

RESOLUTION NO. 14-70

RESOLUTION AUTHORIZING THE CITY MANAGER SUBMIT A GRANT APPLICATION TO THE U.S. DEPT. OF TRANSPORTATION TIGER PROGRAM, AND TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF COMMITMENT TO PROVIDE MATCHING FUNDS IF THE CITY IS AWARDED THE GRANT

WHEREAS, the City has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants; and

WHEREAS, the USDOT issued a Notice of Funding Availability (NOFA) for TIGER funds on March 3, 2014; and

WHEREAS, the City of Asheville has identified a transportation project that meets the goals and requirements contained in the NOFA; and

WHEREAS, City Council has identified implementation of this project as a key strategic goal; and

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

The City Manager is hereby authorized to submit a grant application to the USDOT TIGER Program in response to the March 3, 2014 NOFA, and is further authorized to sign a letter indicating the City of Asheville's commitment to provide matching funds if the City is awarded the grant.

Read, approved and adopted this the 22nd day of April, 2014.

Magdalen Boulleson
City Clerk

Estim Ham
Mayor

Approved as to form:

Mark McNealon
City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION NO. 14--71

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES INC. FOR THE DEVELOPMENT OF A MULTIMODAL TRANSPORTATION PLAN FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 3, Section 160A-20.1 of the North Carolina General Statutes to enter into contracts with private entities; and

WHEREAS, the City issued a Request for Proposals (RFP) to engage an external consultant to develop a Multimodal Transportation Plan to analyze existing transportation network and develop strategies to create and interconnected and efficient transportation network; and

WHEREAS, after reviewing the Responses to the RFP submitted by seven companies, City staff recommends that the City enter into a contract with Kimley-Horn and Associates, Inc.;

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 with Kimley-Horn and Associates, Inc. for the development of a Multimodal Transportation Plan for the City of Asheville, and to execute any charge orders up to the budgeted amount.

Read, approved and adopted this the 22nd day of April, 2014.

Magdalen Paulson
City Clerk

Ed G. Mc
Mayor

Approved as to form:

Matthew McShon
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 14 -72

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH NCDOT APPROVING A PROJECT FOR MAKING IMPROVEMENTS ON I-240 FROM I-26/I-40 TO SR 1781 (BROADWAY) IN ASHEVILLE

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under Project I-5608, Buncombe County, said plans to consist of making improvements on I-240 from I-26/I-40 to SR 1781 (Broadway); and

WHEREAS, the NCDOT and the City of Asheville propose to enter into an Agreement for the above-captioned project whereby the City agrees that there is not any requirement from the City at this time; and

WHEREAS, the NCDOT agrees to acquire the right-of-way and construct the project in accordance with the approved project plans; and

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

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

The City Manager is hereby authorized to sign and execute a municipal agreement between the North Carolina Department of Transportation and the City of Asheville approving Project I-5608.

Read, approved and adopted this 22nd day of April 2014.

Magdalen Boulson
City Clerk

Eric M.
Mayor

Approved as to form:

Matthew McElroy
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-73

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE U.S. GOVERNMENT GENERAL SERVICE ADMINISTRATION FOR SATELLITE PROPERTY STORAGE SPACE AT THE VEACH-BALEY FEDERAL COMPLEX , LOCATED AT 151 PATTON AVENUE IN ASHEVILLE

WHEREAS, N.C. Gen. Stat. sec. 160A-274 authorize the City to lease real property from any governmental unit, upon terms and conditions as it deems wise, with or without consideration; and

WHEREAS, the City contemplates the development of a satellite property and evidence annex; and

WHEREAS, the United States General Service Administration ("Lessor") is the owner of real property located in the basement of the Veach-Baley Federal Complex (NC0002) at 151 Patton Avenue; and

WHEREAS, the City of Asheville ("Lessee") has offered to enter into a lease for approximately 2,185.28 square feet storage space for an initial term of 36 months, beginning May 1, 2014 and ending April 30, 2017 with an option to renew, providing that 60 days written notice is given before the end of the fixed term; and

WHEREAS, the base rental rate for the leased premises is \$21,852.80 per year for a total of \$65,558.40 for the 36 month fixed term; and

WHEREAS, the Lessor shall furnish janitorial services, space maintenance services, and all utilities during normal building hours for 11 hours/day, excluding weekends and Federal holidays; and

WHEREAS, the Lessee's needs for the property during the term of the lease are compatible with the proposed lease;

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

1. The City Manager is hereby authorized to execute a lease agreement with the U.S. Government General Service Administration for property located at 151 Patton Avenue in the basement of the Veach-Baley Federal Complex.
2. In addition, the City Manager be, and 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 22nd day of April, 2014

Magdalen Paulson
City Clerk

Steve G. M.
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 14-74

RESOLUTION AUTHORIZING A 60-DAY EXTENSION TO THE PACK PLACE EDUCATION, ARTS & SCIENCE CENTER INC. LEASE

WHEREAS, City Council provided direction to the City's outside legal counsel concerning negotiations involving the City's lease with Pack Place Education, Arts & Science Center, Inc.; and

WHEREAS, City Council was advised of a proposed action on the Pack Place Board agenda for April 9 to make an offer to renew the lease with the City under its existing terms; and

WHEREAS, City Council was advised that Pack Place tenant Colburn Earth Science Museum wished to remain in the premises until December 31, 2014; and

WHEREAS, outside legal counsel advised Council of the potential benefits to extending the Pack Place lease for 60 days, which would be to provide the opportunity for lease negotiations to continue and the needs of Colburn Earth Science Museum and other tenants to be met, and of not seeking rent or capital contribution from Pack Place tenants, to allow a transition period for Pack Place tenants; and

WHEREAS, City Council authorized the City Manager to offer to extend the Pack Place lease for 60 days, and to not seek rent or capital contribution from Pack Place tenants through the end of 2014, contingent on Pack Place not making the offer to renew the lease under its existing terms at this time; and

WHEREAS, on April 9, 2014, the Pack Place Board passed a resolution to extend the lease with the City by 60 days, and the motion to offer to renew the lease under the existing terms was withdrawn;

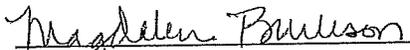
WHEREAS, this extension is authorized pursuant to the provisions of N.C.G.S. 160A-272;

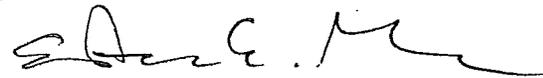
WHEREAS, a notice shall be published regarding the 60-day extension;

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

1. The City Manager of the City of Asheville is hereby authorized to extend the Pack Place lease for 60 days.
2. The City of Asheville shall not seek rent or capital contribution from Pack Place tenants for the year 2014.
3. The City Manager is hereby authorized to execute any and all other documents to effectuate the 60 day extension to the Pack Place lease.

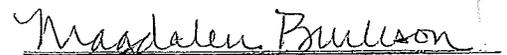
Read, approved and adopted this 22nd day of April, 2014.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


CITY CLERK

RESOLUTION NO. 14-75

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A FARE- FREE DAY ON MAY 19, 2014, IN ORDER TO PROMOTE STRIVE NOT TO DRIVE ACTIVITIES FROM MAY 16 – 25, 2014

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

WHEREAS, fare-free has proven to be an effective way to show riders appreciation and 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 day on May 19, 2014 in order to promote Strive Not To Drive activities from May 16 – 25, 2014.

Read, approved, and adopted this the 22th day of April 2014.

Margdalen Paulson
City Clerk

Ed G. Her
Mayor

Approved as to form:

Arthur McElshan
City Attorney

Margdalen Paulson
City Clerk

145
RESOLUTION NO. 14-76

RESOLUTION DIRECTION STAFF TO PREPARE REPORT A FOR THE CREATION OF A
MUNICIPAL SERVICE DISTRICTS FOR THE SOUTH SLOPE AND TO SET A PUBLIC
HEARING ON MAY 27, 2014

WHEREAS, the South Slope is recognized as an up and coming economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the South Slope is critical to all citizens; and

WHEREAS, City Council adopted the Downtown Master Plan in May 2009, which recognized the South Slope as distinct place, and recommended cultivating that distinct place as a major southern gateway to downtown; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536;

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

Section 1. A public hearing to consider the creation of a Municipal Service District for the South Slope on May 27, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 22nd day of April, 2014.

Margdalen Bullison
CITY CLERK

Eric M
MAYOR

Approved As To Form:

Marshall A. Klohon
CITY ATTORNEY

Margdalen Bullison
City Clerk

RESOLUTION NO. 14-77

RESOLUTION DIRECTION STAFF TO PREPARE A REPORT FOR THE CREATION OF MUNICIPAL SERVICE DISTRICTS FOR THE RIVER ARTS DISTRICT AND TO SET A PUBLIC HEARING ON MAY 27, 2014

WHEREAS, the River Arts District is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the River Arts District is critical to all citizens; and

WHEREAS, City Council adopted the Wilma Dykeman RiverWay Master Plan in June 2004, which recommends significant infrastructure improvements be made to support urban revitalization; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536;

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

Section 1. A public hearing to consider the creation of a Municipal Service District for the River Arts District on May 27, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 22nd day of April, 2014.

Magdalena Bouleson
CITY CLERK

George M
MAYOR

Approved As To Form:

Martha McKeon
CITY ATTORNEY

Magdalena Bouleson
City Clerk

149

RESOLUTION NO. 14-78

RESOLUTION DIRECTION STAFF TO PREPARE A REPORT FOR THE CREATION OF MUNICIPAL SERVICE DISTRICTS FOR NORTH CHARLOTTE STREET AND TO SET A PUBLIC HEARING ON MAY 27, 2014

WHEREAS, the north Charlotte Street corridor is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the north Charlotte Street corridor is critical to all citizens; and

WHEREAS, City Council desires to improve bicycle and pedestrian facilities in the corridor without impairing vehicular access; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536;

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

Section 1. A public hearing to consider the creation of a Municipal Service District for north Charlotte Street on May 27, 2014.

Section 2. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 3. Notice of the public hearing shall be given as required by law.

Read, approved, and adopted this 22nd day of April, 2014.

Magdalen Paulson
CITY CLERK

[Signature]
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION REGARDING NEW FDA REGULATIONS FOR FARMERS

WHEREAS, the growing craft beer business in Buncombe County is a perfect example of the opportunity to connect struggling livestock producers to a low cost feed source available from new and developing breweries in the area; and

WHEREAS, this feeding process had been a proven practice for many years in other parts of North Carolina and provides a much needed increase in farm income by lowering the cost of cattle production. This additional income source encourages our local farmers to keep family farms working rather than to sell for real estate development; and

WHEREAS, City Council gives its unwavering support for reasonable regulation that strengthens the safety of our food supply for humans and animals; however, this Council is concerned with the proposed regulation of spent brewers' and distillers' grains under the Food and Drug Administration (FDA) proposed rule, *Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls For Food For Animals* (proposed animal food rule); and

WHEREAS, by establishing a broad definition of "animal food", FDA extends this regulation to encompass finished product, raw materials and ingredients such as spent brewers' grains. Spent grains are widely used for animal food across this country and the brewing industry has cultivated mutually beneficial relationships with farmers and the animal food industry to take advantage of this local, nutritious and cost effective source of animal food; and

WHEREAS, the animal food industry and farmers have developed best practices to address food safety concerns associated with the use of this product working in conjunction with State Departments of Agriculture, Cooperative Extension programs and land grant universities. The systems currently in place are effectively addressing risks as evidenced by the lack of human or animal food borne illnesses associated with the use of the product; and

WHEREAS, we support our local farmers and numerous craft breweries and respectfully request you give favorable consideration to an adaption of the rule for craft breweries and the farmers who feed wet grain from any new regulations; and

WHEREAS, City Council feels it is in the best interest of the citizens to request that the US Food and Drug Administration help us protect this farm/brewery partnership with this adaptation thereby preserving the opportunity for family farmers in the rural mountain region of North Carolina to enjoy greater income and keep their farms working and productive;

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

1. That City Council encourages FDA to reconsider its regulation and only adopt a rule that both protects our food supply and is minimally disruptive to the long-standing practice of brewers providing wet grain to farmers, which supports both the farming and brewing industries.
2. That a copy of this resolution be sent to our local representatives and congressional representatives.
3. That this resolution be effective upon its adoption.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Boulson
City Clerk

Steve M
Mayor

Approved as to form:

Walter McNealon
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 14- 80RESOLUTION TO PERMANENTLY CLOSE UNIVERSITY HEIGHTS AND A PORTION OF
EDGEWOOD ROAD

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

WHEREAS, a petition has been filed by the adjoining property owners to permanently close University Heights and a portion of Edgewood Road; and

WHEREAS, City Council on the 25th day of March, 2014 adopted a resolution of intent to permanently close University Heights and a portion of Edgewood Road, and ordered a public hearing on the question of the closing for the 22nd day of April 2014 at its regular meeting on the 2nd 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 present to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed a two location along said portion of University Heights and a portion of Edgewood Road; and

WHEREAS, at said public hearing no objections were made that the proposed closing of University Heights and a portion of Edgewood Road would deprive any individual owning property in the vicinity in which said closure is located of reasonable mean of ingress and regress to their properties.

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

Pursuant to the North Carolina General Statutes Section 160A-299, University Heights and a portion of Edgewood Road as herein described is permanently closed to the public.

- (1) University Heights in its entirety, including the circular part, the Y-shaped intersection with Edgewood Road, and the part that leads down the hill to W. T. Weaver Boulevard; and
- (2) The southernmost part of Edgewood Road, beginning at the Y=intersection described above and extending in a northerly and easterly direction for approximately 900 feet to the northeast corner of the University property as described in Deed Book 1003 at Page 267. Both descriptions are more particularly shown on the Exhibit "A" attached hereto and incorporated herein by reference.

This closing is subject to the retention by the City of Asheville Water Resources Department its successors and assigns, of a 20-foot wide permanent easement for the operation and maintenance of water lines lying 10 feet on each side of the center line of said water line located within the portion of University Heights and portion of Edgewood Road

proposed to be permanently closed, and allow access to City of Asheville waterlines contained within property boundaries of the University of North Carolina at Asheville.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Paulson
City Clerk

Eric M
Mayor

Approved as to form:

Martha McElhannon
City Attorney

Magdalen Paulson
City Clerk



Right Of Way Closure

Unopened Right of Way University Heights and a portion of Edgewood Road

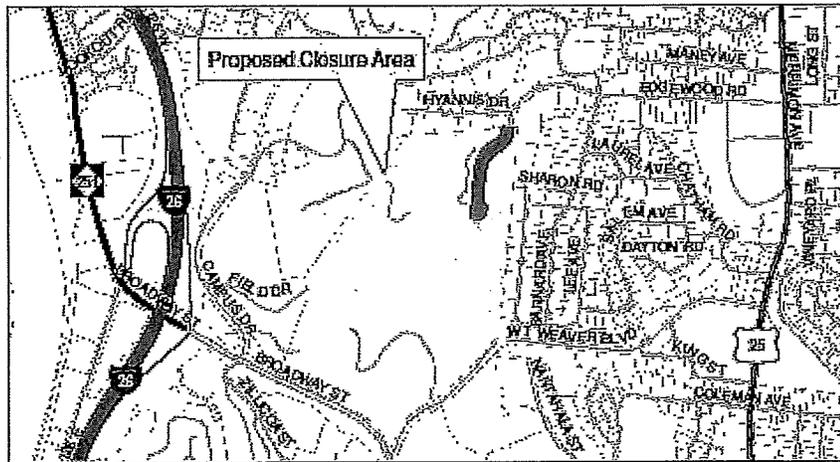
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Legend

- Local Interstate Highways (Buncombe County)
- Local US Highways (Buncombe County)
- Local NC Highway (Buncombe County)
- Local Highway Ramps (Buncombe County)
- Local Blue Ridge Parkway (Buncombe County)
- NC Interstate Highways (Generalized)
- Streets (Buncombe County)

- University Heights
- Edgewood Road



155
RESOLUTION NO. 14- 81

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF ASHELAND 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 laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close a portion of Asheland Avenue; and

WHEREAS, City Council on the 25th of March, 2014 adopted a resolution of intent to permanently close a portion of Asheland Avenue and ordered a public hearing on the question of closing for 22nd day of April, 2014 at its regular meeting on the 2nd 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 present 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 location along said portion of Asheland Avenue; and

WHEREAS, at said public hearing no objections were made that the proposed closing of a portion of Asheland Avenue would deprive any individual owning property in the vicinity in which said closure is located of reasonable mean of ingress and regress to their properties.

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

Pursuant to the North Carolina General Statutes Section 160A-299, a portion of Asheland Avenue as herein described is permanently closed to the public:

Beginning at a #5 Rebar with McAbee Identification Cap (being 0.3' below the adjacent grade) located in the southern margin of the lands running along the southern extents of Hilliard Avenue and held by the City of Asheville (shown as Parcel "A" in Plat Book 45 Page 35); said Rebar being located South 75°04'16" West 23.53' and North 81°21'18" West 115.93' from another #5 Rebar with McAbee Identification Cap (being 0.5' below the adjacent grade) which bears NC Grid Coordinates (NAD83-2011) of: Northing= 688,963.91' and Easting= 943,120.10'; thence from the point of beginning and running with the eastern margin of the existing 100' City of Asheville public right of way over Asheland Avenue on a curve turning to the left with an arc length of 51.23', with a radius of 30.03', with a chord bearing of South 49°46'16" West and a chord length of 45.24' to a #5 Rebar with McAbee Identification Cap (being flush with the adjacent grade); thence continuing with the said eastern margin of Asheland Avenue South 00°53'51" West passing a #5 Rebar with McAbee Identification Cap (being 0.8' below the adjacent grade) at a distance of 76.95' and further passing another #5 Rebar with McAbee Identification Cap (being 0.2' below the adjacent grade) at a distance of 344.65' for a

total distance of 464.62' to a survey marker nail found; thence leaving the eastern margin of the said existing right of way over Asheland Avenue North 89°12'48" West a distance of 23.66' to a #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade) located on the eastern margin of the new City of Asheville public right of way over Asheland Avenue; the eastern margin of the said new right of way running at all points 71.5' from the face of the curbing located along the western edge of Asheland Avenue; thence with this new right of way line the following six courses and distances: North 00°47'12" East a distance of 41.84' to a calculated point, North 00°55'59" East a distance of 125.86' to a calculated point, North 01°54'20" East a distance of 57.69' to a calculated point, North 03°48'53" East a distance of 114.72' to a calculated point, North 05°04'03" East a distance of 62.42' to a calculated point and finally North 05°13'17" East a distance of 65.94' to a #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade); thence following a curve turning to the right and towards the southern margin of the said lands running along the southern extents of Hilliard Avenue, and held by the City of Asheville, having an arc length of 48.92', with a radius of 30.00', with a chord bearing of North 51°55'59" East and a chord length of 43.67' to another #4 Rebar with Mcabee Identification Cap Set (flush with the adjacent grade); thence continuing with the southern margin of the City of Asheville property South 81°21'18" East a distance of 7.49' to the point and place of beginning. Containing 0.215 acres / 9,355 square feet, as more particularly shown on a survey prepared by McAbee and Associates, P.A., dated December 19, 2013, attached hereto as Exhibit A.

This closing is subject to the retention by the Metropolitan Sewage District, its successors and assigns, of a 20-foot wide permanent easement for the operation and maintenance of sewer lines lying 10 feet on each side of the center line of said sewer line located within the portion of Asheland Avenue Road proposed to be permanently closed.

Read, approve and adopted this 22nd day of April, 2014

Magdalen Brulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Brulson
City Clerk

RESOLUTION NO. 14-82

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2014-2015 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2014-15; and

WHEREAS, a public hearings has been held on April 22, 2014 to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

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

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2014-15 which is incorporated by reference as if fully set forth herein.
2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 22rd day of April, 2014.

Magdalen Brousson
CITY CLERK

Eden G. M.
MAYOR

Approved As To Form:

Arthur McElhonor
CITY ATTORNEY

Magdalen Brousson
City Clerk

**City of Asheville
Proposed Action Plan for CDBG and HOME Funds**



The City of Asheville has prepared a draft of the Housing and Community Development Annual Action Plan for 2014-2015 for public comment:

The Annual Action Plan for 2014-15 sets out how the City of Asheville and the Asheville Regional Housing Consortium propose to use an estimated \$2,370,468 in federal Community Development Block Grant (CDBG) and HOME funds in the year beginning July 1, 2014.

The draft plan will be posted on the internet at www.ashevillenc.gov and is also available at the Planning Dept., 5th floor of City Hall; 828-259-5721. Written comments should be sent to: Jeff Staudinger, Community Development Division, City of Asheville, P.O. Box 7148, Asheville, NC 28802 (jstaudinger@ashevillenc.gov), to arrive by April 21, 2014.

A public hearing on the Plan will be held at the City Council meeting starting at 5:00 PM on Tuesday, April 22, 2014, in Asheville City Hall. Citizens are encouraged to offer comments.

SUMMARY OF ANNUAL ACTION PLAN FOR 2014-2015

CDBG PROGRAM

Projected Revenue:

Estimated 2014-15 Program Income	\$63,700
Unbudgeted 2013-2014 Program Income	\$97,000
Funds available for reallocation	\$58,000
New CDBG Entitlement Grant	\$955,989
Total CDBG Funds Available:	\$1,174,689

Proposed Use of Funds:

PROGRAM	2014-2015 Funding Recommend.
Asheville Area Habitat for Humanity - Home Repair	\$ 49,902
Asheville Area Habitat for Humanity - Homeowner Education	\$ 60,720
Asheville Buncombe Community Christian Ministry - Housing Services HPRP	\$ 15,180
Asheville Buncombe Community Relations Council - Fair Housing	\$ 16,587
Asheville City Schools Foundation - After School Program	\$ 26,811
Green Opportunities - Job Training and Placement	\$ 150,000
Helpmate - Domestic Violence Services	\$ 16,567
Homeward Bound - AHOPE	\$ 50,265

Homeward Bound - Pathways to Permanent Housing	\$ 85,000
Mountain Bizworks - Business Coaching for Entrepreneurs	\$ 70,840
Mountain Housing Opportunities - Downpayment Assistance	\$ 60,000
Mountain Housing Opportunities - Lending Services	\$ 131,560
Mountain Housing Opportunities - Tier I Repair	\$ 75,000
Mountain Housing Opportunities - Tier II Repair	\$ 75,000
OnTrack - Financial Counseling	\$ 10,053
Pisgah Legal Services - Homelessness Prevention	\$ 50,265
Womens Wellbeing and Development Foundation - Ujamaa Freedom Market	\$ 27,000
City of Asheville Program Administration	\$ 203,938
RECOMMENDED FUNDING	\$ 1,174,689

HOME PROGRAM

Projected Revenue:

Estimated Program Income 2014-2015	\$19,526
Unbudgeted 2013-2014 Program Income -	\$69,227
Funds Available for Reallocation	\$97,839
HOME Allocation 2014-2015	\$1,009,187
Total HOME Funds Available	\$1,195,779

Proposed Use of Funds:

PROGRAM	2014-2015 Funding Recommend.
Asheville Area Habitat for Humanity - Shiloh Taft Avenue Project	\$ 10,000
Asheville Buncombe Community Christian Ministry - Homeless Prevention and Rapid Re-housing	\$ 10,674
Biotat - Oak Hill Commons	\$ 100,000
Community Housing Coalition of Madison County - Rural Rehabilitation	\$ 40,000
Givens Estate - Gerber Village Phase I	\$ 100,000
Homeward Bound - Buncombe Homeless Prevention and Rapid Re-housing	\$ 121,214
Homeward Bound - Henderson Homeless Prevention and Rapid Re-housing	\$ 40,000
Homeward Bound - Tenant Based Rental Assistance	\$ 55,000
Western Carolina Community Action - Transylvania Tenant Based Rental Assistance	\$ 60,000
Mountain Housing Opportunities - East Haven Apartments	\$ 100,000
Housing Assistance Corporation - Rosebay Apartments	\$ 425,200
City of Asheville Program Administration	\$ 118,891
CHDO Operating Expenses	\$ 15,000
RECOMMENDED FUNDING	\$ 1,195,779

RESOLUTION NO. 14-83

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY OF HENDERSON REGARDING REAL PROPERTY LOCATED ON FERRY ROAD, IN THE COUNTY OF BUNCOMBE, STATE OF NORTH CAROLINA

WHEREAS, the City of Asheville (Asheville) has the authority pursuant to Article 20 Chapter 160A of the North Carolina General Statutes to enter into an Interlocal Agreement; and

WHEREAS, Asheville has the authority pursuant to NCGS §160A-274 to convey interests in real property to other governments upon such terms and conditions as it deems wise, and such conveyance may be with or without consideration; and

WHEREAS, Asheville and Henderson County (Henderson) are parties to several agreements regarding regional water issues, including the "First Amended and Restated Water Supply and Water Service Agreement, ("1995 Agreement");" and

WHEREAS, among the terms of the 1995 Agreement are provisions regarding approximately 137.21 acres of real property located on Ferry Road, in the County of Buncombe, and more particularly described in Deed Book 2152, Page 4, and in Plat Book 50 Page 107 of the Buncombe County Register of Deeds, (Real Property); and

WHEREAS, Asheville and Henderson claim an interest in the Real Property; and

WHEREAS, pursuant to a Consent Judgment entered in Buncombe County Superior Court in 2002 (file number 01 CVS 344), the Real Property was conveyed by Asheville to Henderson County by deed recorded July 15, 2002, in Book 2852, Page 775, Buncombe County Registry; and

WHEREAS, Asheville and Henderson desire to enter into this Interlocal Agreement to address the Real Property;

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

The Mayor of the City of Asheville is hereby authorized to enter into a Interlocal Agreement with the County of Henderson regarding the approximately 137.21 acres of real property described in Deed Book 2152, Page 4, and in Plat Book 50 Page 107, of the Buncombe County Register of Deeds.

The Mayor is further authorized to execute any and all other documents to effectuate and carry into effect the terms of the Interlocal Agreement.

Read, approved and adopted this 22nd day of April, 2014

Magdalen Baulson
CITY CLERK

Eric G. Mc
MAYOR

Approved as to form:

Martha McPherson
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 14-84

RESOLUTION ADOPTING THE 2014 LEGISLATIVE AGENDA FOR THE CITY OF ASHEVILLE

WHEREAS, the 2014 North Carolina general Assembly "short session" will convene on May 14, 2014; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and State-wide interest where legislative action is needed or desired;

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

The "City of Asheville Legislative Agenda for the 2014 Session of the North Carolina General Assembly," attached hereto as Exhibit A, is hereby adopted.

The City Attorney is hereby directed to transmit a certified copy of this Resolution to the members of the General Assembly whose districts include the City of Asheville.

The City Council offers the City's assistance to members of the General Assembly and the legislative staff with respect to any items listed on Exhibit A, including the provision of additional information, and further resolutions in support of specific bills.

BE IT FURTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the members of the local delegation for their service on behalf of the City of Asheville.

Read, approved and adopted this 22nd day of April, 2014.

Margdalen Brulson
City Clerk

E. Bruce Mc
Mayor

Approved as to form:

Arthur Mc
City Attorney

Margdalen Brulson
City Clerk



Exhibit A

2014 City of Asheville Legislative Agenda

Environmental Issues

- Support changes to HB 74, Regulatory Reform Act, to restore local control regarding environmental protection.
- Seek legislation requiring the appropriate clean up and disposal of coal ash in coal ash ponds.

Revenue

- Support reducing the complexity and inequity of the privilege license tax while maintaining the tax as a locally controlled source of revenue that supports services to businesses and consumers.
- Seek changes to Session Law 2013-414 to exempt farmers markets and farmers market managers from N.C.G.S. 66-255, allowing farmers markets and farmers market managers to operate without the requirements of registration lists and vendor certificates.
- Seek legislation to give municipalities the option to use electronic legal public notices in lieu of newspaper publication. In FY 2012-2013 the City of Asheville spent \$85,000 on notification advertisements and publications.

Transportation Infrastructure

- Seek funding of the I-26 Connector Project as recommended by joint resolution of the Board of Commissioners for the County of Buncombe and the Asheville City Council.

Graffiti

- Seek to strengthen and/or clarify current state law to more effectively deter and punish perpetrators who damage property, such as by committing vandalism with graffiti.

RESOLUTION NO. 14- 85

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Marcie Walker has resigned as a member of the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2014;

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

Ms. Sabrah n'haRaven, 61 Annandale Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Homeless Initiative Advisory Committee, to serve the unexpired term of Ms. Walker, term to expire November 1, 2014, until her successor is duly appointed.

Read, approved and adopted this 22nd day of April, 2014.

Margalene Bourleson
CITY CLERK

[Signature]
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Margalene Bourleson
City Clerk