

RESOLUTION NO. 14- 171

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEXINGTON AVENUE ARTS & FUN FESTIVAL ON THE DATE OF SUNDAY, AUGUST 31, 2014 FROM 11:00 AM – 9:00 PM

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

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

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

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Lexington Avenue Arts & Fun Festival.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Lexington Avenue Arts & Fun Festival event area, as set forth on Exhibit A, attached.

Lexington Avenue Arts & Fun Festival event area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 Overpass, Walnut Street between the intersections of Carolina Lane & Rankin Avenue, and Hiwassee between the intersection of Rankin Avenue and Lexington Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for

Lexington Avenue Arts & Fun Festival on Sunday, August 31, 2014 from 11:00 a.m. to 9:00 p.m.;

- 3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Lexington Avenue Arts & Fun Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Lexington Avenue Arts & Fun Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.
- 4. The location of the Lexington Avenue Arts & Fun Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Boulton
 City Clerk

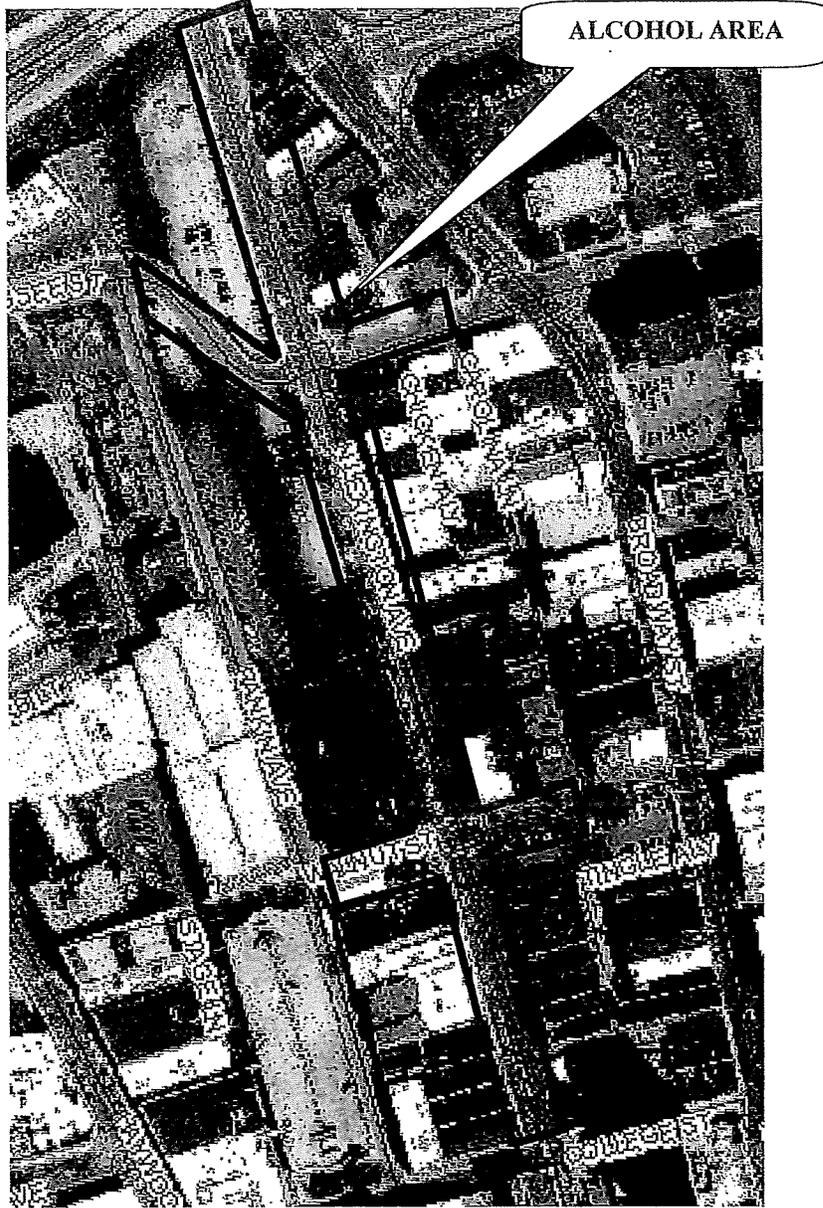
Ann S. Mc
 Mayor

Approved as to form:

P. J. Klein
 City Attorney

Magdalen Boulton
 City Clerk

Exhibit A



RESOLUTION NO. 14- 172

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF AUGUST 31, 2014 FROM 12:00 PM – 11:00 PM

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

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

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

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

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Cup event area, as set forth in Exhibit A, attached.

The Beer City Cup event area is within the boundaries of Memorial Stadium facility.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Cup on Sunday, August 31, 2014 from 12:00 PM – 11:00 PM.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be

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

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

Read, approved and adopted this 26th day of August, 2014.

Magdalen Boulton
City Clerk

Steve A. Mc
Mayor

Approved as to form:

Tom Allen
City Attorney

Magdalen Boulton
City Clerk

EXHIBIT A



Memorial Stadium

297

RESOLUTION NO. 14- 173

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT GOOMBAY ON THE DATES OF FRIDAY, SEPTEMBER 12, 2014 FROM 2:00 PM – 10:00 PM & SATURDAY, SEPTEMBER 13, 2014 FROM 10:00 AM – 10:00 PM

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

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

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

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

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Goombay event area, as set forth in Exhibit A, attached.

The Goombay event area is within the boundaries of Pack Square Park's Roger McGuire Green and Reuter Terrace, including South Spruce Street between the intersections of South Pack Square and College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Goombay on Friday, September 12, 2014 from 2:00 p.m. – 10:00 p.m. and Saturday, September 13, 2014 from 10:00 a.m. – 10:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum

cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed the Goombay event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 26th day of August, 2014.

Magdalena Paulson
City Clerk

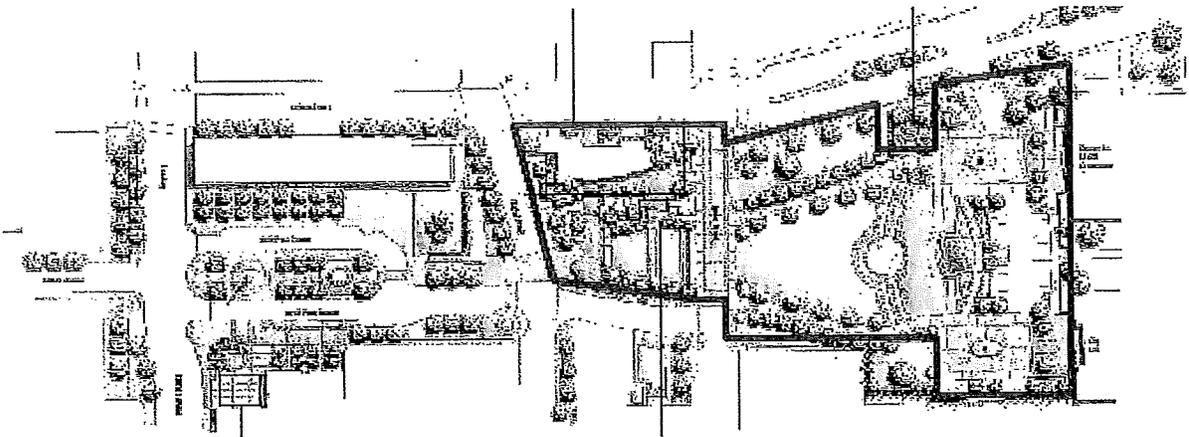
Steve Mc
Mayor

Approved as to form:

Kevin Clui
City Attorney

Magdalena Paulson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 14- 174

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOG DAY AFTERNOON ON THE DATE OF SUNDAY, SEPTEMBER 28, 2014 FROM 1:00 PM – 5:00 PM.

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

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

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

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

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Dog Day Afternoon event area, as set forth on Exhibit A, attached.

The Dog Day Afternoon event area is within the boundaries of Carrier Park located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Dog Day Afternoon on Sunday, September 28, 2014 from 1:00 p.m. – 5:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Dog Day Afternoon event area. No other possession of open containers of malt beverages and/or unfortified wine or

consumption of malt beverages and/or unfortified wine shall be allowed in the Dog Day Afternoon event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 26 day of August, 2014.

Magdalena Boulson
 City Clerk

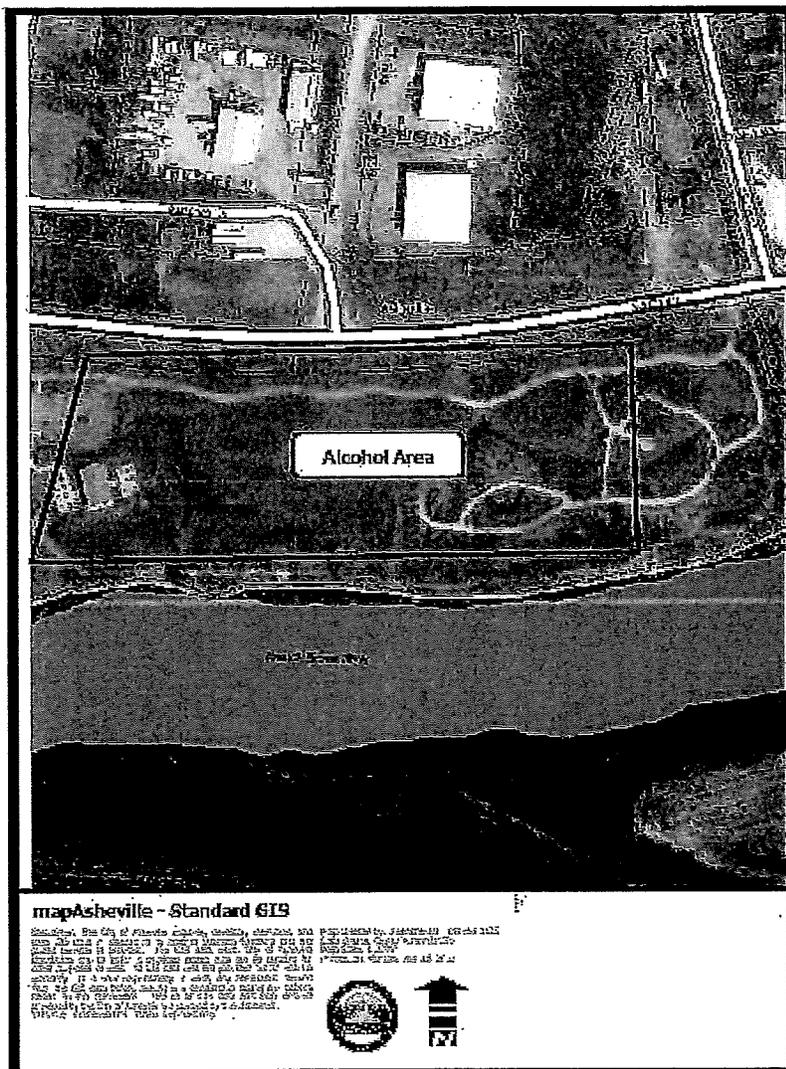
Steve G. M
 Mayor

Approved as to form:

Bob Allen
 City Attorney

Magdalena Boulson
 City Clerk

Exhibit A



RESOLUTION NO. 14-175

RESOLUTION TO SET A PUBLIC HEARING ON OCTOBER 14, 2014, FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR THE SOUTH SLOPE

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; and

WHEREAS, on May 13, 2014, by Resolution No. 14-100, City Council directed staff to prepare a report for the creation of a Municipal Service District for the south slope;

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 October 14, 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 26th day of August, 2014.

Magdalen Boulton
CITY CLERK

Ann G. Mc
MAYOR

Bin Olin
CITY ATTORNEY

Magdalen Boulton
City Clerk

RESOLUTION NO. 14-176

RESOLUTION TO SET A PUBLIC HEARING ON OCTOBER 14, 2014, FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR THE RIVER ARTS DISTRICT

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; and

WHEREAS, on May 13, 2014, by Resolution No. 14-101, City Council directed staff to prepare a report for the creation of a Municipal Service District for the River Arts District;

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 October 14, 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 26th day of August, 2014.

Magdalen Boudeson
CITY CLERK

Steve C. Mann
MAYOR

Approved As To Form:
Billie
CITY ATTORNEY

Magdalen Boudeson
City Clerk

RESOLUTION NO. 14-177

RESOLUTION TO SET A PUBLIC HEARING ON OCTOBER 14, 2014, FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR NORTH CHARLOTTE STREET

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; and

WHEREAS, on May 13, 2014, by Resolution No. 14-102, City Council directed staff to prepare a report for the creation of a Municipal Service District for north Charlotte Street;

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 October 14, 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 26th day of August, 2014.

Magdalen Bourleson
CITY CLERK

Anna C. M...
MAYOR

Approved As To Form:

Bob Olin
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. - 14-178

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ADECCO USA, INC. FOR A 1 YEAR CONTRACT FOR IT SERVICES CONTRACT EMPLOYEES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City had a 1 year contract with ADECCO USA, Inc. for IT Services contract employees, and staff recommends a new 1 year contract; and

WHEREAS, the contract provides contract employees for \$95,000; and

WHEREAS, the current contract between the City of Asheville and ADECCO USA, Inc. will be expiring and both parties wish to enter into a new 1 year contract;

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 ADECCO USA, Inc. on behalf of the City of Asheville for the purpose of providing contract employees for IT Services in the amount of \$95,000 for 1 year, total contract amount of \$95,000.

Read, approved and adopted this the 26th day of August, 2014.

Magdalena Baulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Baulson
City Clerk

RESOLUTION NO. - 14-179

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS WITH COPELAND HOLDINGS (CH) SECURITY SERVICES, LLC TO PROVIDE ASHEVILLE CITY HALL ARMED SECURITY GUARDS SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has a contract effective April 9, 2012, through June 30, 2016 with Copeland Holdings (CH) Security Services, LLC . to provide armed security guard employees; and

WHEREAS, the original contract provides a contract employee for \$40,761.30 annually, but effective July 1, 2013, the City requested an additional armed guard be assigned to Asheville City Hall under the current contract; and

WHEREAS, the current contract between the City of Asheville and Copeland Holdings (CH) Security Services, LLC total cost of services is approaching City Council review threshold as a result of the agreed upon increase in armed guard service and associated hours;

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

The City Manager is hereby authorized sign change orders associated with the Asheville City Hall security contract in the amount up to \$61,185 through June 30, 2016.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Brouleson
City Clerk

Steve G. Mc
Mayor

Approved as to form:

Don Allen
City Attorney

Magdalen Brouleson
City Clerk

RESOLUTION NO. 14- 180

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE CONTRACT WITH CAVANAUGH & ASSOCIATES, P.A., FOR THE NON-REVENUE WATER PROGRAM

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, Cavanaugh & Associates, PA, was selected by Staff and approved by City Council on August 13, 2013, for the Non-Revenue Water (NRW) Management project in the amount of \$151,925.00; and

WHEREAS, City Staff desire continued guidance from Cavanaugh & Associates over the next 13 months to complete development of a comprehensive non-revenue water program that will continue to reduce the Department's overall non-revenue water percentage.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to renew the contract with Cavanaugh & Associates, P.A., for an amount of \$93,520.00 and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Brunson
City Clerk

Steve G. Mc
Mayor

Approved as to form:
Bob Clew
City Attorney

Magdalen Brunson
City Clerk

RESOLUTION NO. 14-181

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STEWART INC. FOR THE DESIGN AND CONSTRUCTION DRAWINGS FOR THE FRENCH BROAD RIVER GREENWAY AND AMBOY BRIDGE CONNECTION 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, N.C.G.S. 143-64.31 requires N.C. local governments to announce all requirements for architectural, engineering and surveying services; and

WHEREAS, the City issued a Request for Qualifications (RFQ) to engage an external consultant to develop the design and construction drawings for the French Broad River Greenway and Amboy Bridge connection; and

WHEREAS, after reviewing the Responses to the RFQ submitted by eleven companies, City staff recommends that the City enter into a contract with Stewart, Inc.; 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 a contract with Stewart, Inc. for the development of design and construction drawings for the French Broad River Greenway and Amboy Bridge connection.

Read, approved and adopted this the 26th day of August, 2014.

Magdalena Bourleson
City Clerk

Ann G. Mc
Mayor

Approved as to form:

Bin Clee
City Attorney

Magdalena Bourleson
City Clerk

RESOLUTION 14- 182

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE POLICY
(FORMERLY TRANSFORMATIONAL DEVELOPMENT PROJECTS INCENTIVE POLICY)

WHEREAS, pursuant to N.C. Gen. Stat. § 158-7.1, the City is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys, and locating industrial and commercial plants in or near the City; encouraging the building of railroads, or other purposes which, in the discretion of the City Council, will increase the population, taxable property, agricultural industries, and business prospects of the City; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including funds for housing for low and moderate income persons; and

WHEREAS, the Asheville City Council first adopted the Transformational Development Projects Incentive Policy by Resolution No. 10-240 on November 9, 2010 and amended this Policy by Resolution No. 11-50 on March 8, 2011 and by Resolution No. 12-9 on January 10, 2012; and

WHEREAS, the Asheville City Council believes it is important to support development that furthers the public purposes encompassed in the major elements of the Council's Strategic Plan and the City's 2025 Comprehensive Plan and other adopted plans, including the provision of work force and affordable housing and/or green development and energy saving projects; and

WHEREAS, the Asheville City Council believes it is necessary to modify and clarify the City's existing Land Use Incentive Policy ("LUIP") in order to further encourage the use of the LUIP and to more specifically set forth the requirements and considerations for Council approved appropriations for affordable housing and green development under the statutory authority listed above;

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

1. The title of the "Transformational Development Projects Policy" be formally changed to the "Land Use Incentive Policy."
2. The City's Land Use Incentive Policy adopted on November 9, 2010 (Resolution No. 10-240) is hereby revised as shown on Exhibit A, attached hereto and incorporated here by reference.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Brousson
City Clerk

Esther E. Mc
Mayor

Approved as to form:

Don Allen
City Attorney

Magdalen Brousson
City Clerk

311

EXHIBIT A

LAND USE INCENTIVE POLICY
AS AMENDED AUGUST 26, 2014

Authority and Purpose:

This policy is approved pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals and other adopted plans: 1) the development of affordable and workforce housing; and/or 2) the encouragement of development which incorporates "green" building and furthers energy savings. This Policy will serve to, among other things, increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456.

Process and City Council Review:

The City Council will review applications which seek grants under this Policy according to the requirements and procedures set forth in N.C. Gen. Stat. § 158-7 and § 160A-456, and those which are set forth herein. The Council's decision as to whether to allow a Land Use Incentive Grant, and the amount of any Grant which is allowed, is completely within the discretion of the City Council. In no event is an applicant ever entitled to a grant under this Policy, but instead, the City Council has complete discretion to decide which projects best achieve the goals and objectives of this Policy.

The City Staff will evaluate Land Use Incentive Grant applications submitted pursuant to this Policy for compliance with, among other things, this Policy's requirements and goals, and the City's adopted Strategic Plan and any other applicable City plans. The Staff will also evaluate the number of potential points which a project could achieve under the Policy, and will then provide a report to the City Council, with a recommendation based upon the foregoing analysis.

The Housing and Community Development Committee ("HCD") of the City Council will review the staff assessment and make a recommendation to the full Council.

Following the HCD review, the City Council will hear the staff assessment report and the Applicant's request and set a public hearing. Following the public hearing, the Council will make a discretionary determination as to whether to award the requested Grant, and the amount of any Grant awarded, based on its overall evaluation of the submitted project, not just the number of points.

Section I - Requirements

The following are requirements, which must be met in order for the City Council to consider a Land Use Incentive Grant application. Applications which do not meet these minimum requirements are not permitted to request a Grant or participate in this Policy.

- The proposed development must receive Energy Star Certification;
- There must be 20% equity participation by the party requesting the Land Use Incentive Grant;
- The proposed development must consist of two or more dwelling units; and
- The proposed development must be located inside the city limits and must be located within 1/4 mile of the following major highways: Patton Avenue, Hendersonville Road, Sweeten Creek Road, Tunnel Road, Haywood Road, Merrimon Avenue, New Leicester Highway, Brevard Road, Riverside Drive/Meadow Road, Schenck Parkway, and Long Shoals Road (from the intersection with Hendersonville Road to the intersection of Clayton Road).

Section II – Point System

The following point system is a tool which is intended to guide the City Council in deciding whether to allow a Grant under this Policy and in addition, if a Grant is approved, to determine the actual amount of the Grant. Because the point system is only a guide, the City Council is authorized to allow more or less points on any particular factor, depending upon, among other things, the characteristics, and potential benefits and/or detriments of an individual project.

Public Benefit Element	Points
<u>Green Building/ Energy</u>	
Energy Star Certified	5
Leed Bronze or HB Silver	10
Leed Silver or HB Gold	20
Leed Gold or HB Platinum	30
Leed Platinum	40

No funds can be granted until the designated certification is achieved.

Affordable Housing

Must agree to 10 year affordability criteria for rents at 80% of area medium income:

10%+ affordable	10
20%+ affordable	20
30%+ affordable	30
40%+ affordable	40

There must be an annual report provided to the City demonstrating the continuing affordability of the designated dwellings for the 10 years of affordability.

Workforce Housing

Must agree to 10 year affordability criteria for rents at 120% of area medium income:

25%+ workforce	5
50%+ workforce	10
75%+ workforce	15

There must be an annual report provided to the City demonstrating the continuing affordability of the designated dwellings for the 10 years of affordability.

Mixed Use and Transit Orientation

Includes a minimum 20% non-residential	5
Within the Sustainability Bonus area	5
Brownfield Redevelopment	5

Public Benefit Element	5	10	15	20	30	40	0
Energy Star Certified	x						
Leed Bronze/ Healthy Built Silver		x					
Leed Silver/ Healthy Built Gold				x			
Leed Gold/ Healthy Built Platinum					x		
Leed Platinum						x	
10%+ Affordable		x					
20%+ Affordable				X			
30%+ Affordable					x		
40%+ Affordable						x	
25%+ Workforce	x						
50%+ Workforce		X					
75%+ Workforce			x				
Mixed-Use (20% non-residential)	x						
Located w. in Sustainability Bonus area	x						
Brownfield Redevelopment	x						

Section III- Other Procedures, Considerations and Potential Amount of Land Use Incentive Grant

- Approval of a Land Use Incentive Grant under this Policy will require a public hearing and approval by the City Council, per N.C. Gen. Stat. § 158-7.1.
- Unless granted an exemption from the City Council, no Grant will be allowed under this

Policy for projects which have received building permits.

- Every 10 points can earn one year of economic incentive (equivalent to City property taxes in excess of currently assessed taxes for one year annually applied, *to be dated from the date of release of all occupancy permits and certification of all green building/energy standards designated for the project*).
- Every 10 points can also earn a 10% reduction in the following fees and charges: Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Plan review fees and Water service connection fee. *This reduction is in addition to the existing fees rebated for affordable housing projects.* Affordable housing projects eligible for the 50% fee waiver are not eligible for additional fee waivers for points garnered for housing affordability, although they can benefit from the "green" additional points;
- Any project receiving an incentive related to provision of affordable or workforce housing must provide an annual report to the City for the 10 years that the designated dwelling units must remain at that level of affordability. The report must demonstrate the continued affordability of the units, or the tax rebate incentive must be returned to the City.

For more information, contact:

Jeff Staudinger, Community Development Director 828-259-5723

RESOLUTION NO. 14- 183

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FROM JULY 1, 2014 THROUGH JUNE 30, 2015

WHEREAS, pursuant to N.C.G.S. 5 160A-493 states that the City may contribute to the support of an animal shelter; and

WHEREAS, pursuant to N.C.G.S. 5 160A-20.1, the City has authority to contract with private entities in order to carry out any public purpose; and

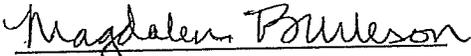
WHEREAS, the City Council has determined that it is in the public interest to provide animal shelter services for the City of Asheville; and

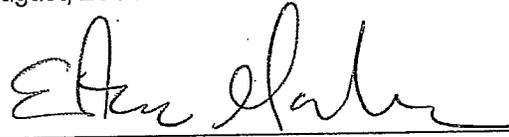
WHEREAS, the amount of the Agreement is \$230,004 and the monies have been budgeted in the Asheville Police Department's FY 14-15 budget;

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 2014-2015 for \$230,004.

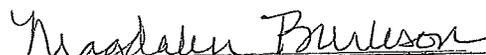
Read, approved and adopted the 26th day of August, 2014.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


CITY CLERK

RESOLUTION NO. 14-184RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DR. PAUL MARTIN, MD, DBA ASHEVILLE ADDICTION CONSULTANTS, PA FOR PHYSICIAN SERVICES

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 under the purview of the City Manager, the Human Resources Department contracts with Dr. Paul Martin for professional physician services for employees and their dependents in the Health Services division; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertized the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, the amount of the Agreement is \$120,000.00 and the monies have been budgeted in the Health Care Fund 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 Dr. Paul Martin, MD, DBA Asheville Addiction Consultants, PA for \$120,000 for physician services 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 August, 2014.

Magdalen Paulson
City Clerk

Eric Mc
Mayor

Approved as to form:

Bill Cline
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 14-185

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SECOND YEAR AND THIRD YEAR OF MASTER CONTRACT NUMBER. 9140015 WITH RIVERSIDE STUMP DUMP INC.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville has a need to dispose of brush and leaves; and

WHEREAS, the City Manager is authorized to enter into the second year and third year of master contract number 91400115 with Riverside Stump Dump Inc.; and

WHEREAS, Fiscal Year 2015 is a not to exceed amount of \$97,400 and has been identified in the Fiscal Year 2015 budget; and

WHEREAS, Fiscal Year 2016 is based on approved budget in a not to exceed amount of \$97,400 for master contract number 91400115;

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

The City Manager is authorized to enter into a contract for the second year and third year of master contract number 91400115, in the amount not to exceed \$194,800

Read, approved and adopted this 26th day of August, 2014.

Magdalena Boulton
City Clerk

Eden E. Mc
Mayor

Approved as to form:

Bill Cline
City Attorney

Magdalena Boulton
City Clerk

RESOLUTION NO. 14- 186

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC AND TO EXECUTE ANY CHANGE ORDERS THAT ARE REQUIRED TO PROVIDE FULL SIDEWALK MAINTENANCE SERVICE FOR THE FULL FISCAL YEAR FOR THE PROJECT KNOWN AS CONCRETE REPAIR – MAINTENANCE AND ADA IMPROVEMENTS, CITY OF ASHEVILLE PROJECT # ENG-14-15-001

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Concrete Repair – Maintenance and ADA Improvements, City of Asheville Project # ENG-14-15-001; and

WHEREAS, Patton Construction Group, Inc. of Arden, NC was the lowest responsible bidder for the project, in the amount of \$195,475, and

WHEREAS, the project involves the Repair of Concrete Infrastructure that has Been Damaged or is in Need of Maintenance; and

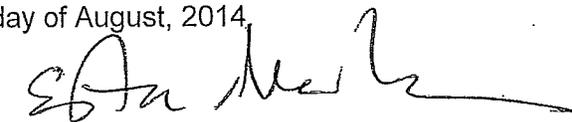
WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid,

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$195,475 with Patton Construction Group, Inc., and to execute any change orders that are required to provide full sidewalk maintenance service for the full fiscal year.

Read, approved and adopted this the 26th day of August, 2014,


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 14-187

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT AGREEMENT WITH THE BOARD OF TRUSTEES OF ASHEVILLE -BUNCOMBE TECHNICAL COMMUNITY COLLEGE AND BUNCOMBE COUNTY TO EXPAND THE COMMUNITY COLLEGE'S LAW ENFORCEMENT JURISDICTION

WHEREAS, pursuant to N.C. Gen. Stat. § 115D-21.1(a), the Board of Trustees of an institution of any community college in North Carolina that has a law enforcement agency established pursuant to N.C. Gen. Stat. § 115-21.1(b) may enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction; and

WHEREAS, Asheville-Buncombe Technical Community College ("AB Tech") has a law enforcement agency that meets the requirements of Chapter 17C of the North Carolina General Statutes and is established pursuant to N.C. Gen. Stat. § 115-21.1; and

WHEREAS, Buncombe County owns real property located in proximity to AB Tech's campus, identified as PIN# 9648-33-4217, and more particularly described in Deed Book 5188, Page 994, of the Buncombe County Registry; and

WHEREAS, the Board of Trustees of AB Tech and Buncombe County wish to enter into a joint agreement allowing the AB Tech Police Department limited jurisdiction within the City of Asheville, on Buncombe County property;

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

The Mayor for the City of Asheville is hereby authorized to enter into a joint agreement with Asheville Buncombe Technical Community College and Buncombe County to allow the Asheville Buncombe Technical Community College Police Department to have limited jurisdiction to perform law enforcement activities and have the powers of arrest as stated in N.C.G.S. § 15A-401, on real property described as Pin # 9648-33-4217, and more particularly described in Deed Book 5188 at Page 994 of the Buncombe County Registry.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Brulson
City Clerk

Steve S. Mc
Mayor

Approved as to form:

Tom Clein
City Attorney

Magdalen Brulson
City Clerk

RESOLUTION NO. 14-188

RESOLUTION AUTHORIZING THE CITY MANAGER SUBMIT A GRANT APPLICATION TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE 2014 TOURISM PRODUCT DEVELOPMENT FUND CYCLE

WHEREAS, the Buncombe County Tourism Development Authority opened their 2014 grant funding cycle in May 2014; and

WHEREAS, the City of Asheville has identified a riverfront destination development project that will add new and incremental room nights and meets the goals and requirements iterated by the grant guidelines; and

WHEREAS, City Council has identified implementation of riverfront redevelopment capital improvement projects as a key strategic goal;

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 Buncombe County Tourism Development Authority for the 2014 Tourism Product Development Fund cycle.

Read, approved and adopted this the 26nd day of August, 2014.

Magdalen Boulton
City Clerk

E. Ann C. Mc
Mayor

Approved as to form:

Chris Clev
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 14- 189

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ESRI, INC. FOR A 3 YEAR CONTRACT FOR GIS SOFTWARE MAINTENANCE

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. sec. 160A-20.1 to enter into contracts with private entities to perform any authorized functions; and

WHEREAS, the City had a 3 year contract with ESRI, Inc. for GIS software maintenance, and staff recommends a new 3 year contract; and

WHEREAS, the software maintenance contract provides for a fixed rate maintenance cost for the next 3 years; and

WHEREAS, the current contract between the City of Asheville and ESRI, Inc. will be expiring and both parties wish to enter into a new 3 year contract for maintenance;

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 ESRI, Inc. on behalf of the City of Asheville for the purpose of providing a fixed rate maintenance contract for GIS software in the amount of \$50,000 per year for the next 3 years, total contract amount of \$150,000.

Read, approved and adopted this the 26th day of August, 2014.

Margalen Brunson
City Clerk

Eric G. Mc
Mayor

Approved as to form:

Tom Cline
City Attorney

Margalen Brunson
City Clerk

RESOLUTION NO. 14-190

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CITY OF ASHEVILLE BEING IDENTIFIED AS THE DESIGNATED RECIPIENT FOR SECTION 5310 FUNDS

WHEREAS, MAP 21 consolidated Elderly and Disabled (Sec. 5310) and New Freedom (Sec. 5317) programs into a single program; and

WHEREAS, the program provides additional funds for projects that serve the special needs of transit-dependent populations beyond traditional public transportation services; and

WHEREAS, the program requires the designation of a recipient to administer the program and oversight and distribute funds among eligible entities; and

WHEREAS, the City of Asheville, is the designated recipient of all the other Federal Transit Administration programs in the FBRMPO region; and

WHEREAS, the funds allocated to fulfill some of these needs will benefit the region.

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

The City Council authorizes the Mayor to accept the City of Asheville being identified as the designated recipient for Section 5310 Funds.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Baulson
City Clerk

Eric E. Mc
Mayor

Approved as to form:

B. Allen
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 14-191

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC. FOR RADIO SYSTEM MAINTENANCE FROM AUGUST 1, 2014 THROUGH JULY 31, 2015

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the N. C. General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City requires maintenance coverage of its radio communications system; and

WHEREAS, the radio equipment for which warranty has expired during the past year needs to be incorporated into the service agreement; and

WHEREAS, the service renewal agreement provides for a fixed rate maintenance cost per unit of equipment for another one year period; and

WHEREAS, the City of Asheville and Motorola, Inc. wish to renew the service agreement and incorporate that radio equipment for which the warranty has expired;

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 Motorola, Inc. on behalf of the City of Asheville for the purpose of maintaining the City's radio communications system and associated equipment.

Read, approved and adopted this the 26th day of August, 2014.

Magdalen Brulson
City Clerk

Eric S. Mc
Mayor

Approved as to form:

Bin Allen
City Attorney

Magdalen Brulson
City Clerk

RESOLUTION NO. - 14-192

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 227.94 SQUARE FEET OF AIR RIGHTS LOCATED AT 56 S. LEXINGTON AVENUE

WHEREAS, the City of Asheville owns certain property adjacent to 56 S. Lexington Avenue, being the sidewalk within the right of way of S. Lexington Avenue; and

WHEREAS, pursuant to N.C.G.S. 160A-273, the City has the authority to grant air rights over public right-of-way for the purpose of erecting a building or other permanent structure; and

WHEREAS, on August 4, 2014, a qualifying offer was received from King James Properties, LLC to purchase 227.94 square feet of air space conditional to the construction of a permanent balconies on a proposed building at 56 S. Lexington Avenue, in the amount of \$1,550; and

WHEREAS, the conveyance of said air rights are conditional on the formal approval of the development plans for the project located at this parcel;

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

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell approximately 227.94 square feet of air rights located at 56 S. Lexington Avenue to King James Properties, LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first \$1,000.00 and 5% of the remainder of the purchase price of \$1,550. Per the statute, the Council may at any time reject any and all offers.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey aforementioned property to the King James Properties, LLC. Additionally, the City Manager 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 and approved and adopted this 26th day of August 2014.

Magdalena Burkson
CITY CLERK

Egon C. Mack
MAYOR

Approved as to form:
[Signature]
CITY ATTORNEY

Magdalena Burkson
City Clerk

325

RESOLUTION NO. 14- 193

RESOLUTION AMENDING RESOLUTION NO. 13-42 DATED MARCH 12, 2013, TO INCLUDE THE BIDDING AND CONSTRUCTION SERVICES IN THE EXEMPTION FROM THE ARCHITECTURAL, ENGINEERING AND SURVEYING ANNOUNCEMENT REQUIREMENT OF NCGS §143-64.31 FOR THE NORTH FORK DAM INTAKE TOWER AND CONDUIT REPAIRS PROJECT AND REPEALING RESOLUTION NO. 14-161

WHEREAS, NCGS §143-64.31, requires North Carolina local governments to announce all requirements for architectural, engineering, and surveying services; and

WHEREAS, NCGS §143-64.32, authorizes a unit of local government, in its sole discretion, to exempt particular projects from the announcement requirements of NCGS §143-64.31, stating the reasons and the circumstances attendant thereto; and

WHEREAS, Schnabel Engineering South, PC, is an expert engineering firm uniquely familiar with the City's dams at the water treatment plants as the City's Water Resources Department has used Schnabel Engineering for several years to inspect the dams at the water treatment plants, make recommendations for repairs or improvements, and perform the scope of services needed for the North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project; and

WHEREAS, based on past successful experience, Schnabel Engineering is the most qualified firm to perform the scope of services needed for the North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project Engineering bidding and construction services for the Outlet Works Conduit Rehabilitation due to their extensive knowledge of the City's dams at the water treatment plants; and

WHEREAS, by Resolution No. 13-42, adopted on the 12th day of March, 2013, the Asheville City Council exempted the North Fork Water Treatment Plant Dam/Tunnel Evaluation and Repairs Project from the announcement requirement of NCGS 143-64.31 and authorized that the contract be awarded to Schnabel Engineering South, PC; and

WHEREAS, Resolution No. 13-42, inadvertently excluded the bidding and construction services phase;

WHEREAS, it is the intent of this resolution to amend resolution no. 13-42 to include bidding and construction services to the March 12, 2013, exemption, retroactive to March 12, 2013;

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

1. Pursuant to NCGS §143-64.32(b), Resolution No. 13-42 dated March 12, 2013, is amended to include the bidding and construction services for the North Fork Dam Intake Tower and Conduit Repairs portion of the project known as the "North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project," exempt the bidding and constructions services portion of said project from the announcement requirement of NCGS §143-64.31, due to the extensive experience, knowledge, qualification, and

expertise possessed by Schnabel Engineering South, PC, of the City of Asheville dams at the water treatment plants, retroactive to March 12, 2013.

2. The City Manager is hereby authorized to execute a professional engineering services agreement with Schnabel Engineering South, PC, for the proposal amount of \$302,400.00 for bidding and construction services for said project 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.
3. Resolution No. 14-161 adopted on July 22, 2014, is hereby repealed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Boulson
City Clerk

Eric A. Mc
Mayor

Approved as to form:

Jim O'Leary
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-194

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

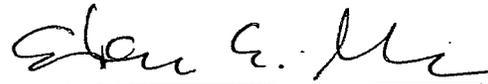
WHEREAS, the term of John Ellis, as a member of the Buncombe County Tourism Development Authority, (individual who is involved in the tourist business and who has demonstrated an interest in tourism development but who does not own or operate a hotel, motel or other taxable tourist accommodation), will expire on August 30, 2014;

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

Mr. John W. Ellis, 7 Aspen Way, Asheville, N.C., be and he is hereby reappointed, as a member of the Buncombe County Tourism Development Authority (as the individual who is involved in the tourist business and who has demonstrated an interest in tourism development but who does not own or operate a hotel, motel or other taxable tourist accommodation), to serve an additional three year term, term to expire August 30, 2017, or until his successor has been appointed.

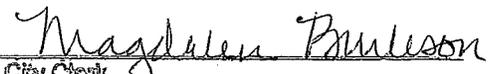
Read, approved and adopted this 26th day of August, 2014.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


City Clerk

RESOLUTION NO. 14-195

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT FOR RAD LOFTS LLC AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND USE INCENTIVE PROGRAM AGREEMENT

WHEREAS, pursuant to NCGS sec. 158-7.1, the City of Asheville is authorized to make appropriations for economic development which will, in the discretion of the Council, increase the population and taxable property and achieve other public purposes, and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, pursuant to NCGS sec. 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including providing funds to assist low and moderate income persons;

WHEREAS, The City Council of Asheville believes it is important to support development projects that achieve goals set forth in their annual strategic goals, the City's Comprehensive Plan and other adopted plans, including the provision of workforce and affordable housing and/or green development; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the RAD Lofts development represents the type of project envisioned for support within those goals and the LUIP; and furthers public purposes, and the goals and objectives of the LUIP and N.C. Gen. Stat. § 158-7.1 and § 160A-456 by providing for affordable and workforce housing and energy saving development, which in turn will serve to increase the tax base and population and business prospects of the City; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the RAD Lofts development located at 146 Roberts Street will be a 209 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose, in that it will provide 198 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 120% of the area median income), and 11 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), and will achieve certification as an Energy Star™ development, and will be a mixed-use development with 48,500 square feet of commercial space; and will be located within one-eighth of a mile of a public transit route; and will be built on land that has been designated as a brownfield; and

WHEREAS, the developers of the RAD Lofts development have demonstrated to the satisfaction of the City Council that they have substantial and sufficient private equity participation in the project; and

WHEREAS, the RAD Lofts development has been determined by City Council to meet the eligibility requirements of the LUIP;

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

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with RAD Lofts LLC to support the development of the RAD Lofts project. The estimated annual land use incentive grant would be the difference between the current City tax and the estimated post-completion City tax currently estimated to be \$144, 892, the exact amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of 5 years and a 50% fee rebate is approved.
2. The City Manager s hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 26^h day of August, 2014.

Magdalen Boulson
CITY CLERK

E. Allen G. Mc
MAYOR

Approved as to form:

Billie
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-196

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of John West, Carol Ann Lydon and Flora Marr, as members on the Civic Center Commission, expired on June 30, 2014;

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

Ms. Yvonne Cook-Riley, 5 Manila Street, Asheville, N.C., be and she is hereby appointed to the Civic Center Commission, to serve a three year term, term to expire June 30, 2017, or until her successor has been appointed.

Ms. Carol Ann Lydon, 10 Bent Oak Lane, Asheville, N.C., be and she is hereby reappointed to the Civic Center Commission, to serve an additional three year term, term to expire June 30, 2017, or until her successor has been appointed.

Mr. Bill Russell, 92 Rumbough Place, Asheville, N.C., be and he is hereby appointed to the Civic Center Commission, to serve a three year term, term to expire June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bourleson
CITY CLERK

Greg G. Mahan
MAYOR

Approved as to form:

Bill Clee
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 14-197

RESOLUTION FOR THE SUBMISSION OF LEGISLATIVE ADVOCACY PROPOSALS TO THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES

WHEREAS, the 2015 regular session of the North Carolina general Assembly will convene on January 14, 2015; and

WHEREAS, the City of Asheville is a member of, and works closely with, the North Carolina League of Municipalities on matters of legislative affairs in North Carolina; and

WHEREAS, the League of Municipalities has established a process by which member municipalities may propose legislative advocacy goals for the review and approval of the entire membership; and

WHEREAS, the Asheville City Council 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 "Legislative Advocacy Proposal for the North Carolina League of Municipalities for 2015," attached hereto as Exhibit A, is hereby adopted.

The City Manager is hereby directed to transmit this proposal to the North Carolina League of Municipalities.

The City Council offers the City's assistance to the League of Municipalities with respect to any items listed on Exhibit A, including the provision of additional information.

BE IT FUTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the League of Municipalities for their service on behalf of the City of Asheville and the state of North Carolina.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Brulson
City Clerk

Ann S. Mc
Mayor

Approved as to form:

Bill
City Attorney

Magdalen Brulson
City Clerk



EXHIBIT A

Legislative Advocacy Proposal for the North Carolina League of Municipalities for 2015

In order to participate in the development of N.C. League of Municipalities' legislative advocacy program for the 2015 session of the N.C. general assembly, the City of Asheville proposes the following items for consideration:

- Stormwater: Preserve municipal authority to regulate environmental standards such as erosion control or stormwater quality
- Municipal operations: Support measures which maximize the ability of local governments to provide and manage high quality services to meet the needs of the community. This includes but is not limited to utilities, enterprise funds, etc.
- Regulation of car sharing services: Grant municipalities the authority to regulate digital dispatching services
- Aesthetic and design controls: Preserve municipal ability to regulate design and aesthetic controls in historic districts
- Preserve municipal fiscal health: Identify means to generate increased revenues for public education and transportation infrastructure without impacting municipalities' dwindling revenue
- Restore lost revenues: Restore revenue lost due to the repeal of Privilege License Tax authority
- Restore economic development incentives with impact on local economies: Restore programs such as film tax credits and historic building tax credits
- Coal ash: Seek legislation that strengthens the requirements for the appropriate clean up and disposal of coal ash in coal ash ponds that is equitable to rate payers (see Exhibit B)
- Graffiti vandalism: 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, with punishment not to exceed misdemeanor
- Clarify laws related to public toplessness: Clarify laws related to public toplessness including, but not limited to, clarification of indecent exposure law, N.C.G.S. 14-190.9

EXHIBIT B

RESOLUTION NO. 13-174

RESOLUTION ENCOURAGING DENR AND DUKE ENERGY PROGRESS TO TAKE EXPEDIENT AND APPROPRIATE ACTION TO DEAL WITH THE IMPACT OF COAL ASH LEACHATE AT THE DUKE ENERGY FACILITY

WHEREAS, a draft Consent Order has been negotiated with Duke Energy Progress by the Department of Environment and Natural Resources (DENR) concerning pollution of the French Broad River and its watershed caused by coal ash lagoons at the company's Asheville, NC facility; and

WHEREAS, the City of Asheville depend on the French Broad River and the groundwater in its watershed as critical assets supporting our economy and our quality of life; and

WHEREAS, DENR is accepting comments regarding the draft consent order between Duke Energy Progress and DENR; and

WHEREAS, the City is grateful for DENR's commitment to enforcing North Carolina law to protect these values by initiating an enforcement action against Duke Energy Progress. Any ongoing contamination of the French Broad and the groundwater that flows into it from any source is of paramount concern to our City; and

WHEREAS, the City recognizes the importance and value of continued monitoring and information gathering, but concerned that the draft consent order sets no deadline for completion of the requested studies; and

WHEREAS, the City request that DENR continue to enforce the laws of North Carolina, so as to require a prompt solution to address any contamination deemed to be coming from Duke Energy's coal ash lagoons in Asheville; and

WHEREAS, the City recognizes the vital nature of the Asheville Plant in ensuring reliable electricity for the region, the City of Asheville calls on Duke Energy Progress to find a permanent solution that provides the best possible protection from the coal ash lagoons along the banks of the French Broad River.

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

This Resolution be entered into the record of the DENR public comment record and considered in the negotiations of the final consent order.

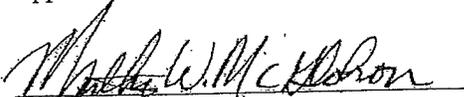
This Resolution is effective upon adoption.

Read, approved and adopted this 13th day of August, 2013


Deputy City Clerk


Mayor

Approved as to form:


City Attorney

RESOLUTION NO. 14-198

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, Dr. Lamar Hylton has resigned as a member of the African American Heritage Commission, thus leaving a vacancy until July 1, 2016;

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

Mr. Alfred J. Whitesides Jr., 17 West Haith Drive, Asheville, N.C., be and he is hereby appointed as a member to the African American Heritage Commission, to serve the unexpired term of Dr. Hylton, term to expire July 1, 2016, or until his successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Paulson
CITY CLERK

Steve A. Mc
MAYOR

Approved as to form:

Bin Allen
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 14-199

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, the terms of Carol Rogoff Hallstrom (North representative), Larry Holt (Central representative), Allen Brailsford (West representative) and Debbie Applewhite (east representative) will expire on June 30, 2014;

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

Ms. Carol Rogoff Hallstrom, 122 Westwood Road, Asheville, N.C., be and she is hereby reappointed as the North area representative on the Citizens/Police Advisory Committee, to serve an additional three year term, term to expire June 30, 2017, or until her successor has been appointed.

Mr. Larry Holt, 21 Haywood Street, Asheville, N.C., be and he is hereby appointed as the Central area representative on the Citizens/Police Advisory Committee, to serve a three year term, term to expire June 30, 2017, or until her successor has been appointed.

Mr. Allen Brailsford, 5 Grandview Drive, Asheville, N.C., be and he is hereby reappointed as the West area representative on the Citizens/Police Advisory Committee, to serve an additional three year term, term to expire June 30, 2017, or until his successor has been appointed.

Ms. Debbie Applewhite, 56 Fairway Drive Asheville, N.C., be and she is hereby reappointed as the East area representative on the Citizens/Police Advisory Committee, to serve an additional three year term, term to expire June 30, 2017, or until her successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bullison
CITY CLERK

E. Lee E. Mc
MAYOR

Approved as to form:

Billie
CITY ATTORNEY

Magdalen Bullison
City Clerk

RESOLUTION NO. 14-200

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE
COMMUNITY RELATIONS COUNCIL

WHEREAS, the term of Tracy Miles, as a member on the Asheville-Buncombe Community Relations Council, expired on December, 2013;

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

Ms. Fyffe Aschenbrenner, 15 Mountainbrook Road, Asheville, N.C., be and she is hereby appointed to the Asheville-Buncombe Community Relations Council, to serve a three-year term, term to expire December 31, 2016, or until her successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Baulson
CITY CLERK

Steve A. Mc
MAYOR

Approved as to form:

Tom Allen
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 14-201

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of Itiyopia Ewart (representing the Transit Subcommittee), Marcia Bromberg (representing the Greenway Subcommittee); and Till Dohse (representing the Bike & Ped Task Force), as members on the Multimodal Transportation Commission, expired on July 1, 2014; and

WHEREAS, Ordinance No. 4314 adopted June 24, 2014, amended the membership of the Multimodal Transportation Commission so that three vacancies will be at-large voting members;

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

(1) Mr. Steven Obremski, 37-A Elderberry Lane, Asheville, N.C., be and he is hereby appointed, as a member of the Multimodal Transportation Commission (at-large member), to serve a three-year term, term to expire July 1, 2017, or until his successor has been appointed.

(2) Mr. John Stuart Ridout, 2406 River Ridge Drive, Asheville, N.C., be and he is hereby appointed, as a member of the Multimodal Transportation Commission (at-large member), to serve a three-year term, term to expire July 1, 2017, or until his successor has been appointed.

(3) Mr. Till Dohse, 66 Montview Drive, Asheville, N.C., be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (at-large member), to serve a three-year term, term to expire July 1, 2017, or until his successor has been appointed.

Read, approved and adopted this 26th day of August, 2014.

Magdalena Buleson
CITY CLERK

Eric G. Miller
MAYOR

Approved as to form:

Bin Allen
CITY ATTORNEY

Magdalena Buleson
City Clerk