

RESOLUTION NO. 09-143

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH INTEGRATED TECHNOLOGY SYSTEM TO PURCHASE IN-CAR VIDEO CAMERA SYSTEMS

WHEREAS, the City has the authority, pursuant to N.C.G.S. 143-129, to purchase equipment and supplies; and

WHEREAS, the Police Department has identified a need for in-car video cameras and infrastructure to upload the evidence wirelessly into a secure storage device; and

WHEREAS, an informal bidding process was conducted for equipment compatible with existing equipment and upgradeable technology; and

WHEREAS, funds are available for the procurement of the in-car camera systems for Police patrol cars for the purpose of recording the activities of the officer operating the patrol car; and

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

City Council hereby authorizes the City Manager to enter into an agreement with Integrated Technology Systems for the purchase of in-car video camera systems for patrol cars in an amount not to exceed \$82,950.64.

Read, approved and adopted this 14<sup>th</sup> day of July, 2009.

Magdalen Bureson  
City Clerk

Jim Ballou  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk

## RESOLUTION NO. 09-144

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC. FOR RADIO SYSTEM MAINTENANCE FROM AUGUST 1, 2009 THROUGH JULY 31, 2010

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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 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

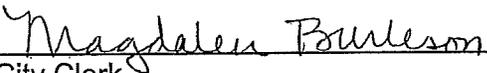
WHEREAS, the service renewal agreement provides for a fixed rate maintenance cost per unit of equipment for another one year period; and

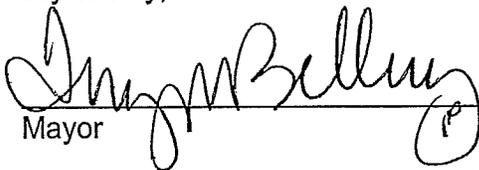
WHEREAS, the City of Asheville and Motorola, inc. wish to renew the service agreement and incorporate that radio equipment for which the warrant has expired;

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.

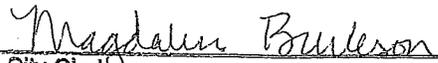
Read, approved and adopted this the 14<sup>th</sup> day of July, 2009.

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

  
 \_\_\_\_\_  
 Mayor

Approved as to form:

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

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

## RESOLUTION NO. 09-145

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH H & M CONSTRUCTORS, INC. FOR FIRE STATION 6 RENOVATIONS

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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 City of Asheville has a need to renovate Fire Station #6; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City has engaged in an informal bid process and awarded the Agreement to the lowest responsible bidder; and

WHEREAS, the amount of the Agreement is \$256,400 and the monies have been budgeted in the Fire Department's 2009-2010 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 H&M Constructors, Inc., for \$256,400 to renovate Fire Station #6, 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 14<sup>th</sup> day of July, 2009.

Magdalen Boulson  
City Clerk

Imag M. Bell  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 09-146

RESOLUTION APPROVING THE MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE ISSUED MAY 19, 2009, BY THE N.C. DEPT. OF CULTURAL RESOURCES, DIVISION OF ARCHIVES & HISTORY

WHEREAS, N.C. Gen. Stat. sec. 121-5 mandates that records defined under Chapter 132 may be disposed of only in accordance with an official records retention schedule; and

WHEREAS, in an effort to promote good municipal records management, the N.C. Dept. of Cultural Resources, Division of Archives & History, has updated their 1997 Schedule; and

WHEREAS, the updated Municipal Records and Disposition Schedule, issued May 19, 2009, provides that records listed in the Schedule, or those later added by amendment, may be destroyed after the specified retention periods without further approval from the City or the N.C. Dept. of Cultural Resources, provided, the governing body has authorized the records listed for destruction to be destroyed through its blanket approval of the Retention Disposition Schedule; and

WHEREAS, it is in the best interest of the City of Asheville to promote municipal records management as provided by the N.C. Dept. of Cultural Resources, Division of Archives & History;

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

1. The Municipal Records Retention and Disposition Schedule issued May 19, 2009, by the N.C. Dept. of Cultural Resources, Division of Archives & History, be adopted and approved in total. This new version supersedes the scheduled issued in September, 1997.
2. The Mayor of the City of Asheville be authorized to execute the Agreement by and between the N.C. Dept. of Cultural Resources, Division of Archives & History, which agreement is attached hereto and made a part hereof.
3. Any and all previous resolutions adopted that are inconsistent or in conflict with this resolution are hereby repealed.

Read, approved and adopted this 14<sup>th</sup> day of July, 2009

Margdalen Bureson  
CITY CLERK

Jim Bulley  
MAYOR

Approved as to form:

Rundak  
CITY ATTORNEY

Margdalen Bureson  
City Clerk

### MUNICIPAL Records Retention and Disposition Schedule

The records retention and disposition schedule and retention governing the records series listed herein are hereby approved. In accordance with the provision of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

#### APPROVAL RECOMMENDED

Magdalen Boulson  
City/Town Clerk

[Signature]  
Chief Administrative Officer/  
City Manager

[Signature]  
David Brook, Director  
Division of Historical Resources

#### APPROVED

[Signature]  
Mayor

[Signature]  
Linda A. Carlisle, Secretary  
Department of Cultural Resources

May 19, 2009

Municipality: Asheville

## RESOLUTION NO. 09-147

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT  
AND ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR  
THE VIEWMONT ACRES AND REYNOLDS MOBILE HOME PARK

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WHEREAS, pursuant to G.S. 160A-17.1, the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources (NCDENR), North Carolina Water Infrastructure Act of 2005 (N.C.G.S. 150G) for loans and grants to aid in the financing the construction of wastewater or drinking water system improvements; and

WHEREAS, the City of Asheville is committed to improving the wastewater or drinking water system of Viewmont Acres and Reynolds Mobile Home Park (Project Number DEH-1594); and

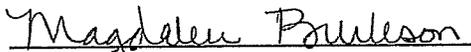
WHEREAS, the City of Asheville agrees to comply with all State and federal permits and applicable laws; and

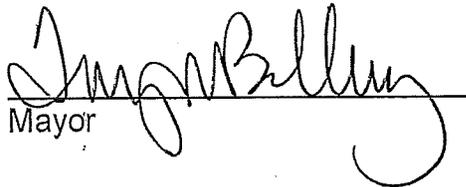
WHEREAS, the City will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project;

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

The Mayor be, and is hereby, authorized to apply for and enter into an agreement with the North Carolina Department of Environment and Natural Resources for a grant to assist with the financing cost of construction of wastewater and drinking water (Project Number DEH-1594) of Viewmont Acres and Reynolds Mobile Home Park water system improvements.

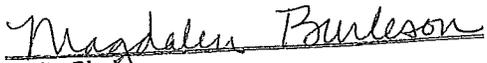
Read, approved and adopted this 14th day of July, 2009.

  
City Clerk

  
Mayor

Approved as to form:

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

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

RESOLUTION NO. 09-148

RESOLUTION MODIFYING SCHEDULED CITY COUNCIL MEETINGS

WHEREAS, the Asheville City Council is authorized, pursuant to G.S. 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 scheduled on Tuesday, July 28, 2009, is hereby cancelled.

Read, approved and adopted this 14<sup>th</sup> day of July, 2009.

Magdalen Burleson  
CITY CLERK

Mayor Bell  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Burleson  
City Clerk

Resolution No. 09-149

RESOLUTION AUTHORIZING A SUBSTANTIAL AMENDMENT OF THE CITY'S  
CONSOLIDATED ANNUAL ACTION PLAN FOR 2009-10

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

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2005-2010; and

WHEREAS, on May 12, 2009 City Council approved an Annual Action Plan for the use of these funds in 2009-2010; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, to amend the Action Plan for fiscal year 2009-10; and

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

1. The Consolidated Annual Action Plan for FY 2009-2010 be amended as recommended by the Housing and Community Development Committee and the Asheville Regional Housing Consortium;
2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with the designated agencies for the implementation of the amended Consolidated Action Plan.

Read, approved and adopted this 14th day of July, 2009.

Magdalen Boulson  
City Clerk

Angus Buller  
Mayor

Approved As To Form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

## City of Asheville

### Proposed Substantial Amendment to 2009 Action Plan for CDBG and HOME Funds

The City of Asheville and the Asheville Regional Housing Consortium have prepared a substantial amendment to their 2009 Action Plan which sets out the changes to the proposed use of federal Community Development Block Grant (CDBG) and HOME Investments Partnership Act (HOME) funds in the year beginning July 1, 2009. These changes are being proposed to account for additional allocations of CDBG and HOME funds, and for changes that resulted from the City's receipt of CDBG-R funding.

#### Proposed changes

#### CDBG PROGRAM

Projected Revenue: The City of Asheville is now projected to receive \$1,235,870 in 2009 CDBG funding, an increase of \$9,189 from the amount in the original Action Plan. The Total CDBG funds available, including program income, are now projected to be \$1,503,557. The following is the projected use of these funds:

Mountain Housing Opportunities (MHO) - Emergency Home Repair	150,000
MHO - Down Payment Assistance	62,184
Eagle Market Streets CDC- Renaissance Phase 1	50,000
Homeward Bound - Supportive Housing Svcs.	35,000
On-Track- HomeBase Housing Services	45,000
Habitat - Housing Services	75,000
MHO - Housing Services	155,000
Mountain BizWorks	150,000
MHO - Asheville GO	111,234
City of Asheville (COA) - Transit Improvements	60,000
COA - N. Louisiana Ave Sidewalks	117,000
On Track - Financial Counseling	37,430
Homeward Bound - Homeless Prog	94,400
PLS - Homelessness Prevention	30,000
Helpmate - Crisis Stabilization	8,000
ABCRC - Fair Housing Services	45,000
PLS - Resource Development	18,000
CD Administration	236,517
Homeless prevention	18,000

Section 108 Debt Repayment	2,849
Contingency	2,943
<b>Total CDBG Funds Allocated</b>	<b>1,503,557</b>

Note that MHO Tier II Emergency Repair, WNC Green Building Council Weed and Seed Weatherization, and Mountain BizCapital were all awarded funds from the separate CDBG-R Allocation.

### HOME PROGRAM

Projected Revenue: The Asheville Regional Housing Consortium is now projected to receive \$1,462,387 in 2009 HOME funding, an increase of \$146,520 from the amount in the original Action Plan. No ADDI funds are expected to be received this year. The Total HOME funds available, including program income, are now projected to be \$1,542,387. The following is the projected use of these funds:

#### **Asheville**

OnTrack – HomeBase Rental Assistance	\$ 20,000
Homeward Bound – Rental assistance for Homeless	\$ 40,000
Asheville Housing Authority – Rental Assistance	\$ 64,782
Asheville Area Habitat for Humanity – Brotherton Ave. Subdivision	\$ 114,000
Mountain Housing Opportunities – Down Payment Assistance	\$ 32,542
Mountain Housing Opportunities – Pre-Dev. Loan for Affordable Rental Housing Dev.	\$ 37,000
Mountain Housing Opportunities – Westmore Apartments	\$ 225,000

#### **Buncombe County**

Mountain Housing Opportunities – Self Help Homeownership Black Mountain	\$ 19,437
Mountain Housing Opportunities -- Rural Home Rehabilitation Program	\$ 97,183
Mountain Housing Opportunities – Homebuyer Assistance	\$ 198,085
Mountain Housing Opportunities – Rehab of 212 Central Street, Black Mountain	\$ 30,000

#### **Henderson County**

Henderson Co. Habitat for Humanity – Shuey Knolls Subdivision	\$ 125,000
Housing Assistance Corporation – Mapleton Apartments	\$ 100,000

#### **Transylvania County**

Western Carolina Community Action- Estatoe Apartments	\$ 100,000
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#### **Madison County**

CHC of Madison County – Home-owner Rehabilitation	\$	70,000
CHC of Madison County -- Beech Glen S/F New Construction	\$	50,000
<b>American Dream Downpayment Initiative (ADDI) *</b>		
Mountain Housing Opportunities – Homebuyer Assistance	\$	11,500
<b>Operating Costs</b>		
CHDO (non-profit agencies) Operating Expenses	\$	73,119
City of Asheville – Administration & Planning	\$	146,239
<b>Total HOME funds allocated</b>	\$	<u>1,542,387</u>
<b>TOTAL CDBG and HOME Funds Allocated</b>	\$	<u>3,045,944</u>

RESOLUTION NO. 09-150

RESOLUTION FOR CONSENT TO BANKRUPTCY RESTRUCTURING OF CHARTER COMMUNICATIONS, INC.

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WHEREAS, Charter Communications, Inc. ("Charter") owns a cable television system (herein "System") in the City of Asheville, N.C.; and

WHEREAS, Charter operates the System through its subsidiary, Robin Media Group, Inc., pursuant to a franchise ordinance (City Ordinance No. 2500) adopted by the City of Asheville (herein "Franchise"); and

WHEREAS, operator of the System is also subject to City Ordinance No. 2496, which regulates cable service providers (herein "Regulatory Ordinance"); and

WHEREAS, on March 27, 2009, Charter and certain of its subsidiaries filed voluntary petitions in the United States Bankruptcy Court for the Southern District of New York ("Bankruptcy Court") seeking relief under the provisions of Chapter 11 of Title 11 of the United States Code in order to effectuate a financial restructuring (Case No. 09-11435); and

WHEREAS, pursuant to the terms of agreements entered into between Charter and its key bondholders, Charter's current Class A Common Stock and Class B Common Stock will be cancelled and replaced with new voting stock owned by Paul G. Allen and such bondholders, as described in filings with the Bankruptcy Court (the "Transaction"), copies of which have been provided to the City; and

WHEREAS, the City has been provided with a FCC Form 394, "Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise," and other documents related to the Transaction, and has reviewed said documents and its ordinances, and concluded that its consent will facilitate the above-described Transaction; and

WHEREAS, Charter is not currently in default as to any of the terms or obligations of the Franchise, and the City does not object to the Transaction described above;

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

1. The foregoing recitals are approved and incorporated herein by reference.
2. The City consents to the Transaction described herein.
3. This Resolution shall be deemed effective upon adoption.
4. This Resolution may only be used in connection with the Transaction.

129-A

5. This Resolution is conditional upon Robin Media Group performing its obligations under the Franchise until the closing of the Transaction. The City does not waive any rights it may have to require Robin Media Group to comply with the Franchise after the closing of the Transaction.

Read, approved and adopted this 14<sup>th</sup> day of July, 2009.

Magdalen Bourleson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

Chris. Orr  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 09-151

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE

WHEREAS, N.C. Gen. Stat. 160A-11 authorizes the City to enter into agreements with other governmental agencies; and

WHEREAS, UNC-Asheville has a history in Asheville dating back to 1927, and since that time, has become the only designated liberal arts institution in the 16-campus University of North Carolina system; and

WHEREAS, UNC-Asheville and the City of Asheville have long shared a strong sense of social responsibility and commitment to the region, as symbolized in seals the organizations have shared since the 1930's that read *LEvo oculos meos in montes* ("I lift up my eyes to the mountains"); and

WHEREAS, UNC-Asheville and the City Council of the City of Asheville wish to formalize their relationship as community partners by entering into a Memorandum of Understanding to establish a framework by which UNC-Asheville and the City of Asheville will work to exchange information, conduct cooperative research, and jointly explore projects for the sustainability of the Asheville community; and

WHEREAS, five collaboration areas were identified to include (1) economic development and technology; (2) health and wellness; (3) cultural and recreation; (4) environmental sustainability; and (5) public safety;

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

The Mayor is hereby authorized to enter into a Memorandum of Understanding with the University of North Carolina at Asheville, for further collaborative efforts in the following focus areas: (1) economic development and technology; (2) health and wellness; (3) cultural and recreation; (4) environmental sustainability; and (5) public safety.

Read, approved and adopted this 14<sup>th</sup> day of July, 2009.

Magdalen Bourleson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 09-152

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE N.C. DEPT. OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT A GRANT AWARD TO PROVIDE FOR A RESIDENTIAL BACKYARD COMPOSTING PROGRAM

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WHEREAS, the City of Asheville has a strong commitment to environmental sustainability; and

WHEREAS, composting organic food waste is an environmentally sound way to increase organics recycling and increase landfill space; and

WHEREAS, the North Carolina Department of Environment and Natural Resources has awarded the City of Asheville a grant to purchase compost bins and educational materials to conduct a backyard composting program for residents;

WHEREAS, under the terms of the grant award from the NCDENR, the City is required to provide a small match of funds;

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

The City Manager is hereby authorized to accept grant funding from the North Carolina Department of Environment and Natural Resources to purchase compost bins and education materials to conduct a backyard composting program for City of Asheville residents.

Read, approved and adopted this 14<sup>th</sup> day of July 2009.

Magdalen Bureson  
City Clerk

Greg Bell  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk

RESOLUTION NO. 09-153

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH OWENS ROOFING, INC. TO REPLACE THE ROOF AT THE CIVIC CENTER ARENA AND CONCOURSE

WHEREAS, the City of Asheville wishes to replace the roof on the Civic Center Arena and Concourse; and

WHEREAS, the City has the authority, pursuant to Article 8 of N.C.G.S. Chapter 143, to maintain and repair public facilities, and to make expenditures for such purposes; and

WHEREAS, pursuant to N.C.G.S. 143-64.31 and 143-129, the City announced and advertised the requirements for professional and construction services for the replacement of the roof at the Civic Center arena and concourse; and

WHEREAS, Cort Architectural Group completed the construction documents for the replacement of the roof; and

WHEREAS, seven firms submitted bids to complete the work; and

WHEREAS, Owens Roofing, Inc. was the lowest responsive and responsible bidder;

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

The City Manager is hereby authorized to execute a contract with Owens Roofing, Inc., in an amount not to exceed \$1,497,982, to replace the roof at the Civic Center Arena and Concourse; and to execute change orders not to exceed \$150,000.

Read, approved and adopted this 14<sup>th</sup> day of July, 2009.

Magdalen Bouleson  
City Clerk

[Signature]  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bouleson  
City Clerk

RESOLUTION NO. 09 - 154

RESOLUTION ACCEPTING ELLA STREET AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Ella Drive is located in the corporate limits of the City of Asheville; and

WHEREAS, dedication of the 40 foot right-of-way for Ella Street has been recorded in Plat Book 8 Page 46; and

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

Ella Drive is accepted by the City of Asheville for maintenance as indicated on the attached maps.

Read, approved and adopted this 14<sup>th</sup> day of July, 2009.

Magdalen Bourleson  
City Clerk

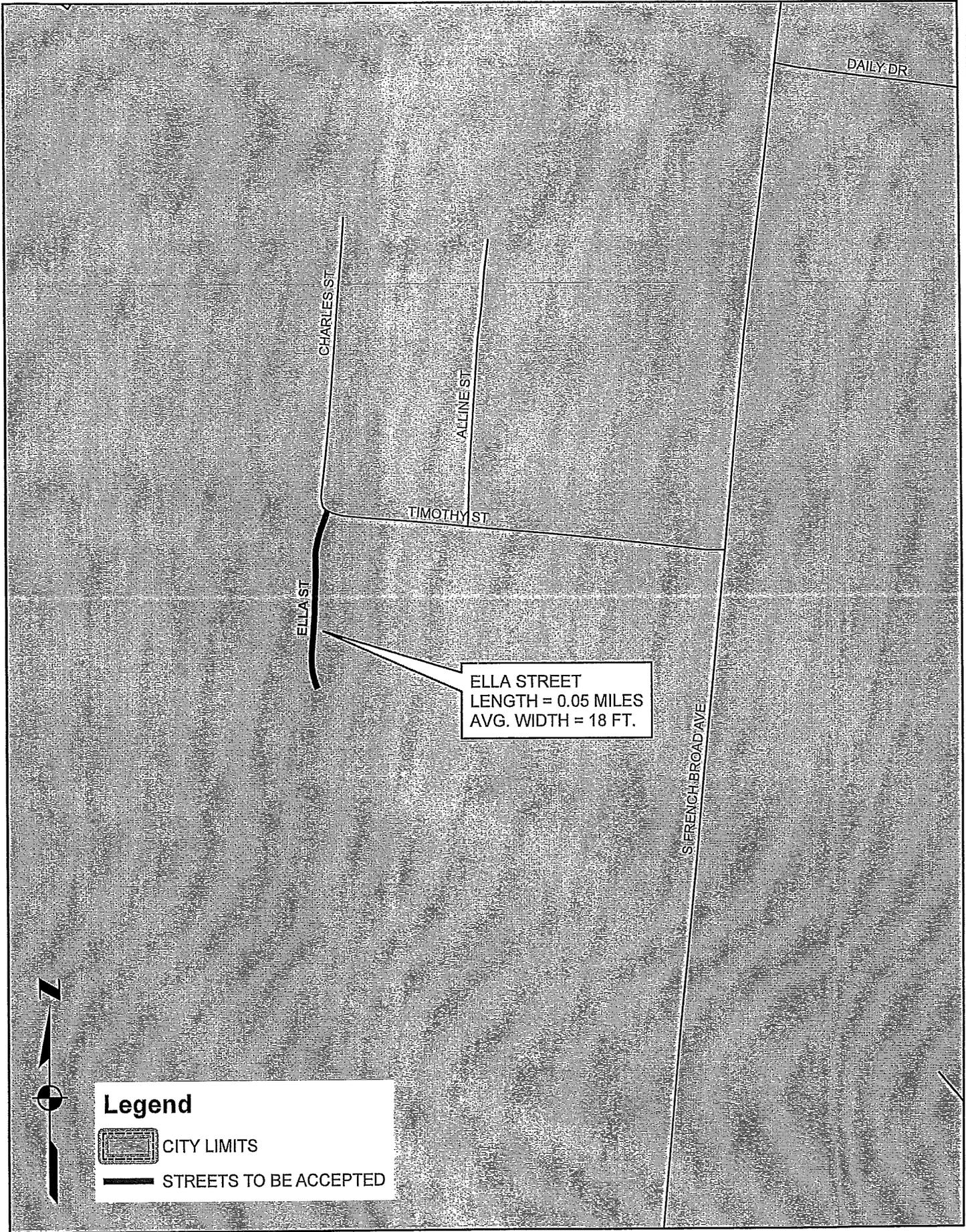
Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk





DAILY DR

CHARLES ST

ALLINE ST

TIMOTHY ST

ELLA ST

S FRENCH BROAD AVE

ELLA STREET  
LENGTH = 0.05 MILES  
AVG. WIDTH = 18 FT.

**Legend**



CITY LIMITS



STREETS TO BE ACCEPTED



RESOLUTION NO. 09-155

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY AIR SPACE ADJACENT TO 51 BILTMORE AVENUE, FOR THE PURPOSE OF ERECTING A PERMANENT BUILDING OR STRUCTURE

WHEREAS, the City of Asheville owns certain property adjacent to 51 Biltmore Avenue, being the sidewalk within the right of way of Aston Street; 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 June 1, 2009 , a qualifying offer was received from McKibbon Hotel Group, Inc. and pursuant to N.C.G.S. 160A-269 the City Clerk advertised for upset bids regarding an offer to purchase air space conditional to the construction of a permanent architectural structures on a proposed building at 51 Biltmore Avenue, PIN 964849357600000, in the amount of \$889; and

WHEREAS, Notice of the intent of City Council to sell said property to McKibbon Hotel Group, Inc. for the sum of \$889 was duly published in the Asheville Citizen-Times on June 12, 2009; and

WHEREAS, the City received no qualifying upset bid in response to said advertisement; and

WHEREAS, the City has no anticipated need for the property;

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

The Mayor is hereby authorized to execute a deed of conveyance and all related documents, upon approval of the City Attorney, in order to convey to McKibbon Hotel Group, Inc. air space on the condition to construct permanent architectural structures over the sidewalk adjacent to 51 Biltmore Avenue, (PIN 964849357600000); for the sum of \$889.

Read and approved and adopted this 14th day of July, 2009.

Magdalen Bourleson  
City Clerk

Sam Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 09- 156

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CITY OF ASHEVILLE OPEN TENNIS CHAMPIONSHIPS ON THE DATES OF THURSDAY, JULY 16, 2009 FROM 5:00 PM – 10:00 PM AND FRIDAY, JULY 17, 2009 FROM 5:00 PM – 10:00 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 City of Asheville Open Tennis Championships.

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 City of Asheville Open Tennis Championships event area as shown on the attached Exhibit A.

The City of Asheville Open Tennis Championships event area is within the boundaries of the Aston Park Tennis Complex.

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 City of Asheville Open Tennis Championships on Thursday, July 16, 2009 from 5:00 PM – 10:00 PM and Friday, July 17, 2009 from 5:00 PM – 10:00 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 City of Asheville Open Tennis Championships 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 City of Asheville Open Tennis Championships 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 City of Asheville Open Tennis Championships, 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 14th day of July 2009.

Magdalen Bourleson  
City Clerk

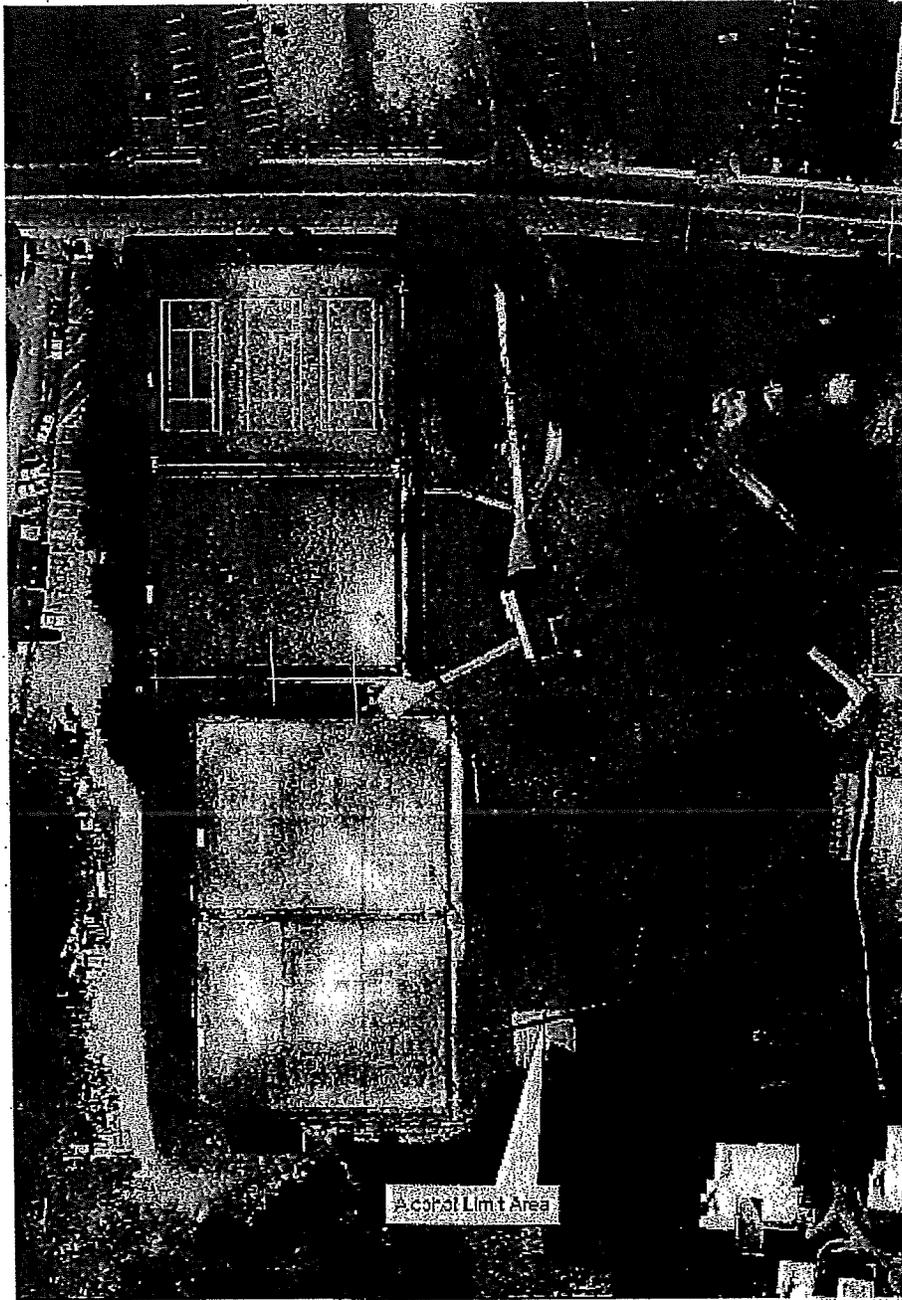
August Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

Exhibit A



Aston Park

## RESOLUTION NO. 09- 157

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE IN THE GRASS AREA OF THE PACK SQUARE AREA IN PACK SQUARE PARK ON AUGUST 1, 2009, FROM 4:30 P.M. TO 8:30 P.M.

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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 Windows on the Park; and

WHEREAS, the resolution is pending the City of Asheville's ability to issue an Outdoor Special Event permit for the requested location.

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 grassy area of the Pack Square area of Pack Square Park (area A on attached map).
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 Windows on the Park on the grass area of the Pack Square area of Pack Square Park on Saturday, August 1, 2009 from 4:30 p.m. to 8:30 p.m., pending the City of Asheville's ability to issue an Outdoor Special Event permit for this location.
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. 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 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 grass area of the Pack Square area of Pack Square Park, 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 with appropriate boundaries designating the area.

Read, approved and adopted this 14<sup>th</sup> day of July 2009.

Magdalen Bureson  
City Clerk

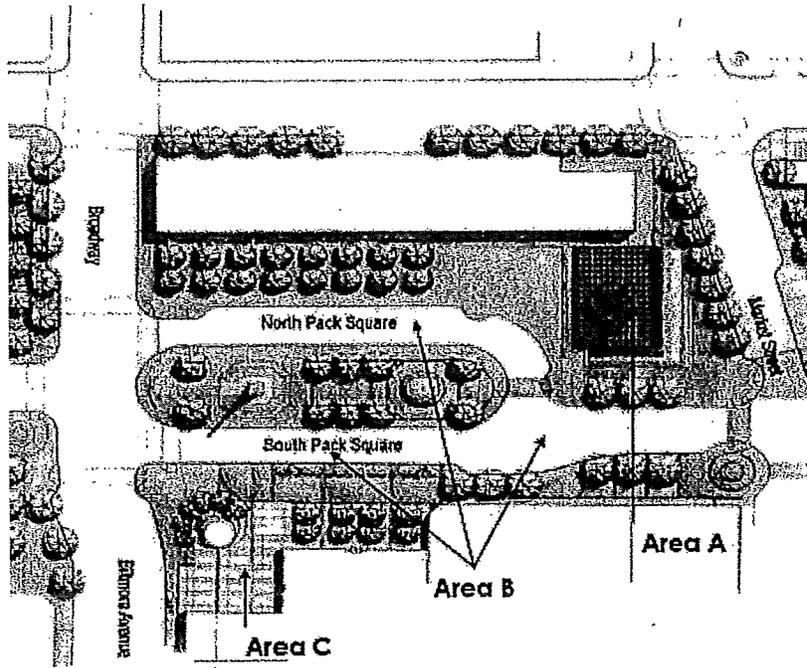
Greg Ballen  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk

**Pack Square Park—Pack Square**



RESOLUTION NO. 09-158

RESOLUTION APPROVING NAMING OF NATIONAL GUARD FACILITY IN HONOR OF LT. COLONEL WILLIAM GARWOOD

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WHEREAS, the North Carolina National Guard has established a new training facility in Asheville in the area known as Richmond Hill; and

WHEREAS, said facility was developed pursuant to an agreement between the State of North Carolina and the City, on property acquired from the City, and the City has developed a park and recreational facility adjacent to the new training facility; and

WHEREAS, the National Guard proposes to name the new training facility in honor of Lt. Colonel William Garwood, deceased, whose service with the North Carolina National Guard is summarized on the attached Exhibit A; and

WHEREAS, it is the practice of the National Guard to request approval for the naming of its facilities from the governing bodies of the jurisdictions where the facilities are located, and representatives of the National Guard have requested that the Asheville City Council approve the naming of the new training facility in honor of Lt. Colonel Garwood;

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

The naming of the North Carolina National Guard training facility located in the area known as Richmond Hill in the City of Asheville in honor of Lt. Colonel William Garwood be, and the same is hereby approved.

The City Manager is authorized to provide such letters or copies of this resolution to the National Guard as may be necessary to facilitate the naming of the facility.

Read, approved and adopted this 14<sup>th</sup> day of July, 2009.

Magdalen Boulson  
City Clerk

Gregory Bellamy  
Mayor

Approved as to form:

Brian DeWitt  
City Attorney

Magdalen Boulson  
City Clerk

LTC William Hill Garwood Jr. A brief synopsis.

LTC Garwood was born 09 December 1944 in Chicago, Illinois. He began his military career as an enlisted member in the Navy as a Seabee and completed two tours of duty in Vietnam. He joined the Mississippi National Guard in 1978 as an E5 Military Policeman and then transferred to the North Carolina National Guard the same year. LTC Garwood would spend the next 21 years serving the citizens and soldiers of North Carolina beginning as a 1LT Military Police Officer and culminating as the Battalion Commander of the 730th Quartermaster Battalion in Asheville, NC. Below is a listing of assignments, military decorations and a few of his many achievements.

#### Assignment History

Traffic Control Officer, Military Police Investigative Officer, Platoon Leader, Company Commander, Communications & Electronics Staff Officer, Utilities Engineer Staff Officer, Operations Officer, Civil Engineer Staff Officer, S3 109th MP BN, Military Police Liaison Officer, S2 105th EN GP, Executive Officer 130th SIG BN, Battalion Commander 130th SIG BN, Battalion Commander 730th CSB, Battalion Commander 730th QM BN

#### Federal Military Decorations and Badges

Vietnam Service Medal, Republic of Vietnam Campaign Medal, Combat Action Ribbon, Naval Unit Citation, Army Service Ribbon, Army Commendation Medal Second Award, Army Achievement Medal, Army Reserve Components Achievement Medal Fourth Award, Armed Forces Reserve Medal, National Defense Service Medal Second Award, Humanitarian Service Medal, Army Reserve Components Overseas Training Ribbon Third Award

#### North Carolina National Guard Decorations

North Carolina Achievement Medal, North Carolina Service Award Third Award, North Carolina State Active Duty Award, North Carolina Meritorious Unit Citation

#### Notable Achievements

While LTC Garwood's achievements are many the following were highlighted in a letter from Mrs. Linda Garwood, LTC Garwood's widow.

LTC Garwood graduated from the University of Southern Mississippi with his Bachelors and Masters and completed post graduate work with the University of Mississippi, University of London, and the Royal Canadian Mounted Police School in Ottawa. He completed two tours of duty in Vietnam as a Navy Seabee and also participated in the Hurricane Camille rescue and recovery missions in 1969. LTC Garwood was awarded the Outstanding Law Officer award for 1976-77 as the Chief of Police in Lucedale, MS. He served as the Operations Officer in Charlotte after Hurricane Hugo and Task Force Commander for rescue and recovery after Hurricane Floyd. On 28 September 2002 he was awarded the Recruiting and Retention 1st Annual Legacy Award for his leadership and mentorship in the strength maintenance for the NC National Guard.

## RESOLUTION NO. 09-159

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ROCKIN' RIVERFEST ON THE DATE OF SATURDAY, AUGUST 1, 2009 FROM 11:00 AM – 5:00 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 Rockin' RiverFest.

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 Rockin' RiverFest event area as outlined in Exhibit A.
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 Rockin' RiverFest on Saturday, August 1, 2009 from 11:00 AM – 5:00 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 Rockin' RiverFest 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 Rockin RiverFest 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 Rockin' RiverFest, 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 14th day of July, 2009.

Magdalen Bourleson  
City Clerk

Jim B. B. B.  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

Exhibit A

