

RESOLUTION NO. 11- 223

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF COLLEGE STREET

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of College Street; and

WHEREAS, the portion of College Street is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close a portion of College Street, being a portion of College Street running with the Buncombe County property line on the Southern sidewalk of College Street. BEGINNING at a rebar stake set in the northeastern most corner of Tract 1 owned by Buncombe County as described in Plat Book 43 Page 67 recorded in the Buncombe County Registry of Deeds, and from said beginning point thus established runs thence with the Northern line of Buncombe County's Property North 62° 41' 19" East 9.25 feet to a point; thence North 27° 18' 41" West 16.50 feet to a point; thence South 62° 8' 33" West 378.50 feet to a point; thence South 28° 43' 40" East 18 feet to a point; thence North 61° 16' 20" East 178.25 feet to a point; thence North 61° 28' 53" East 32.34 feet to a point, thence North 62° 41' 19" East 89.60 feet to a point; thence North 62° 41' 19" East 68.66 feet to a point and place of BEGINNING.
2. A public hearing on the question of permanently closing a portion of College Street is hereby called for on January 10, 2012, at the regular meeting of the City Council beginning at 5:00 pm, in the City Council Chamber, 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforeſaid public hearing on January 10, 2012.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned alley. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting the portion of College Street, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 22<sup>nd</sup> day of November, 2011.

Magdalena Boulton  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalena Boulton  
City Clerk

RESOLUTION NO. 11-224

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 FUNDS 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 \$25,000.00 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 \$25,000.00 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 22<sup>nd</sup> day of November, 2011.

Magdalen Paulson  
City Clerk

Jim Ballam  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Paulson  
City Clerk

RESOLUTION NO. 11-225

## RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LETTER WITH LAND OF SKY REGIONAL COUNCIL REGARDING THE CITY OF ASHEVILLE MEMBERSHIP OR THE REGIONAL BROWNFIELDS INITIATIVE COALITION

WHEREAS, the City of Asheville has the authority to apply for and administer grants from the federal and state governments, pursuant to N.C.G.S. 160A-17.1; and

WHEREAS, the Asheville City Council desires to support sustainability through infill growth; and

WHEREAS, The Asheville City Council supports job growth and development by partnering in regional economic development strategies; and

WHEREAS, the Asheville City Council support fiscal responsibility by identifying alternative funding mechanisms for strategic initiatives; and

WHEREAS, Land of Sky Regional Council, the Regional Council of Governments for Asheville's region, possesses expertise in administrating US EPA's Brownfields Assessment Grants;

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

The City Manager is hereby authorized to sign a letter with the Land-of-Sky verifying that the City of Asheville, North Carolina, agrees to be a member of the Regional Brownfields Initiative Coalition for the purpose of applying for and the subsequent award of a U.S. EPA Brownfields Assessment Coalition grant, and to agree that the Land-of-Sky Regional Council will be the lead member of the Coalition for the purpose of the grant application and subsequent awards.

Read, approved and adopted this 22<sup>nd</sup> day of November, 2011.

Magdalen Boulson  
City Clerk

Amory Bellamy  
Mayor

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11-226

RESOLUTION ACCEPTING A GRANT FOR RECYCLING ROLL CARTS AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS WITH  
THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL  
RESOURCES TO EFFECTUATE RECEIPT OF THE GRANT FUNDS

---

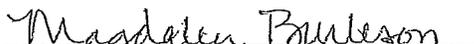
WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

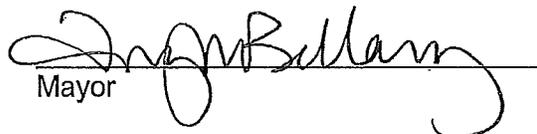
WHEREAS, the North Carolina Department of Environment and Natural Resources has awarded the City of Asheville in the amount of \$75,000 to purchase 95 gallon rolling recycling carts; and

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 \$75,000, and execute all documents to effectuate receipt of the grant funds.

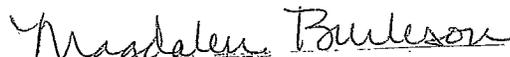
Read, approved, and adopted this 22<sup>nd</sup> day of November, 2011.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
City Clerk

RESOLUTION NO. 11- 227

RESOLUTION TO PERMANENTLY CLOSE AN ALLEY BETWEEN NEBRASKA STREET AND NEVADA AVENUE

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets or alleys within its jurisdiction upon compliance with applicable law; and

WHEREAS, pursuant to this statute, City Council at their regular meeting on October 11, 2011 initiated the closure process, on behalf of the adjacent property owners, Julia Watts Schafer, Edward V. Hardin, Jane P. Ward, Hannah Danise, Dewitt Hurst, Kandi Kilpatrick, Alexander Brown, Bonnie R. Locklear, Jack Askew and Katherine Folkman, and Joanne C Gunter who have requested the City of Asheville to permanently close an alley between Nebraska Street and Nevada Avenue; and

WHEREAS, City Council on the 11<sup>th</sup> day of October, 2011, adopted a resolution of intent to permanently close an alley between Nebraska Street and Nevada Avenue, and ordered a public hearing on the question of this closing for the 22<sup>nd</sup> day of November 2011 at its regular meeting on the 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina; and

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

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the alley off of Madison Street, and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join in the petition to close; and

WHEREAS, Council finds that the closing is not contrary to the public interest and that no individual owning property in the vicinity of the street or alley or in the subdivision of which it is located will be deprived of reasonable means of ingress and egress to their property;

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

Pursuant to North Carolina General Statutes Section 160A-299, the alley between Nebraska Street and Nevada Avenue as herein described is permanently closed to public use as a street.

BEGINNING at its intersection with Langwell Avenue, also being the southeast corner of the property described in Deed Book 1944 at page 73, proceeding then northerly to the southwest corner of the property described in Deed Book 4878 at Page 655, then proceeding easterly to the southeast corner of the same said property, then proceeding southerly to a point in the property line of the property described in Deed Book 2361 at page 46, then westerly to the northwest corner of the same said property, then southerly to Langwell Avenue, also being the southwest corner of the property described in Deed Book 1531 at page 119, then westerly to the point of beginning. All Deed book and page references are to documents recorded in the Buncombe County Registry.

The closing is subject to the retention by the Metropolitan Sewage District of Buncombe County, its successors and assigns, of a 20 foot wide permanent easement, for the operation and maintenance of a public sewer line, lying 10 feet on each side of said sewer line located and existing within the portion of the alley between Nebraska Street and Nevada Alley proposed to be permanently closed.

Read, approved and adopted this 22<sup>nd</sup> day of November, 2011.

Margalene Boulson  
City Clerk

John Bullam  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Margalene Boulson  
City Clerk

RESOLUTION NO. 11-228

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE NAMING RIGHTS AGREEMENT WITH U.S. CELLULAR CORPORATION, FOR THE SPONSORSHIP OF THE ASHEVILLE CIVIC CENTER

WHEREAS, the City has the authority pursuant to G.S. 160A-11 and G.S. 160A-272 to enter into leases for real property, including license agreements; and

WHEREAS, Asheville Civic Center has negotiated a license agreement with U.S. Cellular Corporation for sponsorship of the Asheville Civic Center, located at 87 Haywood Street through the granting of naming rights; and

WHEREAS, U.S. Cellular Corporation has agreed to provide sponsorship of the Asheville Civic Center in the amount of approximately \$150,000 per year over the course of five years, plus an extension of an additional three years; and the sponsorship also includes incentives for meeting performance benchmarks; and

WHEREAS, the City Clerk published a notice of intent in connection with the proposed license and naming rights agreement on November 11, 2011 in the Asheville Citizen-Times; and

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

The Mayor is hereby authorized to execute the naming rights license agreement with U.S. Cellular Inc. for sponsorship of the Asheville City Center, but to defer implementation of the naming rights license agreement with U.S. Cellular Inc. until December 31, 2011, in order to allow any other organization that wants to put forward a credible serious proposal for partnering with the City on a public/private partnership for investments in the Civic Center to put forward a proposal for consideration. If no credible proposal is presented during that time period that presents a superior value proposition to the City of Asheville, compared to the current proposal that we have received, then the current proposal by U.S. Cellular Inc. would go into effect on January 1, 2012.

Read, approved and adopted this 22nd day of November, 2011.

Magdalen Boulson  
City Clerk

Angie Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11-229

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS WITH VARIOUS CONTRACTORS FOR THE PURPOSE OF COMPLETING THE RENOVATIONS AT THE ASHEVILLE CIVIC CENTER

WHEREAS, The City Council has approved contracts to complete the renovations of the Civic Center for the Southern Conference Basketball Tournament;

WHEREAS, the budget for the project includes a contingency of \$400,000;

WHEREAS, there are some unknown factors that work require a change order to the general contractor or specialized contractors;

WHEREAS, time is on the essence in completing this project.

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

The City Manager is authorized to execute change orders with the various contractors listed below up to the budgeted contingency of \$400,000 for the purpose of completing the renovating the Civic Center.

Brantley Construction Company, General Contractor (contract amount: \$4,077,921.00); Irwin Telescopic Seating, Seating riser contractor (contract amount \$775,746.00); Capturion Network, scoreboards/video boards (contract amount: \$254,715.00); and SPL Integrated Solutions, Sound reinforcement system (contract amount: \$418,461.03).

Read, approved and adopted this 22<sup>nd</sup> day of November, 2011.

Magdalen Boulton  
City Clerk

Greg Ballamy  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Boulton  
City Clerk

RESOLUTION NO. 11-230

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BETSCH ASSOCIATES/PBC+L FOR THE PURPOSE OF COMPLETING DESIGN OF THE RENOVATION OF THE CIVIC CENTER

WHEREAS, The City Council has an approved professional services contract with Betsch Associates/PBC+L to complete design and construction phase services for the renovations of the Civic Center for the Southern Conference Basketball Tournament; and

WHEREAS, the approved professional services contract is \$529,985; and

WHEREAS, additional design services are required as a result of additional unforeseen conditions and additions due to favorable bidding climate;

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

The City Manager is authorized to execute an amendment to the professional services contract with Betsch Associates/PBC+L in the amount of \$295,720 for the purpose of completing design of the renovation the Civic Center, for a total contract amount not to exceed \$825,705.

Read, approved and adopted this 22<sup>nd</sup> day of November, 2011.

Magdalen Boulleson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulleson  
City Clerk

RESOLUTION NO. 11-231

RESOLUTION AUTHORIZING AN AMENDMENT OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2010-2011

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, on April 27, 2010 City Council approved an Annual Action Plan for the use of these funds in 2010-2011; and

WHEREAS, the City's Housing and Community Development Committee has made recommendations, consistent with the Strategic Plan, to amend the Action Plan for fiscal year 2010-2011;

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

The Consolidated Annual Action Plan for FY 2010-2011 be amended for the Green Opportunities Weatherization Assistance Program as follows: (1) To modify the number of homes served from 65 to 45; (2) To expand the geographic service area to include all of the City of Asheville; and (3) To modify the per house reimbursement rate from \$830.77 to \$1,466.16 per home.

Read, approved and adopted this 22<sup>nd</sup> day of November, 2011.

Magdalen Boulson  
CITY CLERK

Tom Bellamy  
MAYOR

Approved As To Form:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11- 232

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT THROUGH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FUND

---

WHEREAS, Buncombe County Tourism Development Authority's Tourism Development Fund was established to fund projects that will increase the number of overnight stays by visitors in Buncombe County lodging properties; and

WHEREAS, the City of Asheville has received grant funding for numerous projects in the past, including Civic Center upgrades, the Wayfinding partnership and the John B. Lewis Soccer complex; and

WHEREAS, applications for the 2012 grant funding cycle are due on January 9, 2012; and

WHEREAS, the City of Asheville has identified projects that meet the grant requirements; and

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

The City Manager is hereby authorized to apply for grant funding through the Buncombe County Tourism Development Fund

Read, approved and adopted the 22<sup>nd</sup> day of November, 2011

Magdalen Burlington  
City Clerk

Greg Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlington  
City Clerk

RESOLUTION NO. 11-233

RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Charles Worley and Jim Ellis, as members on the Alcoholic Beverage Control Board, expired on November 13, 2011; and

WHEREAS, Mr. Worley currently serves as the Chair of the Alcoholic Beverage Control Board;

WHEREAS, the Chair shall be appointed by City Council;

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

Mr. Jim Ellis, 3 Sunset Lane, Asheville, N.C., be and he is hereby reappointed as a member of the Alcoholic Beverage Control Board, to serve an additional three-year term, term to expire November 13, 2014, or until his successor has been appointed.

Read, approved and adopted this 22<sup>nd</sup> day of November, 2011.

Magdalen Bourleson  
CITY CLERK

Jim Ballantyne  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bourleson  
CITY CLERK