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RESOLUTION NO. 14- 244

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF WESTOVER ALLEY

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

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

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

- 1. The City Council hereby declares its intent to permanently close a portion of Westover Alley as follows:

Beginning at a #4 rebar with "McAbee" cap, lying at the intersection of the southern line of Lot 2 of Plat Book 138 Page 169 and the western Right of Way of Westover Alley as shown on Plat Book 12 Page 11 as recorded in the Buncombe County Registry, and proceeding thence with the eastern line of the aforementioned Lot 2 and the western Right of Way of Westover Alley along a curve to the right having a radius of 25.00 feet, an arc length of 64.46 feet, a chord bearing of N 45°08'26" E, and a chord length of 48.03 feet to a #4 rebar with "McAbee" cap, thence along a new line S 45°08'26" W 48.03 feet to the point and Place of Beginning, containing 638.9 Square Feet and being a western portion of the Right of Way of Westover Alley, as more particularly shown on a survey prepared by McAbee and Associates, P.A., dated April 16, 2014., attached hereto as Exhibit A.

- 2. A public hearing on the question of permanently closing a portion of Westover Alley is hereby called for on December 9, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.
- 3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on December 9, 2014.
- 4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned portion of Westover Alley. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Boulson
City Clerk

Eric M. Mark
Mayor

Approved as to form:
Billie
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 14- 245

RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE

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

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

The formal meeting of the Asheville City Council on November 25, 2014, is hereby cancelled.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Boulson
CITY CLERK

Eric G. Mur
MAYOR

Approved as to form:

Orin Cain
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-246

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM TO ACCEPT HIGHWAY SAFETY GRANT FUNDING

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

WHEREAS, the North Carolina Governor's Highway Safety Program has offered \$20,000 in grant funding to the Asheville Police Department for Regional Liaison duties; and

WHEREAS, the Asheville Police Department will provide this liaison officer to perform the necessary duties; and

WHEREAS, there is no matching fund requirement for this grant;

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program for a grant in the amount of \$20,000 to purchase equipment for the Asheville Police Department's Traffic Safety Unit.

Read, approved, and adopted this 28th day of October 2014.

Magdalena Brousson
CITY CLERK

Ann G. Murr
MAYOR

APPROVED AS TO FORM:

Bill Cline
CITY ATTORNEY

Magdalena Brousson
City Clerk

RESOLUTION NO. 14-247

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 0.34 ACRES OF REAL PROPERTY LOCATED AT 30 ROCK HILL PLACE

WHEREAS, the City of Asheville holds title to real property located 30 Rock Hill Place, identified as 0.34 acres (PIN # 9656-28-0496-00000); and

WHEREAS, the property is not needed by the City of Asheville; and ,

WHEREAS, the City of Asheville has received an offer to purchase said property from Sayco Equity Firm in the amount of \$ 33,700; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real properties by negotiated offer, advertisement and upset bids;

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

Pursuant to North Carolina General Statute 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 0.34 acres (PIN # 9656-28-0496-00000) of real property located at 30 Rock Hill Place to Sayco Equity Firm. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within 10 days any person may raise the bid by not less than 10% of the first \$1,000 and 5% of the remainder of the purchase price of \$33,700.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Sayco Equity Firm. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 14th day of October 2014.

Magdalen Boulison
City Clerk

Edwin E. Moran
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulison
City Clerk

RESOLUTION NO. 14-248

RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING
COMMISSION

WHEREAS, the terms of Jeremy Goldstein, Jane Mathews and Kristy Carter, as members on the Planning & Zoning Commission, expired on August 14, 2014;

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

(1) Mr. Jeremy Goldstein, 120 Sondley Parkway, Asheville, N.C., be and he is hereby reappointed as a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2017, or until his successor has been appointed.

(2) Ms. Kristy Carter, 86 ½ Langwell Avenue, Asheville, N.C., be and she is hereby reappointed as a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2017, or until her successor has been appointed.

(3) Ms. Laura Berner Hudson, 12 Red Oak Road, Asheville, N.C., be and she is hereby appointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2017, or until her successor has been appointed.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Bullison
CITY CLERK

Edmund G. Mark
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bullison
CITY CLERK

RESOLUTION NO. 14-249

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Wayne Wheeler has resigned as a member of the Recreation Board thus leaving an unexpired term until June 30, 2015;

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

Mr. Forrest P. Merithew, 62 Pine Grove Avenue, Asheville, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve the unexpired term of Mr. Wheeler, term to expire June 30, 2015, or until his successor has been appointed.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Bursleson
CITY CLERK

Sam G. Ashe
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bursleson
City Clerk

RESOLUTION NO. 14-250

RESOLUTION APPROVING THE NAMING RIGHTS AGREEMENT BETWEEN THE ASHEVILLE ART MUSEUM AND THE NORTH CAROLINA STATE EMPLOYEE'S CREDIT UNION FOUNDATION FOR THE NAMING OF A PORTION OF THE PLAZA LOCATED AT 2 S. PACK SQUARE

WHEREAS, pursuant to Resolution No. 14-169, dated July 22, 2014, wherein the Asheville City Council approved a long term lease to the Asheville Art Museum (AAM) for a portion of the city owned property located at 2 S. Pack Square ; and

WHEREAS, Section 1(i) of the Lease to the AAM provides for the ability of AAM to grant naming rights, upon approval by the City, to leased area known as the "Programmable Area" in order to assist in its capital campaign for the major renovation of the art museum; and

WHEREAS, the AAM seeks approval from the City Council to enter into a naming rights agreement with the NC State Employee's Credit Union Foundation (SECU); and

WHEREAS, per the terms of the naming rights agreement, SECU has agreed to donate \$1.5 million toward the museum renovation in return for the ability to name the plaza area in front of the main art museum entrance "SECU Plaza"; and

WHEREAS, the City Council desires that the AAM achieve its capital campaign fund raising goals for the major renovation of the art museum, recognizes that this SECU naming rights opportunity is essential to AAM's capital campaign, and finds that the naming of city owned property for an organization like, SECU, which has contributed much to the citizens of the State and the local community, is consistent with its general naming rights guidelines and policies;

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

Approval is hereby granted for the naming rights agreement between the Asheville Art Museum and the North Carolina State Employee's Credit Union Foundation and the naming of a portion of the Plaza at Pack Square as "SECU Plaza" with the following conditions:

1. In addition to being subject to all signage requirements provided by the UDO, all aspects of the naming rights signage including placement, design, aesthetic qualities shall be subject to final review by and approval of the City Manager;
2. The duration of the naming rights will be limited to the duration of the AAM lease and any agreement between AAM and SECU shall clearly reflect this fact.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Boulton
City Clerk

Eden G. Miller
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulton
City Clerk