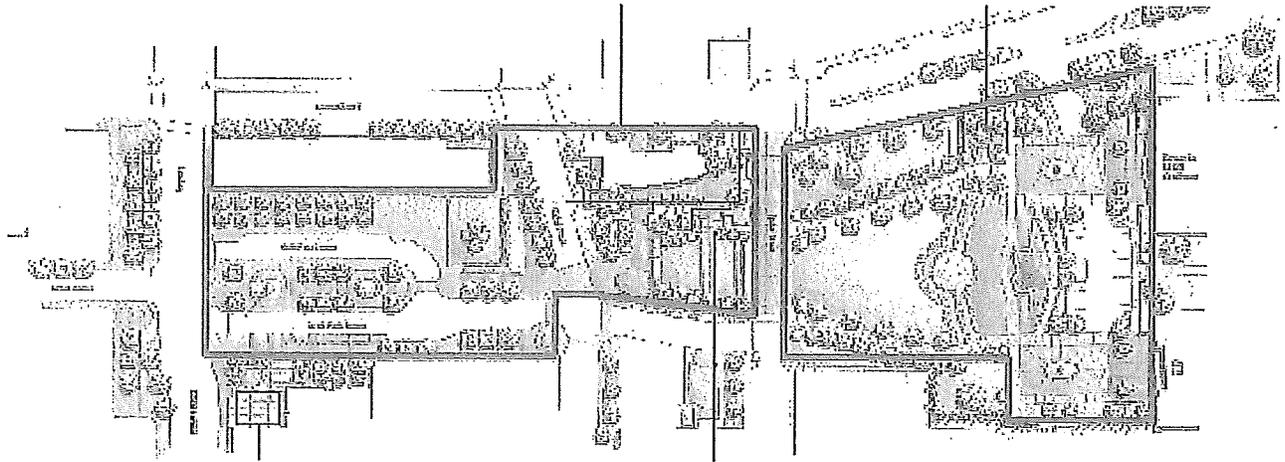
Magdalen Boulson  
 City Clerk

Jimmy Bellamy  
 Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalen Boulson  
 City Clerk



Alcohol Area

RESOLUTION NO. 11- 69

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL AT CARRIER PARK ON THE DATES OF FRIDAY, MAY 27, 2011 FROM 5:00 PM – 10:00 PM, SATURDAY, MAY 28, 2011 FROM 10:00 AM – 10:00 PM AND SUNDAY, MAY 29, 2011 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 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 is within the boundaries of Carrier Park, as set forth in Exhibit A, attached.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Mountain Sports Festival on Friday, May 27, 2011 from 5:00 p.m. – 10:00 p.m., Saturday, May 28, 2011 from 10:00 a.m. – 10:00 p.m., and Sunday, May 29, 2011 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 Mountain Sports Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Sports Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Mountain Sports Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12<sup>th</sup> day of April, 2011.

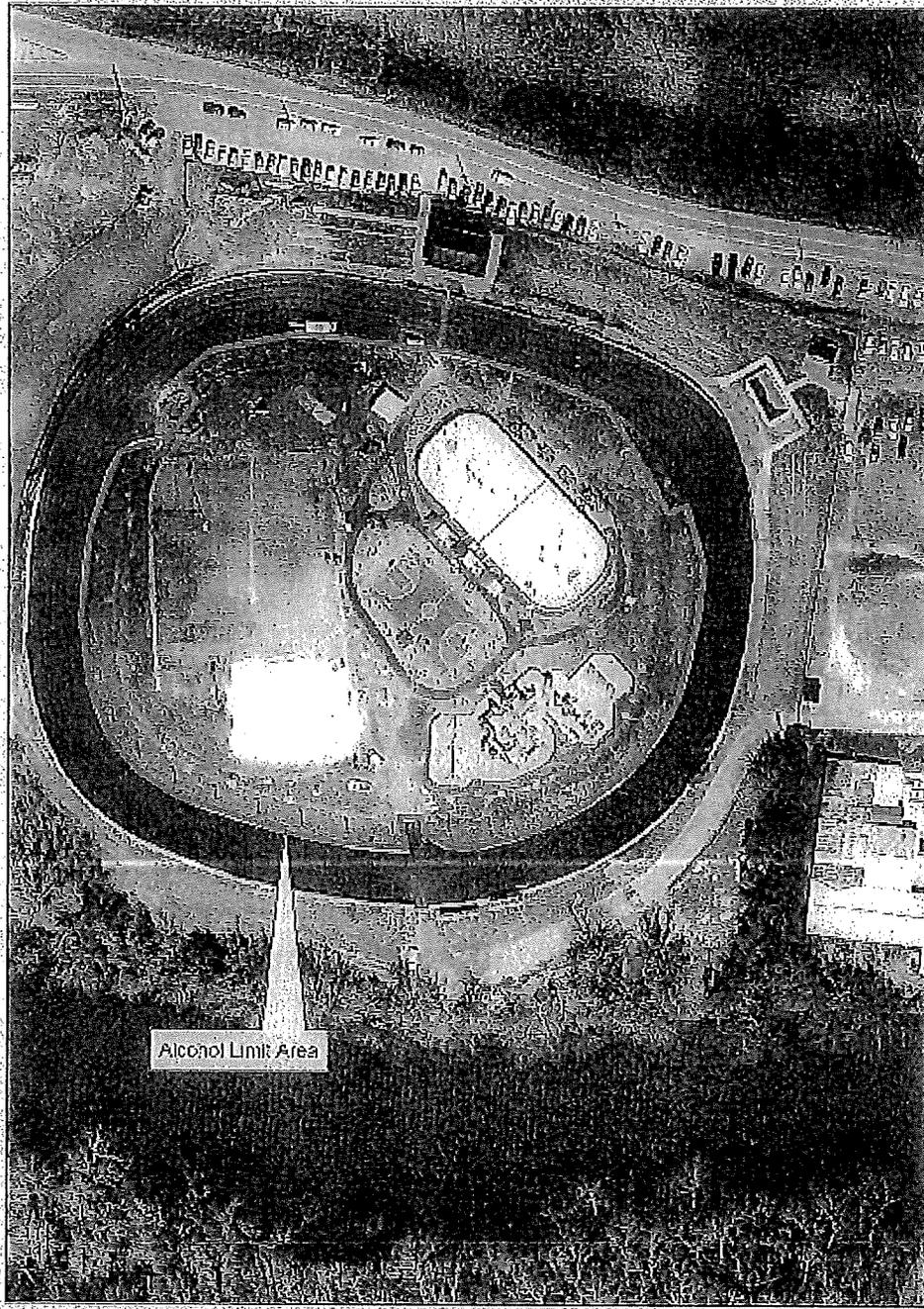
Magdalen Baulson  
City Clerk

Tom Bellamy  
Mayor

Approved as to form:

Bob Gerb  
City Attorney

Magdalen Baulson  
City Clerk



Carrier Park

RESOLUTION NO. 11- 70RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON THE DATE OF SATURDAY, JUNE 4, 2011 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 Beer City Festival.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Festival event area.

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

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Festival on Saturday, June 4, 2011 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 Beer City Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer

City Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Beer City Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12<sup>th</sup> day of April, 2011.

Magdalen Bureson  
City Clerk

Imogen Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk



RESOLUTION NO. 11- 71

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAY, MAY 20, JUNE 17, JULY 15, AUGUST 19 & SEPTEMBER 16, 2011 FROM 5:00 PM – 9:00 PM

---

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Downtown After 5.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Downtown After 5 event area.

The Downtown After 5 event area is within the boundaries of the 100 block of Lexington Avenue, as set forth in Exhibit A, attached.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Downtown After 5 on Friday, May 20, June 17, July 15, August 19 & September 16, 2011 from 5:00 p.m. – 9:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the

Downtown After 5 event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of Downtown After 5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12<sup>th</sup> day of April, 2011.

Margalen Boulson  
City Clerk

Tom Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margalen Boulson  
City Clerk



**Lexington Avenue (100 Block)**

RESOLUTION NO. 11- 72

## RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE VEGFEST ON THE DATE OF SUNDAY, AUGUST 7, 2011 FROM 12:00 PM – 9:00 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 Asheville VegFest.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville VegFest event area.

The Asheville VegFest event area is within the boundaries of Battery Park Avenue and Otis Street, as set forth in Exhibit A, attached.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville VegFest on Sunday, August 7, 2011 from 12:00 p.m. – 9:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville VegFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville VegFest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Asheville VegFest, 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 12<sup>th</sup> day of April, 2011.

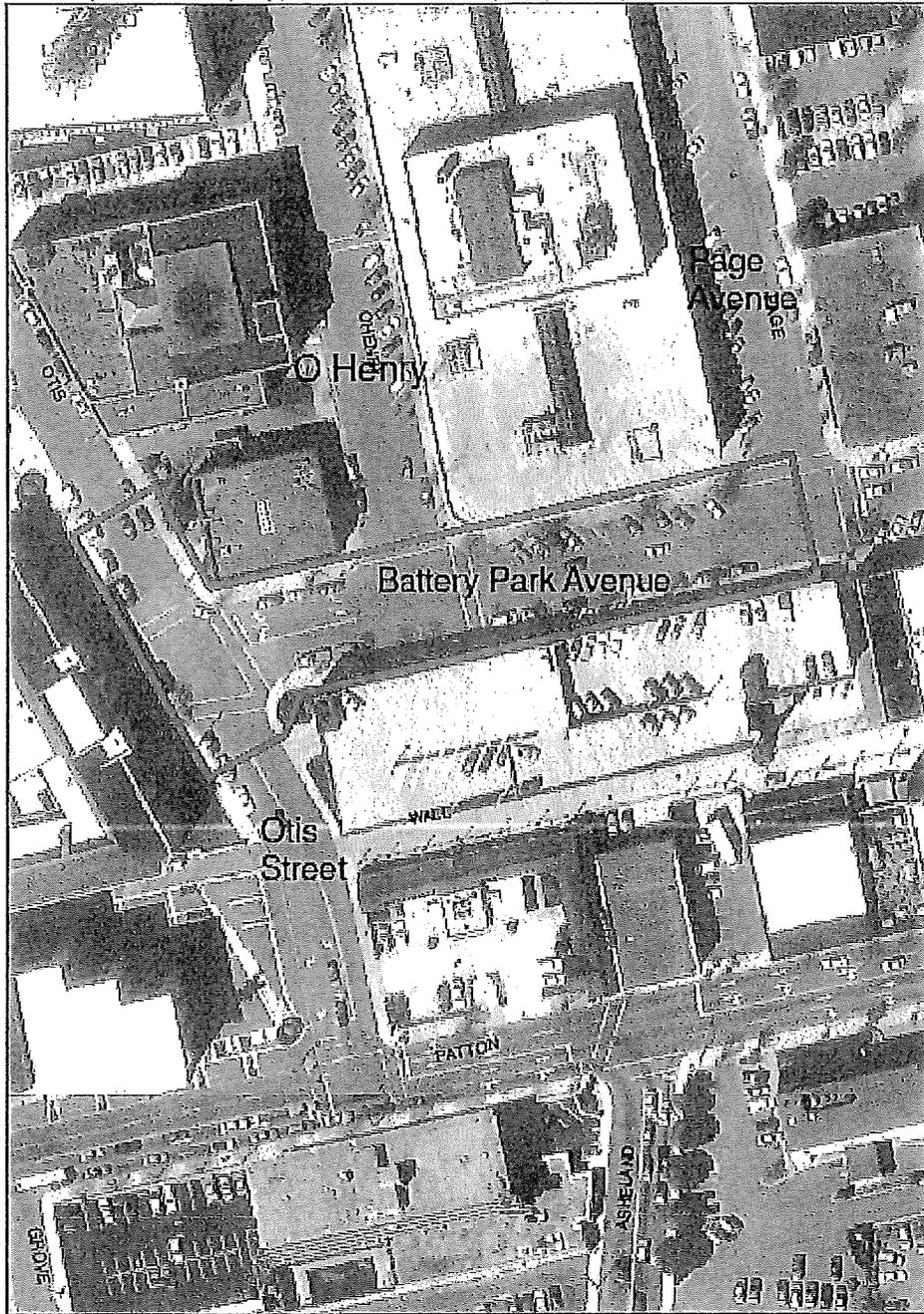
Magdalen Boulson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk



Alcohol Area

RESOLUTION NO. 11- 73

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON 1) THE DATES OF FRIDAY, AUGUST 26, 2011 FROM 12:00 PM – 11:00 PM, SATURDAY, AUGUST 27, 2011 FROM 11:00 AM – 11:00 PM, SUNDAY, AUGUST 28, 2011 FROM 12:00 PM – 6:00 PM AND 2) THE DATE OF FRIDAY, AUGUST 26, 2011 FROM 10:00 AM – 9:00 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 event areas.

The Goombay Festival areas are 1) within the boundaries of Eagle Street, South Market Street & Wilson Alley and 2) within the boundaries of Pack Square Park's Roger McGuire Green, the City-County Parking Lot and within the designated area of Spruce Street between the intersections of College Street and Court Plaza, as set forth in Exhibit A, attached.

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 1) Friday, August 26, 2011 from 12:00 p.m. – 11:00 p.m., Saturday, August 27, 2011 from 11:00 a.m. – 11:00 p.m., Sunday, August 28, 2011

from 12:00 p.m. – 6:00 p.m. and 2) Friday, August 26, 2011 from 10:00 a.m. – 9:00 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 areas. 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 areas, 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 locations 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 12<sup>th</sup> day of April, 2011.

Magdalen Baulison  
City Clerk

Ann M Bellamy  
Mayor

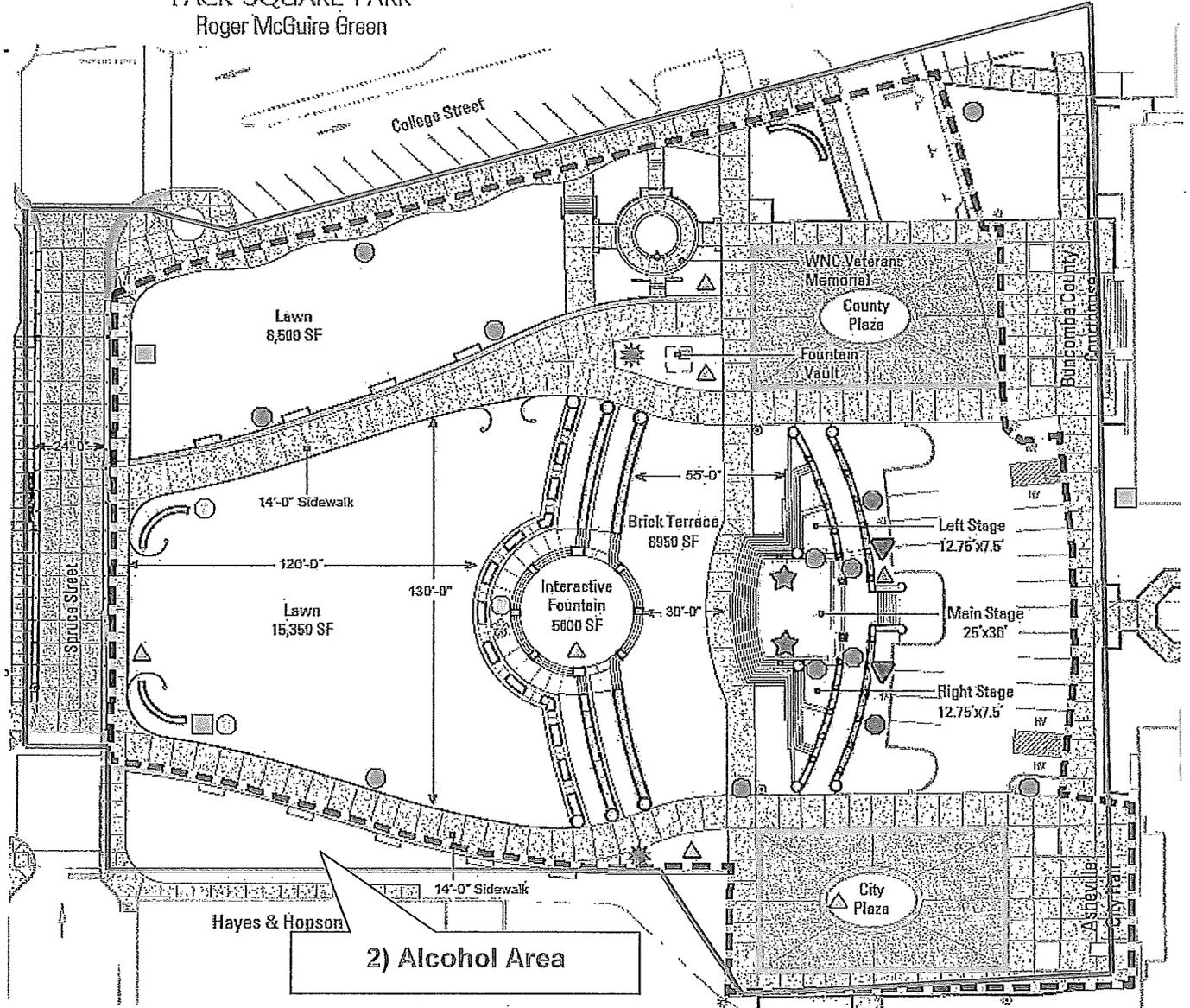
Approved as to form:

Ann M Bellamy  
City Attorney

Magdalen Baulison  
City Clerk



PACK SQUARE PARK  
Roger McGuire Green



2) Alcohol Area

RESOLUTION NO. 11- 74

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS OF FAITH BEER AND FILM TOUR ON THE DATE OF FRIDAY, SEPTEMBER 9, 2011 FROM 7:00 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 Clips of Faith Beer and Film Tour.

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 Clips of Faith Beer & Film Tour event areas.

The Clips of Faith Beer & Film Tour event areas are within the boundaries of Pack Square Park's Roger McGuire Green, the City-County Parking Lot and within the designated area of Spruce Street between the intersections of College Street and Court Plaza, as set forth in Exhibit A, attached.

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 Clips of Faith Beer and Film Tour on Friday, September 9, 2011 from 7:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Clips of Faith Beer and Film Tour event areas. 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 Clips of Faith Beer and Film Tour event areas, 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 locations of the Clips of Faith Beer and Film Tour, 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 12<sup>th</sup> day of April, 2011.

Magdalen Buleson  
City Clerk

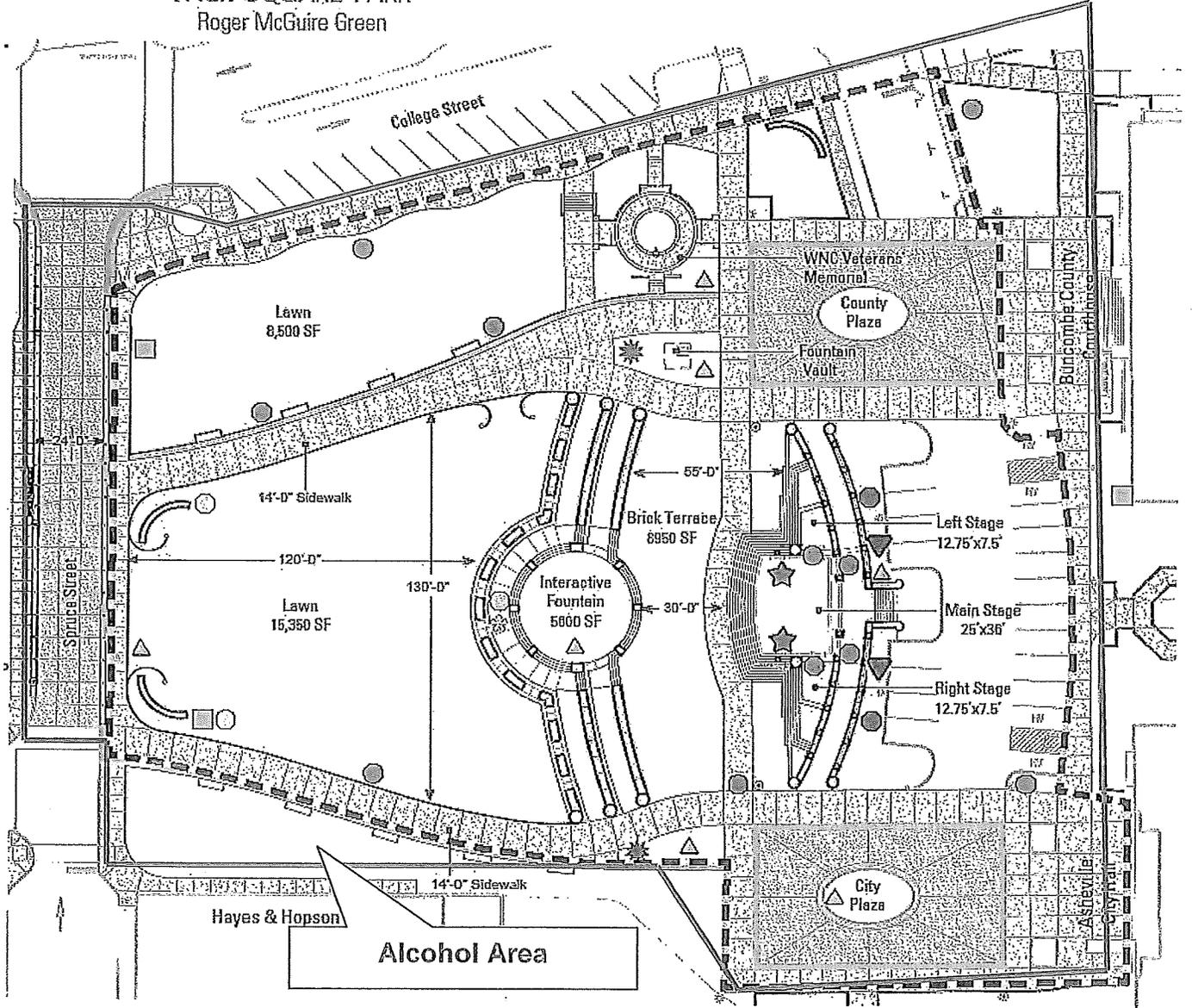
Jimmy Bellamy  
Mayor

Approved as to form:

Kevin Satz  
City Attorney

Magdalen Buleson  
City Clerk

PACK SQUARE PARK  
Roger McGuire Green



RESOLUTION NO. 11-75

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A FARE- FREE WEEK IN ORDER TO PROMOTE STRIVE NOT TO DRIVE ACTIVITIES FROM MAY 16 - 20, 2011

WHEREAS, Strive Not to Drive week focuses on promoting transportation alternatives to the single-occupant car; and

WHEREAS, this Strive Not to Drive event wants to promote the use of transit and the upcoming route changes; and

WHEREAS, fare-free has proven to be an effective way to introduce new riders to the system and to promote transit.

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

The City Manager is hereby authorized to implement fare-free week in order to promote Strive Not to Drive activities from May 16 - 20, 2011.

Read, approved, and adopted this the 12<sup>th</sup> day of April 2011.

Magdalen Baulson  
City Clerk

Andy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

RESOLUTION NO. 11-76

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR WEIRBRIDGE VILLAGE APARTMENTS

---

Whereas, at it's meeting on April 12, 2011, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Weirbridge Village Apartments, LLC, for the Weirbridge Village Apartments project; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

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

The public hearing to consider a land use incentive grant for the Weirbridge Village Apartments project is hereby set on April 26, 2011, at 5:00 p.m. in the Council Chamber, located on the 2<sup>nd</sup> floor of the City Hall Building.

Read, approved and adopted this 12<sup>th</sup> day of April, 2011.

Magdalen Burlington  
CITY CLERK

Gregory Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Burlington  
City Clerk

RESOLUTION NO. 11-77

RESOLUTION TO INCREASE THE MUNICIPAL CARBON FOOTPRINT REDUCTION GOAL TO 4% EACH YEAR FOR THE NEXT FIVE YEARS.

WHEREAS, Asheville City Council passed a resolution April 24<sup>th</sup>, 2007 to reduce the municipal carbon footprint 2% per year until an overall reduction of 80% was achieved by the year 2050, and every year since that policy was adopted the municipality exceeded this goal; and

WHEREAS, increasing the municipal reduction goal will support green job development and the green regional economy; and

WHEREAS, in June 2009 Asheville City Council adopted a nationally award winning Sustainability Management Plan to direct implementation of carbon reduction measures and strategies; and

WHEREAS, the City of Asheville is committed to making decisions that balance the values of environmental stewardship, social responsibility, and economic vitality to meet our present needs without compromising the ability of future generations to meet their needs; and

WHEREAS, the 4% reduction performance metric will apply beginning with year FY 2010- 2011 benchmarked from FY 2009- 2010 and continue for five years at which point Council will reevaluate the goal; and

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

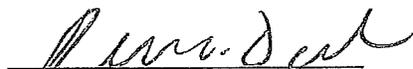
1. The City of Asheville will continue implementing carbon reduction measures at a rate of 4% per year for the next five year at which point City Council will evaluate a program proposal to maintain the higher threshold for carbon reductions. Should City Council take no action at that point the 4% carbon reduction goal would remain as the annual target.
2. Asheville City Council will review funding to support this goal as a part of the annual budget process.
3. It will be incumbent on each and every employee employed by the City of Asheville to make the commitment in achieving this vital goal and that the City Manager shall provide an annual progress report to City Council.

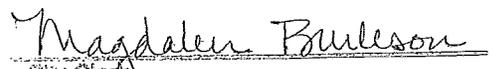
Read, approved, and adopted this 12<sup>th</sup> day of April 2011

  
CITY CLERK

  
MAYOR

APPROVED AS TO FORM:

  
CITY ATTORNEY

  
CITY CLERK

RESOLUTION NO. 11-78

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BLUELINE SYSTEMS & SERVICES, LLC TO PERFORM AN AUDIT OF THE ASHEVILLE POLICE DEPARTMENT'S EVIDENCE ROOM.

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 Asheville Police Department is need of performing an audit of the evidence room; and

WHEREAS, said audit will include: construction of a computer network with a new inventory database; construction of workstations; examination of evidence and property consisting of an inspection of outside packaging, seals, markings, and contents; documentation of the results of the examination into the new inventory database and existing OSSI/Property Module; and a written report upon completion of the audit; and

WHEREAS, the amount of the Agreement is not to exceed \$175,000.00.

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 BLUELINE SYSTEMS & SERVICES, LLC, for an amount not to exceed \$175,000.00 and further authorized to execute any 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 12<sup>th</sup> day of April, 2011.

Magdalen Bouleson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:

Lawrence J. ...  
City Attorney

Magdalen Bouleson  
City Clerk

## RESOLUTION NO. 11-79

RESOLUTION AMENDING THE 2011 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

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

The Asheville City Council will hold a budget briefing in the First Floor North Conference Room of City Hall, located at 70 Court Plaza, Asheville, North Carolina, on Tuesday, April 26, 2011, at 4:00 p.m.

Read, approved and adopted this 12<sup>th</sup> day of April, 2011.

Magdalen Buleson  
CITY CLERK

Jimmy Bellamy  
MAYOR

Approved as to form:

Kevin Durr  
CITY ATTORNEY

Magdalen Buleson  
CITY CLERK

RESOLUTION NO. 11- 80  
RESOLUTION APPROVING SETTLEMENT OF A CIVIL LAWSUIT FILED BY FORMER  
POLICE OFFICER CHERIE BYRD AGAINST THE CITY OF ASHEVILLE

---

WHEREAS, on March 26, 2010, former Police officer Cherie Byrd filed a lawsuit against the City of Asheville arising out of her separation from City employment; and

WHEREAS, the City and Ms. Byrd, through legal counsel, participated in a mediation and negotiated a settlement in the amount of Forty Eight Thousand Dollars and Zero Cents (\$48,000.00), to be paid by the Asheville Claims Corporation on behalf of the City of Asheville to Ms. Byrd; and

WHEREAS, the parties also agreed that the City through Asheville Claims Corporation would be responsible for payment of the mediation fees of Four Thousand One Hundred Twenty Five Dollars and Zero Cents (\$4,125.00); and

WHEREAS, pursuant to City Resolution No. 93-145, the Asheville City Council must approve settlement of claims covered by the Asheville Claims Corporation, if the amount of the settlement exceeds \$25,000.

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

1. A monetary settlement in the amount of \$48,000 to be paid by the Asheville Claims Corporation on behalf of the City of Asheville to Cherie Byrd for back wages arising out of her separation from employment, and same is hereby, approved, subject to the execution of appropriate settlement documents and releases by the parties as approved by counsel for the City of Asheville;
2. The Asheville Claims Corporation shall also pay the mediation fees of \$4,125.00.
3. As required by N.C. G. S. 143-318.11(a)(3), the terms of the settlement of the above described matter are hereby made a matter of public record, and the City Clerk is directed to enter this Resolution in the official minutes of City Council as soon as possible after the settlement is concluded; and nothing herein maybe construed as a waiver of government immunity with respect to any claims against the City of Asheville.

Read, approved and adopted this 12<sup>th</sup> day of April 2011.

Magdalen Bourleson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:  
Russell  
City Attorney

Magdalen Bourleson  
City Clerk