

RESOLUTION NO. 11- 136

RESOLUTION RATIFYING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BILTMORE IRON AND METAL, INC., FOR THE SALE OF SURPLUS WATER METERS

WHEREAS, N.C.G.S. 160A-266 authorizes the City to dispose of personal property valued at less than \$30,000 by private negotiation and sale, and the City Council has adopted Resolution 07-118, authorizing the use of methods intended to yield a market price for surplus property; and

WHEREAS, the scrap value of a quantity of obsolete water meters, determined by the City to be surplus property, was estimated at less than \$30,000; and

WHEREAS, in accordance with City Resolution 07-118, the City's Purchasing office obtained a bid for said surplus meters for \$32,000 from Biltmore Iron and Metal Company ("Biltmore Iron"), and has sold the surplus meters to Biltmore Iron;

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

The sale of surplus water meters for \$32,000 to Biltmore Iron be and is hereby approved, and all actions heretofore taken in furtherance of said sale, including the execution of a contract for said sale by the City Manager, be and the same are hereby ratified.

Read, approved and adopted this the 26th day of July, 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-137

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN BELLSOUTH TELECOMMUNICATIONS, INC., D/B/A AT&T NORTH CAROLINA AND THE CITY OF ASHEVILLE FOR PUBLIC PARKING AT 24 O.HENRY AVENUE IN DOWNTOWN ASHEVILLE

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

WHEREAS, Bellsouth Telecommunications, Inc., d/b/a AT&T North Carolina is the owner of real property located at 24 O.Henry Avenue, identified as PIN # 9649-20-5843-00000; and

WHEREAS, the City of Asheville has offered to enter into a five year lease agreement for a portion of said property for approximately 47 additional public parking spaces; and

WHEREAS, the rental for the leased premises is \$2,585 per month and includes the responsibility of paying for related utilities and public parking improvements to the lot as related tenant expenses; and

WHEREAS, the 2008 Comprehensive Parking Study identified a deficit of available public parking during a typical weekday in downtown Asheville that could be minimized with 47 additional public parking spaces;

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

The Mayor is hereby authorized to execute the Lease Agreement between Bellsouth Telecommunications, Inc., d/b/a AT&T North Carolina and the City of Asheville for a portion of the parking lot located at 24 O.Henry Avenue at PIN # 9649-20-5843-00000. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 26th day of July, 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11- 138

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FROM JULY 1, 2011 THROUGH JUNE 30, 2012

WHEREAS, pursuant to N.C.G.S. § 160A-493 states that the City may contribute to the support of an animal shelter;

WHEREAS, pursuant to N.C.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.

WHEREAS, the amount of the Agreement is \$133,402.56 and the monies have been budgeted in the Asheville Police Department's FY 11-12 budget.

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

The City Manager is hereby authorized to enter into an agreement with the Asheville Humane Society to provide animal sheltering services for the City of Asheville for the FY 2011-2012 for \$133,402.56.

Read, approved and adopted the 26th day of July, 2011.

Magdalen Boulson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
CITY CLERK

RESOLUTION NO. 11-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH ONTARIO INVESTMENTS, INC., FOR GOLF CARTS AND MAINTENANCE EQUIPMENT AT THE ASHEVILLE MUNICIPAL GOLF COURSE

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 of Asheville leases golf carts and maintenance equipment with Ontario Investments with an option to renew the lease at the Asheville Municipal Golf Course that supports basic services and part of core park maintenance level of service for the City's park system; and

WHEREAS, the City will renew the lease for ten months for the amount not to exceed \$57,150 and the monies have been budgeted in the Parks, Recreation and Cultural Arts Department in the Golf Course Fund in the 2011-2012 Fiscal Year Budget.

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

The City Manager is hereby authorized to enter into a lease agreement on behalf of the City of Asheville with Ontario Investments Inc. not to exceed \$57,150 for golf carts and maintenance equipment at the Asheville Municipal Golf Course 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 26th day of July, 2011.

Magdalena Bouleson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Bouleson
City Clerk

RESOLUTION NO. 11-140

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH IRWIN TELESCOPIC SEATING CO. FOR THE INSTALLATION OF NEW SEATING RISERS IN THE ASHEVILLE CIVIC CENTER ARENA

WHEREAS, the City of Asheville has authority pursuant to Article 8 of N.C.G.S Chapter 143 to enter into contracts for construction and repair of City buildings and facilities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, the City has engaged in a formal bid process and awarded the Agreement to the lowest responsible bidder; and

WHEREAS, the amount of the Agreement is \$ 775,746.00 and the monies have been budgeted in the Civic Center 2012 Fiscal Year Budget.

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Irwin Telescopic Seating Co. for \$ 775,746 for the installation of new telescopic seating risers in the arena of the Asheville Civic Center 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 26th day of July, 2011

Magdalen Baulson
City Clerk

Tommy Bellamy
Mayor

Approved as to form:

City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 11-141

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVES AGREEMENT

WHEREAS, City has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development activities, including making appropriations for the purpose of aiding and encouraging the location of manufacturing enterprises; and

WHEREAS, Linamar Corporation is proposing to locate a manufacturing facility within the City limits adding \$125,000,000 in new capital investment in Machinery and Equipment, and Buncombe County has agreed to provide an economic development incentive grant to assist Linamar with said location, including purchasing the facility for Linamar's use ; and

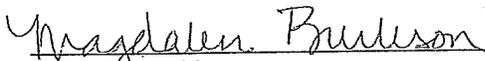
WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, the City and Buncombe County propose to enter into an agreement for the City's incentive to be made to the County in the form of a reimbursement to the County to assist with purchase of the facility for Linamar's use;

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

1. A public hearing be held on August 9, 2011 to consider an Economic Development Incentive agreement with Buncombe County for up to \$2,200,000 for Linamar Corporation.
2. The City Clerk is directed to cause a notice of said public hearing to be published not less than 10 days prior to the date of the public hearing.

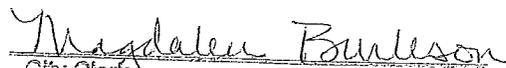
Read and approved and adopted this 26th day of July, 2011.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


City Clerk

RESOLUTION NO. 11- 142

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CAROLINA MANAGEMENT TEAM FOR THE WATER RESOURCES WATER STORAGE TANK AND PIPE COATING AND MAINTENANCE PROJECT

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 contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department has the need to rehabilitate, repair, and repaint various water storage tanks and piping within pumping stations in the water system in an amount not to exceed \$400,000.00; and

WHEREAS, Carolina Management Team was selected as the lowest responsible bidder by Water Resources staff, with the bid tabulation attached hereto as Exhibit "A"; and

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

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into an agreement with Carolina Management Team in an amount not to exceed \$400,000.00 for the Water Resources Water Storage Tank and Pipe Coating and Maintenance Project.

Read, approved, and adopted this 26th day of July, 2011.

Magdalen Bourleson
CITY CLERK

Jimmy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

Exhibit A

Bid Tabulation for the Water Resources
Water Storage Tank and Pipe Coating and Maintenance Project

Carolina Management Team

PO Box 1409

Enka, NC 28728

Base Work: \$312,235.00

Additional Sites: \$ 42,900.00

Crack/Spall Repair: \$ 34,722.50

Total: \$389,857.50

Southern Corrosion Incorporated

738 Thelma Road

Roanoke Rapids, NC 27870

Base Work: \$317,121.00

Additional Sites: \$ 46,426.00

Crack/Spall Repair: \$ 77,800.75

Total: \$441,347.75

Superior Industrial Maintenance Company

4801 Stough Road

Concord, NC 28027

Base Work: \$483,070.00

Additional Sites: \$ 69,400.00

Crack/Spall Repair: \$ 0.00 (costs included in Base Work)

Total: \$552,470.00

RESOLUTION NO. 11- 143

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PRAXAIR, INC. FOR THE PURCHASE OF LIQUID OXYGEN AND LEASE OF STORAGE TANKS FOR THE MILLS RIVER WATER TREATMENT PLANT

WHEREAS, pursuant to N.C.G.S. § 143-129, the City of Asheville has authority to waive bidding requirements to purchase equipment and supplies; and

WHEREAS, the Water Resources Department has identified a need for liquid oxygen and lease of two storage tanks for the Mills River Water Treatment Plant; and

WHEREAS, funds are available in the Water Resource's annual operating budget for the procurement of liquid oxygen and lease of two storage tanks for the purposes of generating ozone for the treatment process at the Mills River Water Treatment Plant; and

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

City Council hereby authorizes the City Manager to enter into an agreement with Praxair, Inc. for the purchase of liquid oxygen and lease of two storage tank for the Mills River Water Treatment Plant.

Read, approved, and adopted this 26th day of July, 2011.

Magdalen Paulson
CITY CLERK

Ingmar Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 11-144

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DECLARING THE INTENT OF THE CITY OF ASHEVILLE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF VARIOUS CAPITAL PROJECTS AND THE ACQUISITION OF VEHICLES AND EQUIPMENT FROM THE PROCEEDS OF AN INSTALLMENT FINANCING CONTRACT TO BE EXECUTED AND DELIVERED IN THE FISCAL YEAR 2012

WHEREAS, the City Council of the City of Asheville, North Carolina ("City") has determined that it is in the best interests of City to (1) acquire, construct and improve certain streets and sidewalks within the City, (2) acquire land for and construct greenways within the City, (3) construct sewer improvements within the City, (4) renovate and improve City Hall, (5) purchase and install street lighting, (6) purchase vehicles and equipment (collectively, the "Project");

WHEREAS, the City presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of an installment financing contract and reasonably expects to execute and deliver an installment financing contract, the portion of the installment payments designated and paid as interest under which will be tax-exempt (the "Contract"), to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the City desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Contract (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Contract, and the City intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Contract to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina as follows:

Section 1. *Official Declaration of Intent.* The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Contract. The City reasonably expects to execute and deliver the Contract to finance all or a portion of the costs of the Project and the maximum principal amount of Contract expected to be executed and delivered by City to pay for all or a portion of the costs of the Project is \$18,000,000.

Section 2. *Compliance with Regulations.* The City adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse itself for the Original Expenditures from proceeds of the Contract.

Section 3. *Itemization of Capital Expenditures.* The Chief Financial Officer of the City, and her designees, with advice from special counsel, are hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Project during the period

commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Contract.

Section 4. *Effective Date.* This Resolution shall become effective immediately upon the date of its adoption.

Read, approved and adopted this 26th day of July, 2011.

Magdalen Boulton
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 11-145

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICES CONTRACT WITH BUNCOMBE COUNTY FOR THE PROVISION OF PARATRANSIT SERVICES

WHEREAS, the City is required by the Federal Transit Administration to provide comparable paratransit service within the service area of the Asheville Transit System pursuant to the Americans with Disabilities Act of 1990, and;

WHEREAS, the City of Asheville does not have the necessary equipment to provide this service but has instead relied upon an on going contractual relationship with Buncombe County for the provision of this service, and;

WHEREAS, the Federal Transit Administration requires the City of Asheville to enter into a contract agreement incorporating all federal requirements agreed to by the City of Asheville in the master agreement with the Federal Transit Administration; and

WHEREAS, City staff recommends that the City enter into a services contract with Buncombe County for the provision of Paratransit services to the Asheville Transit System;

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 services contract with Buncombe County for the provision of paratransit services to the Asheville Transit System.

Read, approved and adopted this the 26th day of July 2011.

Magdalen Boulson
City Clerk

Ingm Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-146

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF AN EASEMENT AT 227 CUMBERLAND AVENUE FROM HOLY TRINITY GREEK ORTHODOX CHURCH

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method;

WHEREAS, Holy Trinity Greek Orthodox Church has agreed to donate a .051-acre easement through its property located at 227 Cumberland Avenue to correct erosion issues;

WHEREAS, the City of Asheville is obligated to correct erosion issues at 227 Cumberland Avenue resulting from runoff from a City storm drain as part of the donation agreement with Holy Trinity Greek Orthodox Church, dated September 11th, 2002;

WHEREAS, the installation of a new storm drain pipe within the easement will fulfill the city's obligation and protect the new section of Reed Creek Greenway from damage; and

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

The Mayor is hereby authorized to execute documents and accept the conveyance of the permanent easement at 27 Cumberland Avenue (PIN # 9649141078) from Holy Trinity Greek Orthodox Church.

Read, approved and adopted this 26th day of July, 2011.

Magdalen Baulson
City Clerk

Immbellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 11-147

RESOLUTION PROVIDING FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2011 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 at the 2011 Bele Chere Festival;

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

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 2011 Bele Chere Festival area.

1. The 2011 Bele Chere Festival area is described as follows and as shown on Exhibit "A":

BEGINNING at Pack Square going south along the eastern margin of the sidewalk on the eastern side of Biltmore Avenue to its intersection with an extension of the northern margin of the sidewalk on the northern side of Hilliard Avenue;

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 northern side of Hilliard Avenue 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 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 northern side of Page Avenue;

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, and the sidewalks on both sides of those Avenues and Street to its intersection with the eastern margin of the sidewalk on the eastern side of Broadway;

thence continuing south on Broadway to Pack Square and place of BEGINNING.

2. 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 and/or aluminum cans. Possession of and/or consumption from glass or can containers of malt beverages and/or unfortified wine are not allowed anywhere in the 2011 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 2011 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.

3. 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 2011 Bele Chere Festival area, as described hereinabove, during the following hours of the 2011 Bele Chere Festival:

Friday, July 29, 2011, from 12:00 p.m. to 10:00 p.m.

Saturday, July 30, 2011, from 10:00 a.m. to 10:00 p.m.

There will be no sales and/or consumption of malt beverages and/or unfortified wine permitted on Sunday July 31, 2011.

4. 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 2011 Bele Chere Festival area, as described hereinabove only for those individuals who have purchased a wristband from the 2011 Bele Chere Festival at designated 2011 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 2011 Bele Chere

Festival area. Purchase and display of a different colored wristband is required for each day of the 2011 Bele Chere Festival.

- 5. The possession of personal coolers of any shape, size or form shall not be allowed in the 2011 Bele Chere Festival area, as described hereinabove.
- 6. The areas in the 2011 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 2011 Bele Chere Festival area.

Read, approved and adopted this 26th day of July, 2011.

Magdalen Boulson
City Clerk

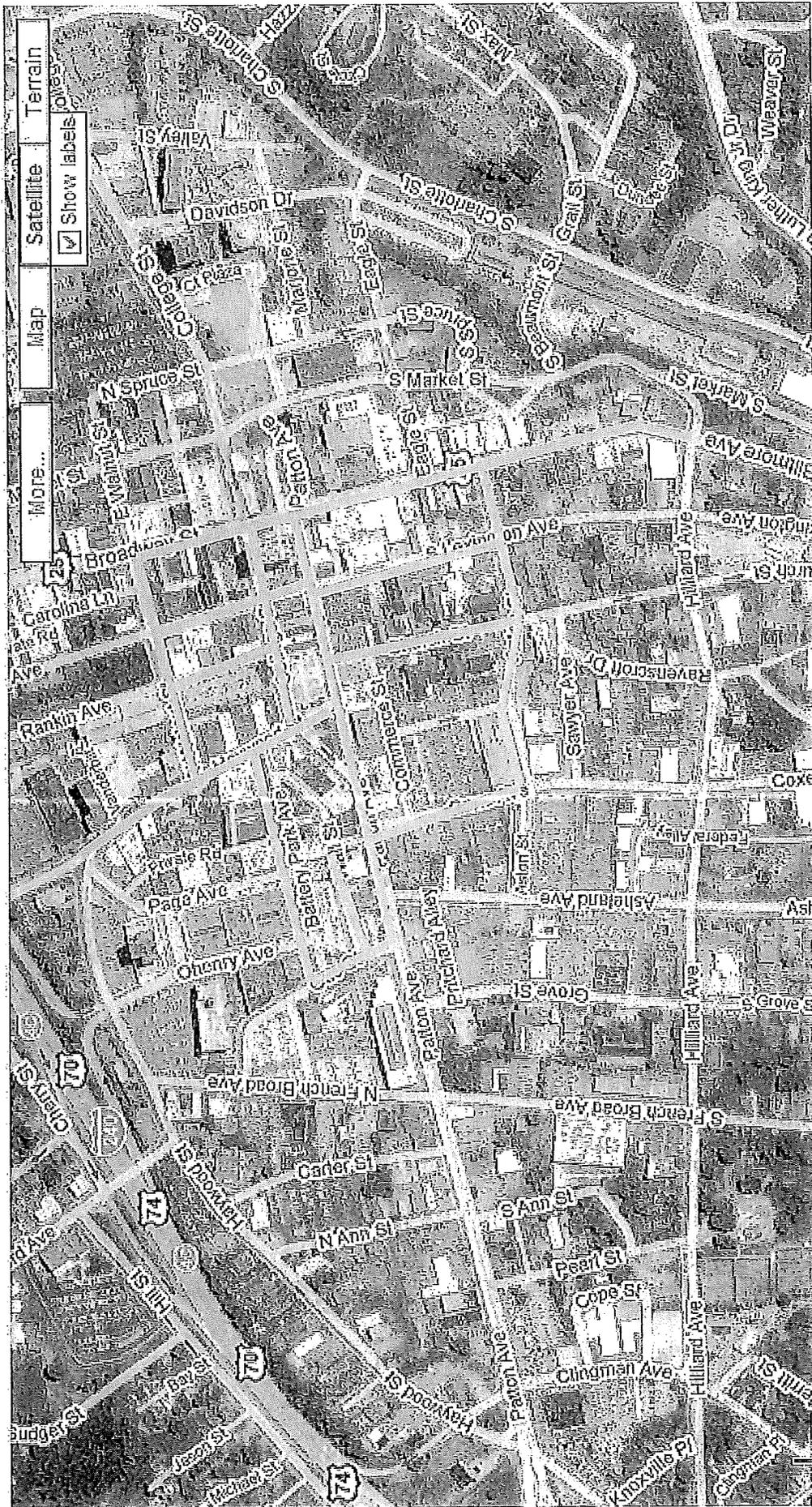
Tom Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

2011 Bele Chere Alcohol Area



RESOLUTION NO. 11-148

RESOLUTION TO ENTER AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURCHASE RECYCLING RECEPTACLES

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

WHEREAS, the North Carolina Department of Environment and Natural Resources has awarded the City of Asheville in the amount of \$30,000 to install outdoor recycling receptacles at city parks; 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 North Carolina Department of Environment and Natural Resources for a grant in the amount of \$30,000.

Read, approved, and adopted this 26th day of July, 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-149

RESOLUTION TO PARTICIPATE IN CHOICE NEIGHBORHOODS GRANT PROPOSAL BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

WHEREAS, the Housing Authority of the City of Asheville is eligible for and intends to apply for a Choice Neighborhoods Planning Grant from the US Department of Housing and Urban Development to focus on the Lee-Walker Heights public housing development and surrounding neighborhood; and

WHEREAS, the continued efforts to improve the physical and social conditions of public housing in the City meets City Strategic Goals; and

WHEREAS, the Housing Authority has requested that the City work collaboratively with the Housing Authority on this grant application and planning process in recognition of the mutual goals of the City and the Housing Authority;

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

1. The City of Asheville be a co-applicant with the Housing Authority of the City of Asheville for a Choice Neighborhood Planning Grant, and agrees to collaborate with the Housing Authority for this grant; and
2. Council authorizes the City Manager to execute all documents as necessary to document this collaborative effort including providing matching funds previously approved by Council through the CDBG allocation, and providing in-kind resources through the Planning Department as determined feasible by the City Manager.

Read, approved and adopted this 26th day of July, 2011.

Magdalen Boulton
CITY CLERK

Tom Bellamy
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Boulton
City Clerk