

RESOLUTION NO. 09-124

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH ONTARIO INVESTMENTS, INC., GOLF COURSE EQUIPMENT

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 conducted a request for proposals for golf course carts and maintenance equipment lease services and Ontario Investments was the sole bidder, and

WHEREAS, the City of Asheville is leasing golf course carts and maintenance equipment that supports basic city services and is part of the City's maintenance program for ongoing facility maintenance at the Asheville Municipal Golf Course; and

WHEREAS, funding for the golf carts and maintenance equipment in the amount of \$114,000 is contingent upon City Council approving the funds as part of the City's FY 2009-2010 operating budget;

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

The City Manager is hereby authorized to enter in a lease agreement for golf course carts and maintenance equipment with Ontario Investments Inc. for a total of \$114,000, with any extensions, contingent upon City Council approving the funds for each fiscal year applicable to the lease agreement.

Read, approved and adopted this the 23rd day of June, 2009.

Magdalen Boulson
City Clerk

Jim Baller
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-125RESOLUTION AFFIRMING THE IMPORTANCE OF INTERCITY TRANSIT SERVICE

WHEREAS, the City of Asheville has operated transit routes offering connections from Asheville to the Town of Black Mountain and the Town of Weaverville; and

WHEREAS, these routes are vital for transportation in the region and combined had almost 57,000 riders in fiscal year 2008; and

WHEREAS, the Towns of Black Mountain and Weaverville have in the past provided funding for the operation of these routes; and

WHEREAS, the City fully expects such support from the Town of Black Mountain to continue; and

WHEREAS, the North Carolina Department of Transportation has requested that the City make changes to the operation of these routes in order to comply with funding requirements; and

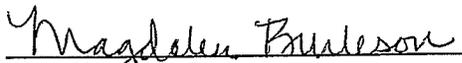
WHEREAS, the City is willing to make changes to the operation of these routes in order to comply with that North Carolina Department of Transportation request; and

WHEREAS, the City of Asheville Transit Commission has passed a resolution requesting City Council's support to the intercity service between Asheville and Black Mountain and Asheville and Weaverville; and

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

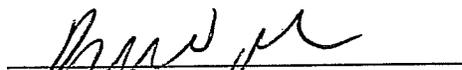
The City Council supports continuation of the intercity routes and requests North Carolina Department of Transportation support for the routes.

Read, approved and adopted this 23 day of June 2009.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 09-126

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR LEASE AND AN EQUIPMENT LEASE WITH HAW CREEK FIRE AND RESCUE, INC.

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-19 to lease any real or personal property for any authorized public purpose, and

WHEREAS, Haw Creek Fire and Rescue, Inc. is transferring the fire station and equipment located at 880 New Haw Creek Rd. to the City of Asheville

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 multi-year lease and an equipment lease for one dollar per year with Haw Creek Fire and Rescue, Inc. for the fire station and equipment located at 880 New Haw Creek Rd. for the purposes of providing fire protection services.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Boudeson
City Clerk

Angus Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boudeson
City Clerk

RESOLUTION NO. 09- 127

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DIXON HUGHES PLLC, FOR AUDITING SERVICES FOR FISCAL YEAR 2008-09

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

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, Dixon Hughes has submitted a proposal to provide audit services to the City Council for Fiscal Year 2008-2009; and

WHEREAS, the City Council desires that the City's Fiscal Year 2008-2009 audit service contract be awarded to the firm Dixon Hughes; and

WHEREAS, the funds have been budgeted in the Accounting Division of the Finance Department's budget;

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

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Dixon Hughes PLLC, in the amount of \$110,000 for auditing services for fiscal Year 2008-2009.

Read, approved and adopted this the 23rd day of June, 2009.

Magdalen Bourleson
City Clerk

Ingvald Baller
Mayor

Approved as to form:

Shirley
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-128

RESOLUTION TO PLACE THE ENERGY LOOP SCULPTURE ON PROPERTY OWNED BY BUNCOMBE COUNTY LOCATED AT 35 WOODFIN STREET

WHEREAS, pursuant to N.C.G.S. 160A-353, the City has the authority to provide for parks and recreation facilities; and

WHEREAS, the City and Buncombe County and the Pack Square Conservancy have previously entered into an agreement regarding the redevelopment of Pack Square / City-County Plaza (herein "Pack Square Renaissance Project"); and

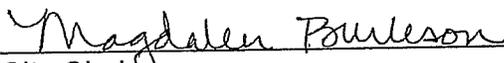
WHEREAS, in connection with the Pack Square Renaissance Project, the sculpture known as the Energy Loop, previously located within the Project area, has been refurbished and a new site has been selected for it, on property owned by Buncombe County and located on College Street; and

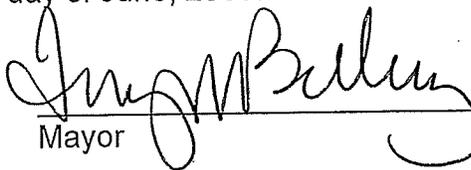
WHEREAS, the new site is directly adjacent to the previous site within City-County Plaza, and will continue to satisfy the intent of the commission for the work and expectations regarding its display;

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

The Mayor is hereby authorized to enter into an agreement with Buncombe County to place the Energy Loop sculpture in the new plaza located on the south side of the County Health Services Building on College Street in Downtown Asheville, at 35 Woodfin Street.

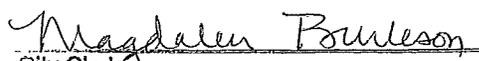
Read, approved and adopted this 23rd day of June, 2009.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 09-129

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, the terms of Tommy Wilson, Ronnie McAbee, Fred Pratt, Brian Kintner and Harold Garland, as members on the Board of Electrical Examiners, expire on July 1, 2009;

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

1. Mr. Tommy Wilson, Post Office Box 15156, Asheville, N.C., be and he is hereby reappointed (as the electrical contractor) to serve an additional three year term, term to expire July 1, 2012, or until his successor has been duly appointed.
2. Mr. Phil Wilson, 229 Sheehan Road, Fletcher, N.C., be and he is hereby appointed (as the journeyman electrician) to serve a three year term, term to expire July 1, 2012, or until his successor has been duly appointed.
3. Mr. Fred Pratt, 272 White Pine Road, Fletcher, N.C., be and he is hereby reappointed (as the utility representative) to serve an additional three year term, term to expire July 1, 2012, or until his successor has been duly appointed.
4. Mr. Randy Osborne, 530 Hendersonville Road, Asheville, N.C., be and he is hereby appointed (as a licensed engineer) to serve a three year term, term to expire July 1, 2012, or until his successor has been duly appointed.
5. Mr. Harold Garland, 88 Fenner Avenue, Asheville, N.C., be and he is hereby reappointed (as the layman) to serve an additional three year term, term to expire July 1, 2012, or until his successor has been duly appointed.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Burlison
CITY CLERK

King B. Bailey
MAYOR

Approved as to form:

Paul S. Dahl
CITY ATTORNEY

Magdalen Burlison
City Clerk

RESOLUTION NO. 09-130RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE
HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of Brad Brock and Beth Gillespie, as members of the Asheville-Buncombe Historic Resources Commission, expire on July 1, 2009;

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

(1) Mr. Brad Brock, 53 Wild Cherry Road, Asheville, N.C., be and he is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire July 1, 2012, or until his successor has been appointed.

(2) Ms. Beth Gillespie, 333 Cumberland Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire July 1, 2012, or until her successor has been appointed.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Boursion
CITY CLERK

Gregory Blevins
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boursion
City Clerk

RESOLUTION NO. 09-131

RESOLUTION APPOINTING MEMBERS TO THE NOISE ORDINANCE APPEALS BOARD

WHEREAS, the terms of Mr. James Fink (regular member), Ms. Barbara Hodgson (regular member) and Mr. John Hayes (alternate member) on the Noise Ordinance Appeals Board expire July 1, 2009;

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

(1) Mr. James Fink, 61 Overlook Circle, Asheville, N.C., be and he is hereby reappointed as a Regular member to the Noise Ordinance Appeals Board to serve an additional three-year term, term to expire July 1, 2012, or until his successor has been appointed.

(2) Ms. Barbara Hodgson, 107 Evelyn Place, Asheville, N.C., be and she is hereby reappointed as a Regular member to the Noise Ordinance Appeals Board to serve an additional three-year term, term to expire July 1, 2012, or until his successor has been appointed.

(3) Mr. John Hayes, 47 Wake Robin Way, Asheville, N.C., be and he is hereby reappointed as an Alternate member to the Noise Ordinance Appeals Board to serve a three-year term, term to expire July 1, 2012, or until his successor has been appointed.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Boudeson
CITY CLERK

Gregory W. Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boudeson
Clerk

RESOLUTION NO. 09-132

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, the terms of Wanda Hawthorne, Wind Peter Motika, Sara Manuel, Spencer Hardaway and Adam Pittman, as members on the Recreation Board, expire on June 30, 2009;

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

(1) Ms. Wanda Hawthorne, 115 N. Ridge Rive, Asheville, N.C., be and she is hereby reappointed, as a member of the Recreation Board, to serve a three-year term, term to expire on June 30, 2012, or until her successor has been appointed.

(2) Ms. Sara Manuel, 114 Deaver Street, Asheville, N.C., be and she is hereby reappointed, as a member of the Recreation Board, to serve a three-year term, term to expire on June 30, 2012, or until her successor has been appointed.

(3) Rev. Spencer Ellis Hardaway, 1201 Busbee View Lane Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve an additional three-year term, term to expire on June 30, 2012, or until his successor has been appointed.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Bouderson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bouderson
City Clerk

RESOLUTION NO. 09-133

RESOLUTION APPOINTING A MEMBER TO THE TRANSIT COMMISSION

WHEREAS, there currently exists a vacancy left by Mr. Larry Chapman until December 31, 2010;

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

Mr. David A. Erb, 22 Sandon Drive, Asheville, N.C. be and he is hereby appointed, as a member of the Transit Commission, to serve the unexpired term of Mr. Chapman, term to expire December 31, 2010, or until his successor has been appointed.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Boudeson
CITY CLERK

Mayor Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boudeson
City Clerk

RESOLUTION NO. 09-134

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART BOARD

WHEREAS, the term of Bill Fishburne expired on December 31, 2008;

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

Mr. Robert Todd, 12 S. Lexington Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Public Art Board to serve a three-year term, term to expire December 31, 2011, or until his successor has been appointed.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Burlison
CITY CLERK

Gregory B. Bell
MAYOR

Approved as to form:

Heard
CITY ATTORNEY

Magdalen Burlison
City Clerk

RESOLUTION NO. 09-135RESOLUTION ADOPTING THE INTERNAL SUSTAINABILITY MANAGEMENT PLAN AS THE STRATEGIC PLAN FOR MUNICIPAL SUSTAINABILITY GOALS AND ACTIVITIES

WHEREAS, the City of Asheville has taken a leadership role in sustainability through establishing a goal to reduce the municipal carbon footprint 80% by the year 2050 at a rate of 2% per year; and

WHEREAS, many cities throughout the nation, both large and small, are reducing carbon footprint through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, the City of Asheville recognizes the need to commit a combination of vision, skills, incentives, resources, and an action plan in order to reach our carbon footprint goal each year; and

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

Section 1. The Asheville City Council adopts the internal Sustainability Management Plan as the strategic plan for municipal carbon footprint reduction.

Section 2. The City Manager shall provide an annual progress report associated with implementation of goals and action items in relation to carbon footprint reduction.

Section 3. The goals and opportunities of the internal Sustainability Management Plan shall be revised and updated every five years.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Burlison
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlison
City Clerk

Internal Sustainability Management Plan

Strategic Goal

FOCUS AREAS	GOALS AND OBJECTIVES
Management Practices	<ul style="list-style-type: none"> <input type="checkbox"/> Incorporate sustainability into the City's decision making process <input type="checkbox"/> Provide adequate resources for the implementation of sustainability programs <input type="checkbox"/> Increase the City's use of environmentally preferable products & services
Employee Education	<ul style="list-style-type: none"> <input type="checkbox"/> Incorporate sustainability into City communications & outreach efforts <input type="checkbox"/> Increase voluntary employee energy conservation efforts through education
Greenhouse Gas Emissions	<ul style="list-style-type: none"> <input type="checkbox"/> Participate in the City's energy management strategy to reduce greenhouse gas emissions
Land Use	<ul style="list-style-type: none"> <input type="checkbox"/> Develop and redesign land use policies to support regional sustainable growth <input type="checkbox"/> Support sustainable development projects, patterns, and building practices
Facilities	<ul style="list-style-type: none"> <input type="checkbox"/> Reduce energy consumption from City facilities through demand reduction and energy efficiency <input type="checkbox"/> Increase renewable energy use for City operations <input type="checkbox"/> Support the Resolution for LEED® certification for new city building
Transportation	<ul style="list-style-type: none"> <input type="checkbox"/> Reduce vehicle miles traveled by City employees for commuting <input type="checkbox"/> Reduce total fuel consumption of City fleet vehicles <input type="checkbox"/> Increase transit ridership <input type="checkbox"/> Establish a long term funding strategy for public transportation <input type="checkbox"/> Support the reduction of vehicle miles traveled by City residents and visitors
Water	<ul style="list-style-type: none"> <input type="checkbox"/> Continue to provide clean drinking water <input type="checkbox"/> Reduce water consumption in City facilities <input type="checkbox"/> Reduce energy use associated with treatment and distribution <input type="checkbox"/> Increase renewable energy use for water production and distribution <input type="checkbox"/> Support the reduction of water consumption by residents and visitors
Solid Waste	<ul style="list-style-type: none"> <input type="checkbox"/> Reduce solid waste disposed at landfills from City facilities <input type="checkbox"/> Increase our role as state leaders in sanitation and recycling

RESOLUTION TO APPROVE LOAN FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and procedures for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, there is currently an unallocated balance exceeding \$72,275 in the Housing Trust Fund, including both appropriated funds and loan repayments; and

WHEREAS, one (1) qualified application for a Housing Trust Fund loan has been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals and has made recommendations to Council,

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

One (1) loan shall be made from the City of Asheville's Housing Trust Fund to the following affordable housing provider upon the terms recommended by the Housing and Community Development Committee:

1. \$40,000 to the Housing Authority of the City of Asheville for the renovation of ten (10) units in Aston Park Tower to meet or exceed ADA accessibility standards.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Brulson
CITY CLERK

Tommy Bellamy
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Brulson
City Clerk

RESOLUTION NO. 09-137

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE DOWNTOWN DEVELOPMENT AGREEMENT FOR THE PROPOSED PARKING GARAGE AT 51 BILTMORE AVENUE TO INCLUDE AN EXTENSION OF THE OPTION TO PURCHASE THE PROPERTY LOCATED AT 51 BILTMORE AVENUE FOR SIX MONTHS.

WHEREAS, the City of Asheville entered into a Downtown Development Agreement with McKibbon Hotel Group and Public Interest Projects in October 2008; and

WHEREAS, acting pursuant to N.C.G.S. § 160A-458.3, the City Council has found and determined that the 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, the current economic conditions McKibbon has delayed the financing approval for McKibbon Hotel Group by three to five weeks; and

WHEREAS, the design of the project is complete.

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

City Council authorizes the City Manager to extend the Downtown Development Agreement for the proposed parking garage at 51 Biltmore Avenue to include an extension of the option to purchase the property located at 51 Biltmore Avenue for six months.

Read, approved and adopted this the 23rd of June 2009.

Magdalen Bouleson
City Clerk

Jimmy Ballung
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 09-138

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A STATE MATCH TO PURCHASE HYBRID BUSES

WHEREAS, City staff has applied for funding with the North Carolina Department of Transportation and funding was granted; and

WHEREAS, City staff has identified the replacement of 16 buses in the transit fleet as the number one priority in the capital program; and

WHEREAS, the new buses are an essential part of operations, increasing reliability, fuel efficiency and reducing maintenance costs; and

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

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

City Council authorizes the City Manager to enter into an Interlocal Agreement with the North Carolina Department of Transportation in the amount of \$262,500.

Read, approved and adopted this the 23rd day of June 2009.

Magdalen Boulson

City Clerk

Angus Bellamy

Mayor

Approved as to form:

[Signature]

City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TEMPORARY SERVICES AGREEMENT WITH THE CITY OF ASHEVILLE AND FORSYTH INITIATIVE FOR RESIDENTIAL SELF-HELP TREATMENT, INC.

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 has a need for temporary laborers based on certain short term needs of various City departments including but not limited to leaf pickup, civic center events, and general maintenance;

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Forsyth Initiative For Residential Self-Help Treatment, Inc. to provide temporary workers on an as needed basis for the Fiscal Year of 2009/2010, with the final form of said contract to be subject to the approval of the City Attorney

Read, approved and adopted this the 23rd day of June, 2009

Magdalen Baulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Russell
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 09-140

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT MARKET CONNECTIONS / KELLY FOR COUNCIL IN THE GRASS AREA OF THE PACK SQUARE AREA IN PACK SQUARE PARK ON JUNE 30 FROM 6:00 P.M. TO 8:00 P.M.

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 receipt of an ABC permit and 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 grass lawn of the Pack Square area of Pack Square Park as shown on the attached 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 Market Connections/Kelly for Council on the grass area of the Pack Square area of Pack Square Park on Saturday, June 30, 2009 from 6:00 p.m. to 8:00 p.m. pending receipt of a one time use permit from ABC and an approved Outdoor Special Event application.

- 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 glasses and bottles. 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 23rd day of June 2009.

Magdalen Baulson
City Clerk

Greg Bell
Mayor

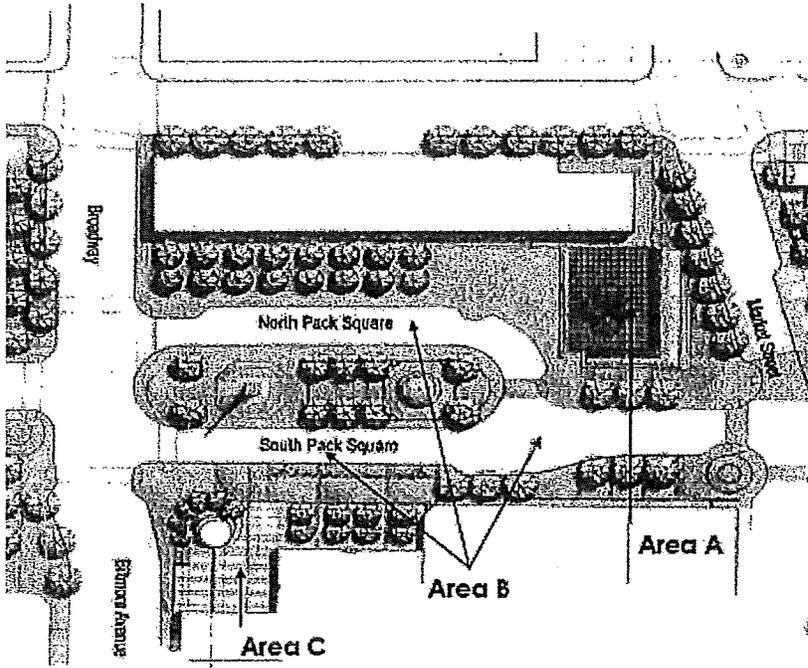
Approved as to form:

Russell
City Attorney

Magdalen Baulson
City Clerk

Exhibit A

Pack Square Park—Pack Square



RESOLUTION NO. 09-141

RESOLUTION OF CONTINUED DIALOGUE BETWEEN ASHEVILLE AND WOODFIN

WHEREAS, the City of Asheville and the Town of Woodfin began discussions regarding their mutual boundaries prior to 2005; and

WHEREAS, the City of Asheville and the Town of Woodfin began discussions regarding an annexation agreement in 2006 but did not reach a mutually acceptable agreement; and

WHEREAS, the Leicester community proposed to incorporate in 2008, and the Town of Woodfin proposed an annexation in 2009 that included parts of the area that was to be in the proposed Town of Leicester, and some areas in Asheville's designated extra-territorial jurisdiction; and

WHEREAS, mutually agreed upon annexation agreements are a best practice of incorporated governments as a growth management tool for mutual infrastructure planning; and

WHEREAS, most recently on Friday, June 12 the Town of Woodfin hosted a meeting with representatives of the City of Asheville to reestablish dialogue between these two municipalities;

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

The City of Asheville is committed to continuing dialogue with the Town of Woodfin on the topic of determining a mutually acceptable annexation agreement for the future.

The City respectfully requests the Leicester incorporation committee to include the Town of Woodfin in future discussions regarding the proposed incorporation of Leicester.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Baulson
City Clerk

Ingvald Bellan
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 09- 142

RESOLUTION TO AFFIRM REQUIRED ASSURANCES AND AGREEMENTS AND DESIGNATE AN AUTHORIZED REPRESENTATIVE TO FILE THE APPLICATION, TO MAKE NECESSARY CERTIFICATIONS, AND EXECUTE SUCH AFFIDAVITS AS ARE REQUIRED BY THE RULES AND REGULATIONS.

WHEREAS, The Federal Clean Water Act Amendments of 1987 and Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater or drinking water system improvements; and

WHEREAS, The City of Asheville has need for and intends to construct a drinking water system project described as Pumping System Installations to Reduce Energy, which will include replacement of the North Fork Water Treatment Plant High Service Pump, replacement of the Black Mountain High Service Pumps, and installation of an automatic valve on the 24-inch water line to control water volume to the south end of the water distribution system; and

WHEREAS, The City of Asheville intends to request state DWSRF Planning Loan assistance for the project,

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

That the City of Asheville, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State DWSRF Planning Loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Asheville to make scheduled repayment of the loan, to withhold from the City of Asheville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a DWSRF Planning Loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Read, approved and adopted this 23rd day of June, 2009.

Magdalen Bureson
City Clerk

August R. Kelly
Mayor

Approved as to form:

R. W. J. J. J.
City Attorney

Magdalen Bureson
City Clerk