

RESOLUTION NO. 14- 212

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:

1. The City Council community meeting on Tuesday, September 30, 2014, is hereby cancelled.
2. City Council will hold a worksession on affordable housing/community development on Tuesday, October 14, 2014, at 3:30 p.m. in the First Floor North Conference Room in City Hall.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Boulson  
CITY CLERK

Edward E. Markel  
MAYOR

Approved as to form.

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 14-213

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A CONSERVATION EASEMENT ON 8.3 ACRES OF REAL PROPERTY ALONG THE FRENCH BROAD RIVER LOCATED AT THE ASHEVILLE REGIONAL AIRPORT TO THE CAROLINA MOUNTAIN LAND CONSERVANCY FOR CONSERVATION PURPOSES

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WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport, and leases said property to the Asheville Regional Airport Authority; and

WHEREAS, the Carolina Mountain Land Conservancy has requested to purchase a conservation easement on approximately 8.3 acres of land at the Asheville Regional Airport located along the French Broad River; and

WHEREAS, the Carolina Mountain Land Conservancy has been awarded a North Carolina Clean Water Management Trust Fund grant in the amount of \$107,000 for this purpose; and

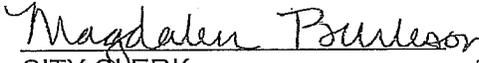
WHEREAS, Asheville Regional Airport Authority Board approved this transaction on May 9, 2014 and requests the City to approve; and

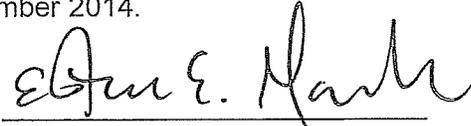
WHEREAS, all proceeds of sale are subject to Federal Aviation Administration (FAA) regulations;

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

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby directed to convey the aforementioned real property at 61 Terminal Drive, Fletcher, to the Carolina Mountain Land Conservancy. 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.

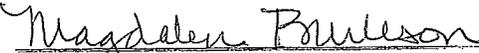
Read and approved and adopted this 23<sup>rd</sup> day of September 2014.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 14-214

RESOLUTION APPROVING CO-SPONSORSHIP OF THE AFFORDABLE CARE ACT OPEN ENROLLMENT KICK-OFF SPEARHEADED BY PISGAH LEGAL SERVICES

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-20.1, to contract with and appropriate money to persons and organizations carrying out a public purpose; and

WHEREAS, Pisgah Legal Services has met the current criteria for city sponsorship, representing a public purpose for the Affordable Care Act Open Enrollment Event to be held at the U.S. Cellular Center on November 15, 2014; and

WHEREAS, the Open Enrollment Event is in line with City Council Strategic goals of Affordability and Economic Mobility and High Quality of Life; and

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

The Affordable Care Act Open Enrollment Kick-off, spearheaded by Pisgah Legal Services, on November 15, 2014, is approved as a city sponsored event and waiving of fees for placement of advertisements in City ART Buses.

Read and approved and adopted this 23<sup>th</sup> day of September 2014.

Magdalen Baulson  
CITY CLERK

Eric G. Mader  
MAYOR

Approved as to form:

Bill Allen  
CITY ATTORNEY

Magdalen Baulson  
City Clerk

RESOLUTION NO. 14-215

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS THROUGH THE US DEPARTMENT OF JUSTICE FOR THE 2014 BALLISTIC VEST PARTNERSHIP PROGRAM

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

WHEREAS, the US Department of Justice (DOJ), has granted the City of Asheville to submit a grant application in the amount of \$23,778.51 through the BVP program for partial purchase cost of ballistic vests;

WHEREAS, the City has a required match of \$23,778.51 in order to accept the grant funding;

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

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for a grant in the amount of \$23,778.51 and move matching funds from the City in the amount of \$23,778.51 into the Project Line for the purchase of ballistic vests.

Read, approved, and adopted this 23rd day of September 2014.

Magdalen Paulson  
CITY CLERK

G. Ann G. Mer  
MAYOR

Approved as to form:

Don C. Lee  
CITY ATTORNEY

Magdalen Paulson  
City Clerk

RESOLUTION NO. 14-216

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAIL MANAGEMENT SERVICES, LLC TO PROVIDE MAIL SERVICES TO THE CITY OF ASHEVILLE

WHEREAS, the City 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 provides municipal services to more than 60,000 accounts; and desires to contract with Vendor to provide mail management services for the City; and

WHEREAS, the City issued a request for proposals and deemed the proposal submitted by Mail Management Services, LLC as the lowest, responsible bid;

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

The City Manager is authorized to enter into a contract with Mail Management Services, LLC, with an option to renew for two successive one year periods to provide mail services to the City of Asheville for an amount not to exceed the City's approved fiscal year budget for each applicable fiscal year period. Provided however, each fiscal year contract shall be subject to funding approval by City Council.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burtleson  
City Clerk

E. Ann G. Mark  
Mayor

Approved as to form:  
Don Allen  
City Attorney

Magdalen Burtleson  
City Clerk

RESOLUTION NO. 14-217

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE BUDD GROUP, INC. TO PROVIDE CUSTODIAL SERVICES AT THE US CELLULAR CENTER FOR A ONE YEAR PERIOD WITH TWO (2) ONE (1) YEAR OPTIONS TO RENEW

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 US Cellular Center has previously utilized temporary staffing companies to assist with custodial needs at the venue and staff determined that such temporary custodial companies could not adequately meet the increasing needs of the US Cellular Center in this regard; and

WHEREAS, the US Cellular Center issued a request for proposals for custodial services in May 2014 and the Budd Group Inc. was selected as the bidder best able to provide turn-key custodial services at the venue at a competitive rate and to meet other goals of the RFP; and

WHEREAS, the contract with the Budd Group, Inc. will have a base cost of \$83,060 per year plus additional costs for hourly part time staff during events or a total of approximately \$160,000 annually, and the monies have been budgeted in the Civic Center's Fiscal Year Budget;

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with the Budd Group Inc., for Custodial Services at a cost not to exceed \$160,000 per year with two (2), one (1) year options to renew at a base and hourly rate that will not exceed a 3% increase. The City Manager is further authorized to approve and execute any change orders to said contract or documents which may arise during the term of said contract up to the budgeted amount.

Read, approved and adopted this the 23<sup>rd</sup> day of September, 2014.

Magdalen Bullison  
City Clerk

Steve G. Mark  
Mayor

Approved as to form:

Dr. Chris  
City Attorney

Magdalen Bullison  
City Clerk

RESOLUTION NO. 14- 218

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BLUE RIDGE PRIDE IN PACK SQUARE PARK ON THE DATE OF SATURDAY, OCTOBER 4, 2014, FROM 12:00 PM – 6:00 PM

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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 Blue Ridge Pride.

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 Blue Ridge Pride event area, as set forth on Exhibit A, attached.

The Blue Ridge Pride event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, City-County Parking Lot, and Spruce Street between College Street and Court Plaza

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 Blue Ridge Pride on Saturday, October 4, 2014, from 12:00 p.m. – 6:00 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 Blue Ridge Pride 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 Blue Ridge Pride 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 Blue Ridge Pride, 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 23<sup>rd</sup> day of September, 2014.

Magdalen Paulson  
City Clerk

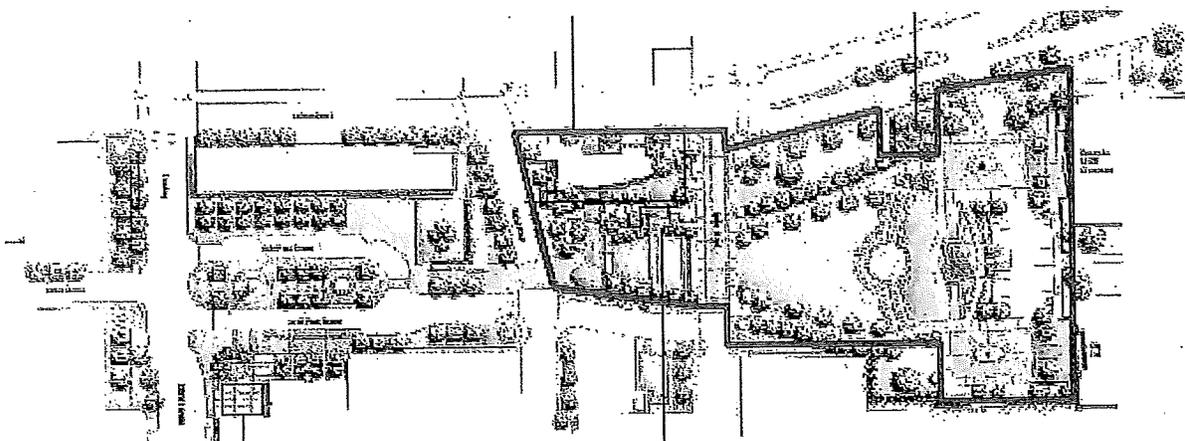
\_\_\_\_\_  
Mayor

Approved as to form:

Billie  
City Attorney

Magdalen Paulson  
City Clerk

EXHIBIT A



Alcohol Area

361

RESOLUTION NO. 14- 219

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON BANKS AND COXE AVENUES ON THE DATE OF SATURDAY, OCTOBER 11, 2014, FROM 1:00 PM – 6:00 PM.

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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 Asheville Oktoberfest.

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 Asheville Oktoberfest event area, as set forth on Exhibit A, attached.

The Asheville Oktoberfest event area is within the boundaries of Banks Avenue between Collier Avenue and Coxe Avenue, and on Coxe Avenue between Hilliard Avenue and the intersection of Buxton 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 Asheville Oktoberfest on Saturday, October 11, 2014, from 1:00 p.m. – 6:00 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 Asheville Oktoberfest 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 Asheville Oktoberfest 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 Asheville Oktoberfest, 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 23<sup>rd</sup> day of September, 2014.

Magdalen Burleson  
 City Clerk

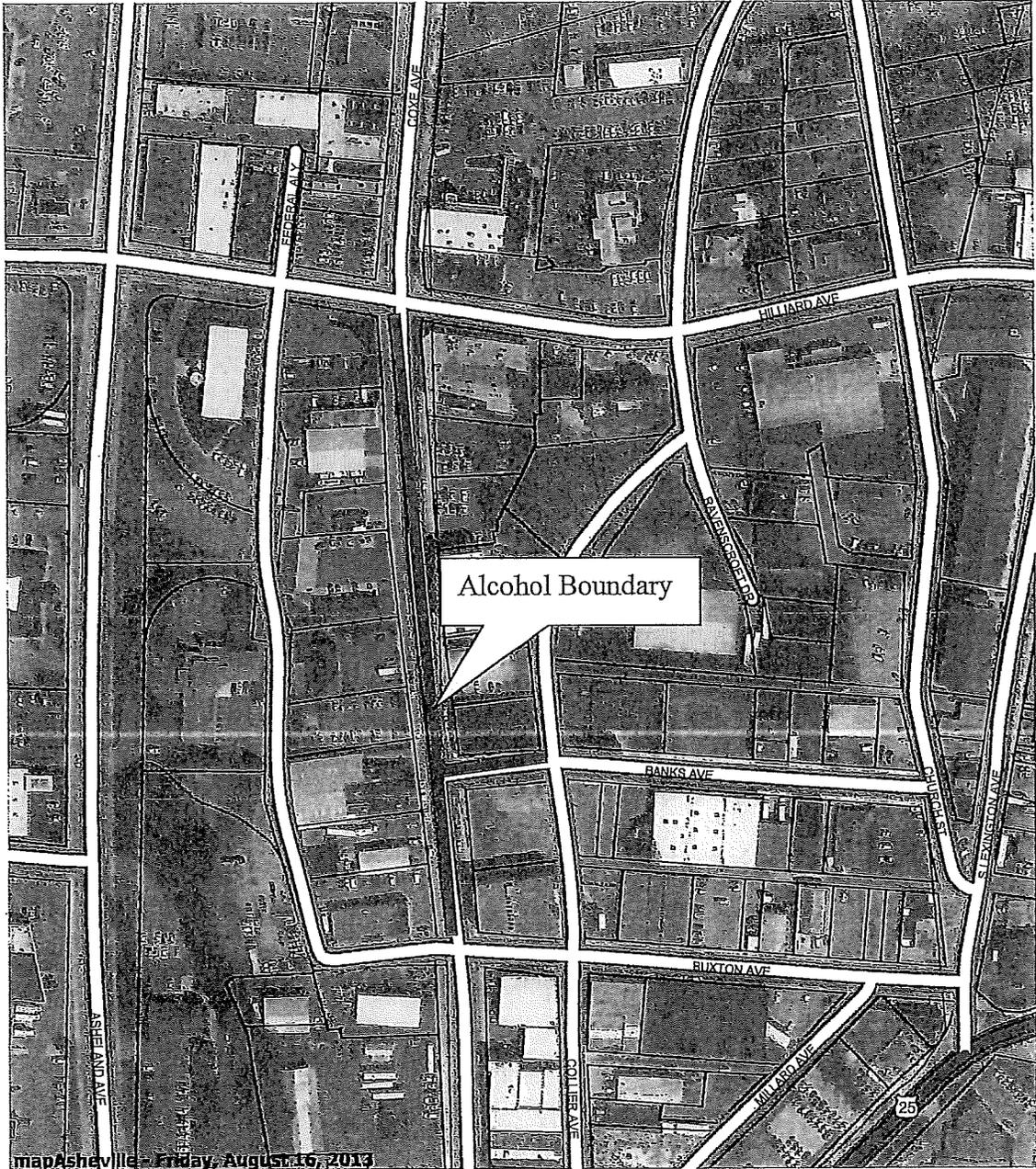
Edna G. Mc  
 Mayor

Approved as to form:

Don Allen  
 City Attorney

Magdalen Burleson  
 City Clerk

EXHIBIT A



RESOLUTION NO. 14- 220

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE CITY MARKET ON THE DATES OF SATURDAY, OCTOBER 18, 2014, AND SATURDAY, OCTOBER 25, 2014, FROM 8:00 AM – 1:00 PM

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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 Asheville City Markt.

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 Asheville City Market event area, as set forth on Exhibit A, attached.

The Asheville City Market event area is within the boundaries the city-owned parking lot located at 161 S. Charlotte Street.

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 Asheville City Market on Saturday, October 18, 2014, and Saturday, October 25, 2014, from 8:00 a.m. to 1:00 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 Asheville City Market 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 Asheville City Market 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 Asheville City Market, 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 23<sup>rd</sup> day of September, 2014.

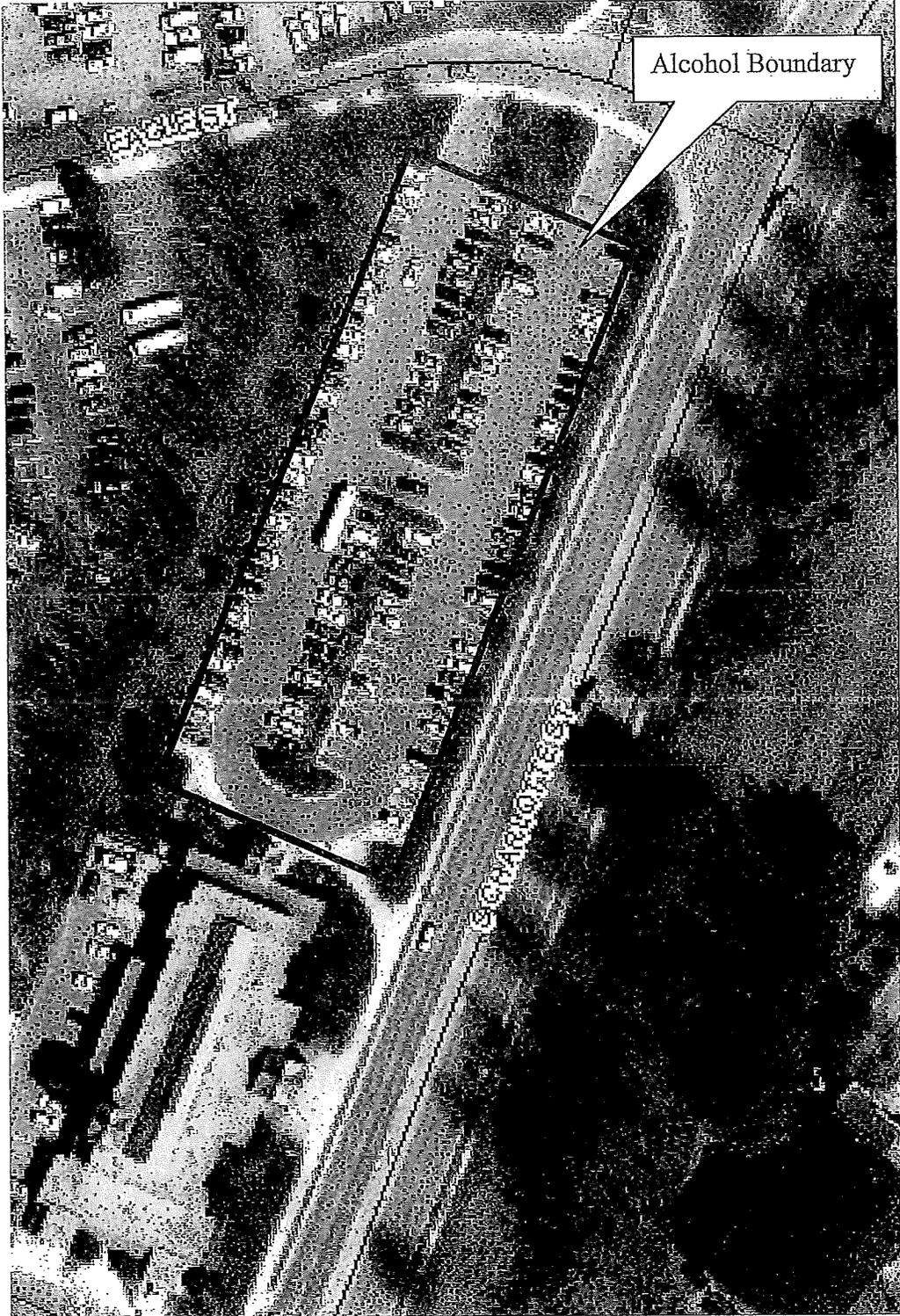
Magdalen Burlison  
City Clerk

Ann G. Mc  
Mayor

Approved as to form:  
Billie  
City Attorney

Magdalen Burlison  
City Clerk

EXHIBIT A



RESOLUTION NO. 14- 221

## RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BROTHER WOLF NEW YEAR'S RESOLUTION RUN ON THE DATE OF JANUARY 1, 2015, FROM 10:30 AM – 1:30 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 Brother Wolf New Year's Resolution Run.

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 Brother Wolf New Year's Resolution Run event area, as set forth in Exhibit A, attached.

The Brother Wolf New Year's Resolution Run event area is within the boundaries of Pack Square Park's Roger McGuire Green.

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 Brother Wolf New Year's Resolution Run on Thursday, January 1, 2015, from 10:30 AM – 1:30 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 Brother Wolf New Year's Resolution Run 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 Brother Wolf New Year's Resolution Run 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 Brother Wolf New Year's Resolution, 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 23<sup>rd</sup> day of September, 2014.

Magdalen Baulson  
City Clerk

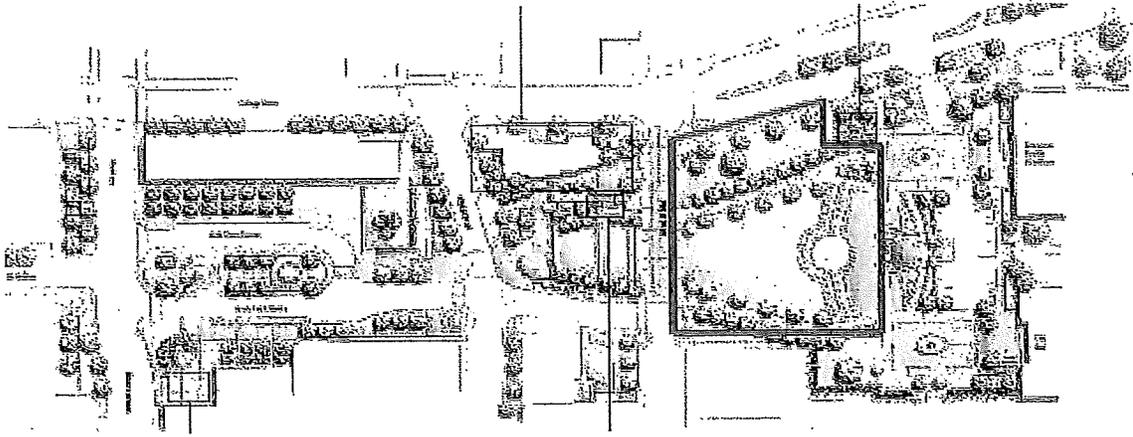
Gregory M. ...  
Mayor

Approved as to form:

Bill ...  
City Attorney

Magdalen Baulson  
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 14-222

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH SMART ELECTRIC COMPANY FOR THE NORTH FORK WATER TREATMENT PLANT ELECTRICAL IMPROVEMENTS PROJECT

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 the North Fork Water Treatment Plant Dam Electrical Improvements Project; and

WHEREAS, Smart Electric Company of Connelly Springs, NC, was the lowest responsible, responsive bidder for the Project, in the amount of \$318,379.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of all materials, labor, incidentals, and equipment necessary for the replacement of the main electrical switchgear and associated electrical system improvements at the North Fork Water Treatment Plant in Black Mountain, NC; and

WHEREAS, the bids have been reviewed by the Water Resources Department, McGill Associates, and the City's Office of Economic Development (Minority Business Plan Compliance) with all offices recommending approval of the bid.

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

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.
2. City Council hereby authorizes a budget amendment using funds from the completed Automated Meter Reading (AMR) Capital Project to partially fund the construction contract and the contingency.
3. The City Manager is hereby authorized to execute the contract with Smart Electric Company, for the bid amount of \$318,379.00. City Council also grants approval of a contingency amount of \$47,757.00 for a total project budget in the amount of \$366,136.00 for the North Fork Water Treatment Plant Dam Electrical Improvements Project. The City Manager is 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 23<sup>rd</sup> day of September, 2014.

Magdalen Baulson  
City Clerk

Sam E. Mc  
Mayor

Approved as to form:  
Tomlin  
City Attorney

Magdalen Baulson  
City Clerk

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**Exhibit A**

Bid Tabulation for the North Fork Water Treatment Plant Dam Electrical Improvements Project

Haynes Electric Construction Company  
PO Box 16589  
Asheville, NC 28816  
**Total Bid: \$415,000.00**

Smart Electric Company  
PO Box 684  
Connelly Springs, NC 28612  
**Total Bid: \$318,379.00**

RESOLUTION NO. 14-223

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH B. ALLEN CONSTRUCTION, INC. TO DESIGN AND CONSTRUCT THE RESTROOM AND PAVILION AT THE WNC NATURE CENTER

WHEREAS, the City 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, City Council adopted the Parks, Recreation, Cultural Arts and Greenways Master Plan that recommends the development of a master site plan for future development of the WNC Nature Center; and

WHEREAS, the city completed the 2020 Vision Master Site Plan that directs future improvements at the WNC Nature Center that prioritizes the importance to continue to enhance the existing playground area with the design and construction of a restroom and picnic pavilion; and

WHEREAS, the City issued a Request for Qualifications for qualified firms to provide the design and construction of a new restroom pavilion. Three (3) applications were received, and B. Allen Construction, Inc. was determined to be the most qualified, responsive and responsible applicant; and

WHEREAS, funds have been appropriated and budgeted from grants and donations from the Friends of the WNC Nature Center, and the North Carolina Department Commerce;

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 B. Allen Construction, Inc., for an amount not to exceed \$132,900 for the design and construction of the restroom and pavilion at the WNC Nature Center, and further authorized to execute any change orders to said contract or documents which may arise during design and construction of said project up to the budgeted amount.

Read, approved and adopted this the 23<sup>rd</sup> day of September, 2014.

Magdalen Boulison  
City Clerk

Sam M.  
Mayor

Approved as to form:

Bob Cui  
City Attorney

Magdalen Boulison  
City Clerk

RESOLUTION NO. 14- 224

## RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT WITH BRYCER, LLC, FOR USE OF THEIR FIRE CODE COMPLIANCE TRACKING SOFTWARE

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, Brycer, LLC and their proprietary "Compliance Engine" software desires to provide a service to all commercial occupancies in the City of Asheville to collect, organize and store all code-required third party inspection and testing records; and

WHEREAS, their automated service would give the City of Asheville Fire Department the ability to receive automatic notification when requirements are delinquent and need attention; and

WHEREAS, their service and proprietary software is provided at no cost to the City of Asheville; and

WHEREAS, the Asheville Fire Department desires to utilize this software to enhance fire code compliance; and

WHEREAS, the City Council Public Safety Committee recommended approval on August 25, 2014;

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 with Brycer, LLC for a term of three years, subject to the conditions and terms outlined in the service agreement.

Read, approved and adopted this the 23rd day of September, 2014.

Magdalen Boulson  
City Clerk

David Mc  
Mayor

Approved as to form:

Billie  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 14-225

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A POURING RIGHTS CONTRACT AND SPONSORSHIP AGREEMENT WITH PEPSI BOTTLING COMPANY OF HICKORY, NC TO PROVIDE NON-ALCOHOLIC BEVERAGES AND RELATED EQUIPMENT AT THE US CELLULAR CENTER FOR A FOUR (4) YEAR PERIOD WITH TWO (2) ONE (1) YEAR OPTIONS TO RENEW

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 U.S. Cellular Center utilizes sales of beverage products as a significant revenue source for operations; and

WHEREAS, the U.S. Cellular Center issued a request for proposals for non-alcoholic beverage pouring rights and sponsorship to include competitive product pricing rates and the provision and maintenance of all necessary equipment; and

WHEREAS, the Pepsi Cola Bottling Company of Hickory, NC Inc. was selected as the winning bidder since their proposal contained the most favorable terms for the U.S. Cellular, including product pricing rates that were lower than current rates, a one-time \$65,000 signing bonus provided to the U.S. Cellular Center exclusively to be used for the purchase, installation and maintenance of digital menu boards at venue concession stands (an addition which is projected to increase sales by 10-20%), and the payment of an annual sponsorship fee of \$5,000; and

WHEREAS, the contract with the Pepsi Cola Bottling of Hickory, NC Inc. will have a term of four (4) years with two (2) one (1) year options to renew, if mutually agreeable, at a cost not to exceed \$80,000 annually for product, as well as additional terms outlined in the above paragraph, and the monies have been budgeted in the Civic Center's Fiscal Year Budget;

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

The City Manager is hereby authorized to enter into a contract and sponsorship agreement on behalf of the City of Asheville with Pepsi-Cola Bottling Company of Hickory, NC, for non-alcoholic beverage product purchase and annual sponsorship based on the terms and conditions outlined above. City Manager is further authorized to execute any change orders or extensions to said contract up to the budgeted amount as well as any amendments the sponsorship agreement.

Read, approved and adopted this the 23rd day of September, 2014.

Magdalen Boulleson  
City Clerk

Steve G. Mc  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Boulleson  
City Clerk

375

RESOLUTION NO. 14-226

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY OFF OF BROAD STREET

WHEREAS, pursuant to N.C.G.S. 160A-299, cities are authorized to permanently close streets and alleys in accordance with certain statutory procedures; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unnamed alley off of Broad Street; 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 an unnamed alley off of Broad Street. Described as follows: Beginning at a "X" chiseled in the sidewalk which joins the south side of Broad Street, and marks the northeast corner of the property of Broad Properties, LLC, as recorded in Deed Book. 4569 pg. 344 tract 2, and runs from said beginning south 85° 32' 33" east 5.02' to a point in said sidewalk which marks the northwest corner of Deed Book. 4569 pg. 344 tract 1. Thence with the western line of said tract 1 south 3° 13' 19" west 94.04' to a no. 4 rebar which marks the southwest corner of said tract 1. Thence with the southern line of said tract 1 south 85° 21' 23" east 5.00' to a concrete monument which marks the terminus of the 7th call in Deed Book. 2059 pg. 665. thence with the line of said Deed Book. 2059 pg. 665 the following 2 calls, south 3° 49' 10" west 15.50' to a point and north 86° 2' 16" west 10.23' to a 3/4" existing iron pipe which marks the southeast corner of Deed Book. 4569 pg. 344 tract 2. Thence with the west line of said tract 2 north 3° 24' 53" east 109.64' to the beginning. Containing 649 square feet and being a strip of land referred to as an alley in Deed Book 2059 pg. 665 and Deed Book 4569 pg. 344 tract 2. Prepared by Huntly T. King, P.L.S. on July 23, 2014, as shown on Exhibit A.
2. A public hearing on the question of permanently closing an unnamed alley off of Broad Street is hereby called for on October 28, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chamber, 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on October 28, 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 unnamed alley off of Broad Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property adjoining 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 23<sup>rd</sup> day of September, 2014.

Magdalen Paulson  
City Clerk

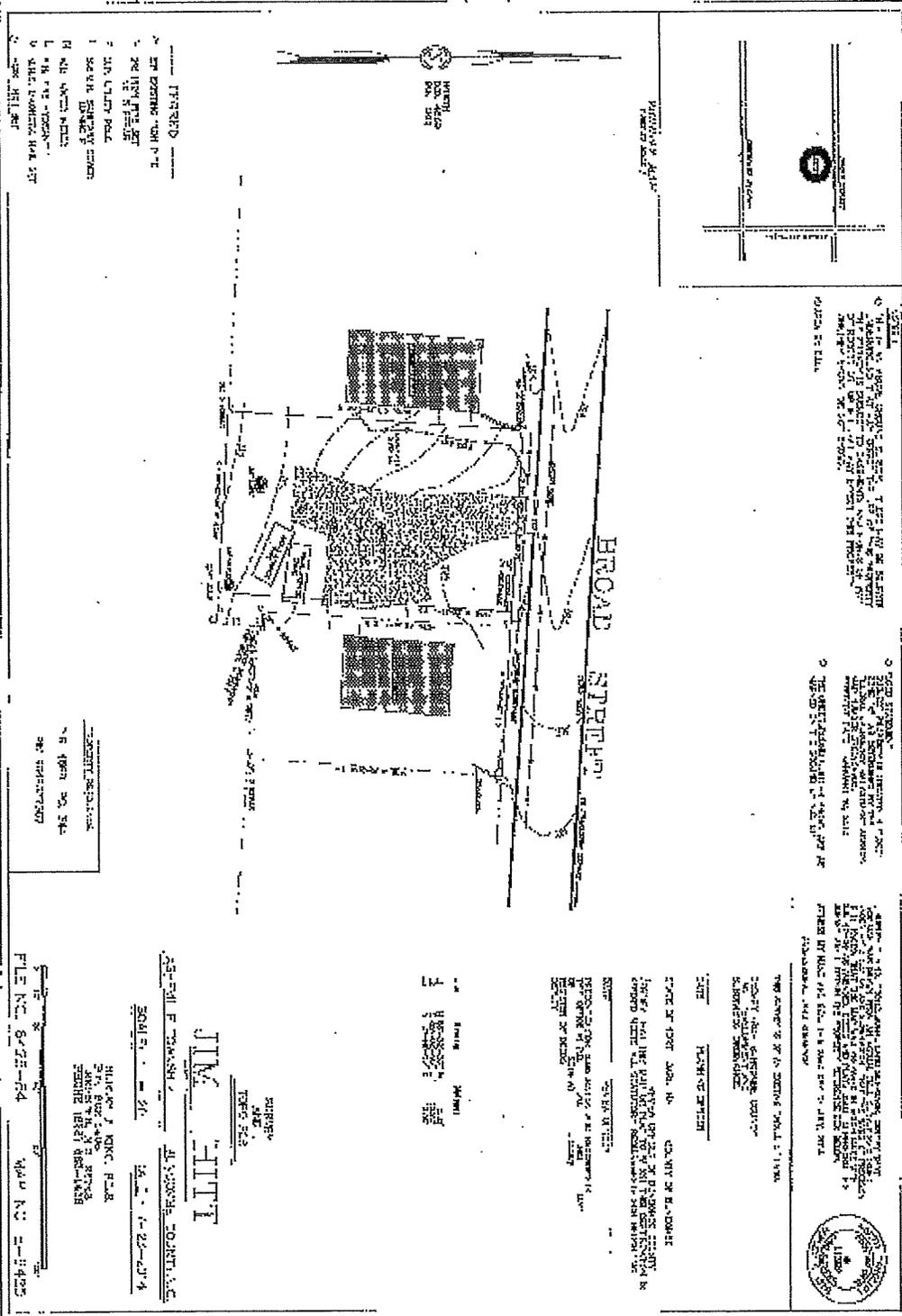
Edwin G. Mc  
Mayor

Approved as to form:

Don Clu  
City Attorney

Magdalen Paulson  
City Clerk

Exhibit A



- 1. 20' WIDE SIDEWALK
- 2. 10' WIDE SIDEWALK
- 3. 10' WIDE SIDEWALK
- 4. 10' WIDE SIDEWALK
- 5. 10' WIDE SIDEWALK
- 6. 10' WIDE SIDEWALK
- 7. 10' WIDE SIDEWALK
- 8. 10' WIDE SIDEWALK
- 9. 10' WIDE SIDEWALK
- 10. 10' WIDE SIDEWALK

10' WIDE SIDEWALK  
10' WIDE SIDEWALK

FILE NO. 8-22-54

WALTER J. KING, P.L.C.  
210 BROADWAY  
NEW YORK 10038

33-211 F. WASHINGTON  
SOUTH - 211  
33-211-214

JIM FITT

SURVEY  
AND  
ENGINEERING

10' WIDE SIDEWALK  
10' WIDE SIDEWALK

THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF NEW YORK, IN THE CITY OF NEW YORK, ON THIS 22ND DAY OF AUGUST, 1954.

FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF NEW YORK, IN THE CITY OF NEW YORK, ON THIS 22ND DAY OF AUGUST, 1954.



## RESOLUTION NO. 14-227

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF BRADLEY STREET

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of Bradley Street; 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 Bradley Street; described as follows:

Legal Description for Proposed Partial Closure of Bradley Street Area #1

Beginning at a calculated point where the future westerly right of way line of a 30' private right of way named Bradley Street (Plat Book 16 Page 10 & Plat Book 138 Page 94) intersects the existing easterly right of way of said street, said point of beginning being located N 05°50'33" E, 88.34' from a 5/8" Rebar w/ID cap "WCLS" being the northwest corner of Lot 2-R as shown in Plat Book 167 Page 80, having NC Grid Coordinates: Northing: 681,047.90', Easting: 937,397.01' NAD 83 (NSRS 2007), and said rebar being located N 20°35'33" W, 751.87' (grid distance) (combined factor: 0.99979761) from N.C.G.S. "Papa Joe" having published NC Grid Coordinates: Northing: 680,344.07', Easting: 937,661.46' NAD 83 (NSRS 2007), Elevation: 1,980.5' (NAVD 88); thence from the Point of Beginning and crossing the existing right of way of Bradley Street and with the future westerly right of way of said street, a curve turning to the right with an arc length of 10.56', with a radius of 85.00', with a chord bearing of S 46°34'34" W, with a chord length of 10.55' to a calculated point; thence with a compound curve turning to the right with an arc length of 25.12', with a radius of 23.54', with a chord bearing of S 83°01'22" W, with a chord length of 23.95' to a calculated point where the future westerly right of way line of Bradley Street intersects the existing westerly right of way line of said street; thence with the existing right of way line of Bradley Street N 05°50'33" E, 115.35' to a 5/8" Rebar w/ID cap "WCLS"; thence with the existing Bradley Street right of way for a turn-around as shown on Plat Book 138 Page 94 the following three calls:

1. N 84°09'27" W, 19.77' to a 5/8" Rebar w/ID cap "WCLS";
2. thence N 05°50'33" E, 29.03' 5/8" Rebar w/ID cap "WCLS";
3. thence with a curve turning to the left with an arc length of 29.83', with a radius of 23.00', with a chord bearing of N 51°11'35" E, with a chord length of 27.78' to a calculated point;

thence with the existing right of way line of Bradley Street as shown on Plat Bok 16 Page 10 and Plat Book 138 Page 94 N 05°50'33" E, 36.62' to a calculated point, the southeasterly corner of Lot 20-R as shown on Plat Book 136 Page 167; thence leaving said existing right of way and with the future westerly right of way of Bradley Street the following three calls:

1. S 05°06'13" W, 18.22' to a calculated point;
2. thence with a curve turning to the left with an arc length of 64.96', with a radius of 85.00', with a chord bearing of S 16°03'04" E, with a chord length of 63.39' to a calculated point;

3. thence with a reverse curve turning to the right with an arc length of 10.66', with a radius of 85.00', with a chord bearing of S 34°21'02" E, with a chord length of 10.66' to a calculated point at the intersection of the future westerly right of way of Bradley Street and the existing southerly right of way of for a turn-around of said street as shown on Plat Book 138 Page 94;

thence with said turn-around right of way line N 84°09'27" W, 0.51' to a 5/8" Rebar w/ID cap "WCLS" on the existing easterly right of way line of Bradley Street; thence with said right of way line S 05°50'33" W, 102.04', which is the point of beginning,

having an area of 0.109 acres (4,767.5 square feet).

The described area is subject to a 20' City of Asheville waterline easement as recorded in Deed Book 5143 Page's 1019, 1022, 1025, 1028, 1031, & 1034 and Plat Book 138 Page 23.

All bearings are based on NC Grid North NAD 83 (NSRS 2007) and all distances are horizontal ground distances unless otherwise noted.

The foregoing description is based on an unrecorded plat by John Wesley Cole, PLS of Wes Cole Land Surveying, PA, dated July 31, 2014, and revised on September 10, 2014, entitled "A Plat Showing Proposed Partial Closure of: Bradley Street for Fiano Properties, Inc.", Project Number: 11-007.

#### Legal Description for Proposed Partial Closure of Bradley Street Area #2

Beginning at a calculated point where the future easterly right of way line of Bradley Street intersects the existing right of way line for a turn-around of said street as shown on Plat Book 138 Page 94, said point of beginning being located the following two courses and distances from the terminus of the 10<sup>th</sup> call of Area #1 above: S 84°09'27" E, 19.49' and N 05°50'33" E, 23.68'; thence from the Point of Beginning and crossing the existing right of way for a turn-around of Bradley Street and with the future easterly right of way of said street with a curve turning to the left with an arc length of 7.03', with a radius of 115.00', with a chord bearing of N 36°11'37" W, with a chord length of 7.03' to a calculated point; thence with a reverse curve turning to the right with an arc length of 2.71', with a radius of 55.00', with a chord bearing of N 36°31'59" W, with a chord length of 2.71' to a calculated point at a point where the future easterly right of way line intersects the existing right of way line for a turn-around for Bradley Street; thence with said existing right of way line, a curve turning to the left with an arc length of 6.82', with a radius of 23.00', with a chord bearing of S 68°10'08" E, with a chord length of 6.79' to a 5/8" Rebar w/ID cap "WCLS"; thence S 05°50'33" W, 5.35', which is the point of beginning,

having an area of 16.05 square feet .

The described area is subject to a 20' MSD sewer easement as recorded in Deed Book 5202 Page 1809 and Plat Book 138 Page 189.

All bearings are based on NC Grid North NAD 83 (NSRS 2007) and all distances are horizontal ground distances unless otherwise noted.

The foregoing description is based on an unrecorded plat by John Wesley Cole, PLS of Wes Cole Land Surveying, PA, dated July 31, 2014.

2. The City Council hereby sets a public hearing on the question of permanently closing a portion of Bradley Street is hereby called for on October 28, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chamber, 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on October 28, 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 Bradley Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property adjoining 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 23<sup>rd</sup> day of September, 2014.

Magdalen Boulson  
City Clerk

Steve G. Mc  
Mayor

Approved as to form:

Dr. Chen  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 14-228

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE US DEPARTMENT OF JUSTICE FOR THE 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

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

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of \$56,677 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of in-car video systems and equitable distribution of funds to Buncombe County Sheriff's Office;

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

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$56,677. APD will spend \$42,143 for the purchase of In-car video systems, while BCSO will be awarded \$14,534.

Read, approved, and adopted this 23rd day of September, 2014.

Magdalen Bouderson  
CITY CLERK

Steve Mc  
MAYOR

APPROVED AS TO FORM:

Billie  
CITY ATTORNEY

Magdalen Bouderson  
City Clerk

RESOLUTION NO. 14-229

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DOWNTOWN DEVELOPMENT AGREEMENT FOR THE 56 S. LEXINGTON AVENUE MIXED USE AND WORKFORCE HOUSING DEVELOPMENT

WHEREAS, pursuant to N.C.G.S. § 160A-458.3, the City Council may enter into a Downtown Development Agreement when it has found and determined that a Project is likely to have a significant effect on the continued revitalization of the Central Business District of the City in the form of increasing the property tax base of the City and serving as a catalyst for further development in the downtown area; and

WHEREAS, Public Interest Projects (PIP) or designee has proposed to construct an in-fill development with a mixed-use building to contain both multi-family housing and some commercial space at an estimated construction cost of \$4.5 – \$5.5 million on property located at 56 S. Lexington Street in downtown Asheville ("the Project"); and

WHEREAS, City Council has determined that the proposed Project will have a significant effect on the revitalization of Asheville's Central Business District by significantly increasing the property tax base of the City and serving as a catalyst for further downtown development; and

WHEREAS, the development will be comprised of 32 units of housing meeting Asheville's workforce housing rental standards, and one commercial unit; and

WHEREAS, the development will be located in a transportation efficient location, thereby providing residents with housing that addresses the joint affordability criteria of housing plus transportation; and

WHEREAS, the City's investment to bury power lines at an approximate cost of \$250,000 is an investment in infrastructure that is necessary in order to make the project physically and financially feasible;

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

1. The Mayor of Asheville is authorized to enter into a Downtown Development Agreement with Public Interest Partnerships or its designee in substantially the same terms presented to Council at this meeting and reflecting any changes required by Council, subject to approval as to form by the City Attorney;
2. The City Manager be, and is hereby authorized to, execute any contracts or other instruments necessary to give effect to this resolution, subject to budgetary limitations and the approval of the City Attorney

Read, approved and adopted this 23<sup>rd</sup> day of September, 2014.

Magdalen Paulson  
CITY CLERK

[Signature]  
MAYOR

Approved as to form:  
[Signature]  
CITY ATTORNEY

Magdalen Paulson  
City Clerk

RESOLUTION NO. 14-230

RESOLUTION AUTHORIZING THE CITY TO APPLY TO THE FAA FOR APPROVAL OF A PLAN OF REORGANIZATION REGARDING THE ASHEVILLE REGIONAL AIRPORT, AND TO TRANSFER PROPERTY AND OPERATIONAL RESPONSIBILITY FOR THE AIRPORT TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the City of Asheville and the County of Buncombe are parties to a interlocal agreement establishing the Asheville Regional Airport Authority, which agreement was initially entered into in 1980, and was renewed and extended in 2009, and which provides for the Authority to operate the Airport; and

WHEREAS, the City and Buncombe County are the government sponsors of the Airport, as recognized by the Federal Aviation Administration (herein "FAA"); and

WHEREAS, the City is the owner of the property on which the Airport is located, and has, since 1980, leased the property to the Authority for Airport operations; and

WHEREAS, by legislation enacted in 2012 and amended in 2014 (herein "Airport Law"), the NC General Assembly provided for the reorganization of the governance structure of the Airport by (a) establishing the Greater Asheville Regional Airport Authority (herein "GARAA"), (b) providing for the transfer of operational responsibility for the Airport, including FAA sponsorship, to GARAA, and (c) providing for the transfer of all real and personal property used for Airport purposes from the City and from Buncombe and Henderson counties to GARAA; and

WHEREAS, pursuant to FAA regulations and the Airport Law, FAA approval is required for the reorganization provided for in the Airport Law

NOW, THEREFORE, be it resolved by the City Council of the City of Asheville as follows:

1. That the City Council hereby approves of the plan of reorganization as provided for in the Airport Law, and further approves of the change in FAA-recognized sponsorship from the City and Buncombe County to GARAA;
2. That the City Manager and City Attorney, or their designees, be and are hereby authorized and directed to take appropriate action, in consultation with Airport staff, to prepare and submit an application to the FAA to effectuate the purposes of the Airport Law;
3. That the City Manager or City Attorney, or designees, be and are hereby authorized and directed, following any required FAA approvals, to take appropriate action to transfer any real and personal property, including any financial obligations associated with said property, to GARAA;
4. That, to the extent not accomplished by 2 and 3, above, the City Manager or City Attorney, or their designees, be and are authorized to transfer any remaining responsibility for Airport operations to GARAA.

Read, approved and adopted, this the 23<sup>rd</sup> day of September, 2014.

Magdalen Pouleson  
City Clerk

Edwin G. Mc  
Mayor

Approved as to form:  
Don Clei  
City Attorney

Magdalen Pouleson  
City Clerk