RESOLUTION NO. 16-112

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO UTILITY RELOCATION AGREEMENTS WITH DUKE ENERGY AND OTHER UTILITY PROVIDERS FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City can contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the City is authorized by law to engage in.

WHEREAS, Utility relocations are necessary for construction of programmed transportation improvements as part of the River Arts District Transportation Improvement Project (RADTIP); and

WHEREAS, the City of Asheville and secondary utility providers work in partnership to arrive at relocation agreements and reimbursement procedures; and

WHEREAS, City Council has identified implementation of the RADTIP project as a key strategic goal;

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

The City Manager is hereby authorized to enter into Utility Relocation Agreements with Duke Energy and other utility providers as part of the approved project budget for the RADTIP.

Read, approved and adopted this the 17th day of May, 2016.

Magdalen Bowlison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-113

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION TO RECEIVE TIGER VI TRANSPORTATION FUNDS

WHEREAS, N.C.G.S. § 160A-17.1(a) authorizes the City to make contracts for and to accept grants and loans from the federal government for constructing, expanding, maintaining and operating any project or facility; and

WHEREAS, the USDOT issued a Notice of Funding Availability (NOFA) for TIGER VI Transportation funds on March 3, 2014; and

WHEREAS, In September 2014, the Federal Highway Administration announced that the City of Asheville is a recipient of TIGER VI funds in the amount of $14,600,000; and

WHEREAS, the TIGER VI Projects included the River Arts District Transportation Improvement Project, Clingman Forest Greenway, Town Branch Greenway, French Broad Greenway, Livingston Street and Five Points; and

WHEREAS, City Council has identified implementation of this project as a key strategic goal;

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

The City Manager is hereby authorized to enter into a grant agreement with the Federal Highway Administration receive $14,600,000 in TIGER VI Transportation Funds.

Read, approved and adopted this the 17th day of May, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION 16-_114

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE FINANCING OF ADDITIONAL PROJECTS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a political subdivision validly existing under the Constitution, statutes and laws of the State (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, the proceeds of which were used to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities, including a parking facility at 51 Biltmore (each of the projects described above to be financed and refinanced with the proceeds of the 2012 Contract are referred to herein as the "*Prior Projects*");

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012 (the *"Deed of Trust"*) on the real property on which City Hall is located;

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into Amendment Number One to the Installment Purchase Contract dated as of June 1, 2016, (the *"First Contract Amendment"* and together with the 2012 Contract, the *"Contract"*) between the Corporation and the City, which will supplement and amend the 2012 Contract, in order to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the *"2016 Projects"* and collectively with the Prior Projects, the *"Projects"*);

WHEREAS, the Corporation will issue a Limited Obligation Bond, Series 2016, in an aggregate principal amount not to exceed $46,000,000 (the *"2016 Bond"*), evidencing a proportionate undivided interest in the right to receive Revenues pursuant to the Contract under the 2012 Indenture, as supplemented and amended by Supplemental Indenture, Number 1 dated as of June 1, 2016 (the *"First Supplemental Indenture"* and together with the 2012 Indenture, the *"Indenture"*), between the Corporation and the Trustee;

WHEREAS, as part of the 2016 Projects the City will make certain repairs and renovations to its Public Works Facility and the Municipal Building and has determined to amend the Deed of Trust to include a lien on the sites of the Public Works Facility and the Municipal Building in order to further secure its obligations under the Contract;

WHEREAS, Bank of America, N.A. (the *"Purchaser"*) has agreed to purchase the 2016 Bond;

WHEREAS, there have been described to the City Council the forms of the following documents (collectively, the *"Instruments"*), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

(1) the First Contract Amendment;

(2) the First Supplemental Indenture;

(3) the Notice of Extension and Amendment to Deed of Trust, dated as of June 1, 2016 (the *"Deed of Trust Amendment"*), amending the Deed of Trust; and

(4) the Bond Purchase and Advance Agreement, dated as of June 1, 2016 (the *"Purchase Agreement"*) between the City and the Purchaser;

WHEREAS, it appears that each of the Instruments is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, a public hearing on the First Contract Amendment and the 2016 Projects after publication of a notice with respect to such public hearing was held by the City Council on May 10, 2016; and

WHEREAS, the City has filed an application to the LGC for approval of the First Contract Amendment;

***NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS*:**

Section 1. ***Ratification of Instruments.*** That all actions of the Mayor, the City Manager, the Chief Financial Officer, the City Clerk and their respective designees (the *"Authorized Officers"*), whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Authorization to Execute the First Contract Amendment, the Deed of Trust Amendment and the Purchase Agreement.*** That the City approves the financing of the 2016 Projects as contemplated by the terms of the Instruments and in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the First Contract Amendment, the Deed of Trust Amendment and the Purchase Agreement shall be and the same hereby are in all respects authorized, approved and confirmed, and the Authorized Officers, either individually or collectively, shall be and they hereby are authorized, empowered and directed to execute and deliver the First Contract Amendment, the Deed of Trust Amendment and the Purchase

Agreement, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the First Contract Amendment, the Deed of Trust Amendment and the Purchase Agreement presented to the City Council, and that from and after the execution and delivery of the First Contract Amendment, the Deed of Trust Amendment and the Purchase Agreement, the Authorized Officers, either individually or collectively, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract.

Section 3. ***City Representative.*** That each of the Authorized Officers are hereby designated as the City's Representative to act on behalf of the City in connection with the transactions contemplated by the Instruments, and they are authorized to proceed with the financing of the 2016 Projects in accordance with the Instruments and to seek opinions as to matters of law from attorneys as they deem appropriate for all documents contemplated hereby as required by law. The Authorized Officers, either individually or collectively, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments and the administration thereof after the issuance of the 2016 Bond or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Severability.*** That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 5. ***Repealer.*** That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 6. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 17th day of May, 2016

Magdalen Burleson
City Clerk

Eastern E. Mendes
Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 16-115

RESOLUTION APPOINTING MEMBERS TO THE HAYWOOD STREET ADVISORY TEAM

WHEREAS, on March 8, 2016, City Council appointed representatives from several organizations to form a Haywood Street Advisory Team for a public visioning process and implementation plan; and

WHEREAS, as a part of the Haywood Street Advisory Team, City Council is to appoint three at-large members;

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

David Nutter, 169 Flint Street, Asheville, North Carolina, be and he is hereby appointed as a member of the Haywood Street Advisory Team until the completion of the public visioning process and implementation plan.

Susan Andrew, 419 Beaucatcher Road, Asheville, North Carolina, be and she is hereby appointed as a member of the Haywood Street Advisory Team until the completion of the public visioning process and implementation plan.

Geronimo Owen, 68 Garden Circle, Asheville, North Carolina, be and he is hereby appointed as a member of the Haywood Street Advisory Team until the completion of the public visioning process and implementation plan.

Read, approved and adopted this 17th day of May, 2016.

Magdalene Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-116

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A LETTER OF INTENT TO THE TOURISM DEVELOPMENT AUTHORITY (TDA) AND AUTHORIZATION TO REQUEST $20 M IN FUNDING FOR SOUTH SLOPE IMPROVEMENTS OVER THE NEXT 7 YEARS TO INCLUDE COMPLETE STREET IMPROVEMENTS, PEDESTRIAN AND BIKE IMPROVEMENTS AT THE INTERSECTION OF BILTMORE AVENUE AND CHARLOTTE STREET, GATEWAY TO THE SOUTH SLOPE AND A PARKING DECK CONSTRUCTED WITH INNOVATIVE RENEWABLE ENERGY SOURCES.

WHEREAS, the City of Asheville's Vision includes creating multimodal opportunities; and

WHEREAS, the Asheville In Motion (AIM) plan prioritizes reconstructing Biltmore Avenue, Lexington Avenue, and Coxe Avenue as complete streets to include improved pedestrian, bike and transit options; and

WHEREAS, the City of Asheville adopted the South Slope Innovation District in 2014 for the purposes of creating a vibrant area for people to connect, work, and play; and

WHEREAS, the Tourism Development Authority has developed a process to obtain multi-year funding for capital improvements that meet shared objectives; and

WHEREAS, the plan includes the construction of a parking deck that would include innovative renewable energy generation and storage. This parking deck would serve for gaining access to the future Beaucatcher and Town Branch greenways; and

WHEREAS, the City has the potential to leverage $30 million in funding with $1 million investment from the general fund;

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

The Asheville City Council authorizes the City Manager to submit a letter of intent to the Tourism Development Authority (TDA) and to request $20 million in funding for South Slope improvements over the next 7 years to include complete street improvements, pedestrian and bike improvements at the intersection of Biltmore Avenue and Charlotte Street, gateway to the South Slope and a parking deck constructed with innovative renewable energy sources.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-117

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO AND ACCEPT FEDERAL FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION

WHEREAS, pursuant to 160A-17.1, local governments are authorized to make contracts for and to accept grants-in-aid and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal Surface Transportation Program (STP) funds and Transportation Alternatives Program (TAP) funding sources; and

WHEREAS, the City of Asheville has identified projects which are eligible for this funding; and

WHEREAS, if any of these projects are funded, local matching funds will be required; and

WHEREAS, if any of these projects are funded, agreements can be expected to be required from the granting and administering agencies prior to receipt of the grant;

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

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for STP-DA and TAP funding.

2. The City Council of the City of Asheville intends to provide the required local match if grant funding is awarded.

3. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 17th day of May, 21016.

Magdalen Bullison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-118

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A PRELIMINARY AND FINAL GRANT APPLICATION TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE 2016 TOURISM PRODUCT DEVELOPMENT FUND CYCLE

WHEREAS, the Buncombe County TDA opens their 2016 grant funding cycle in June 2016; and

WHEREAS, the City of Asheville has identified a U.S. Cellular Center renovation project that will add new and incremental room nights and meets the goals and requirements iterated by the grant guidelines; and

WHEREAS, City Council has identified the need to maintain and improve the City's infrastructure in a fiscally responsible manner;

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

The City Manager is hereby authorized to submit a preliminary and final grant application to the Buncombe County Tourism Development Authority for the 2016 Tourism Product Development Fund cycle, and accept if awarded.

Read, approved and adopted this the 17th day of May, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-119

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF EXPANDING RECYCLING ACCESSIBILITY IN PUBLIC HOUSING COMMUNITIES

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, the City of Asheville is committed to reducing waste and increasing recycling and has an opportunity to expand recycling availability to the Deaverview and Hillcrest public housing communities; and

WHEREAS, the City of Asheville applied for and was awarded a grant totaling $24,844 through NCDEQ's Community Waste Reduction and Recycling grant opportunity;

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 of $24,844 from the North Carolina Department of Environmental Quality to expand recycling services to two public housing communities.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bowlison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-120

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE APPALACHIAN REGIONAL COMMISSION TO CONDUCT THE ENTREPRENEURIAL IMPACT OF OUTDOOR SPECIAL EVENTS QUANTITATIVE RESEARCH STUDY & MODEL DEVELOPMENT PROJECT

WHEREAS, the City has authority pursuant to N.C.G.S. § 160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, City Council adopted a resolution on August 25, 2015 authorizing an application for grant funding assistance for the Entrepreneurial Impact of Outdoor Special Events quantitative research study and model development project, and

WHEREAS, the grant includes a dollar for dollar match to be provided by the City of Asheville using existing funds within the Community and Economic Development budget;

WHEREAS, the Appalachian Regional Commission has awarded Asheville a grant in the amount of $25,000 to conduct the project as proposed, and

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

The City Manager is hereby authorized to enter into an agreement with the Appalachian Regional Commission for a grant in the amount of $25,000.00 to conduct a strategic research study and model development project on the entrepreneurial impact of outdoor special events.

Read, approved and adopted this 17 day of May 2016.

Magdalen Bowlison
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16- 121

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT MOUNTAIN SPORTS FESTIVAL ON THE DATES FRIDAY, MAY 27, 2016 FROM 4:00 PM – 10:00 PM, SATURDAY, MAY 28, 2016 FROM 10:00 AM – 10:00 PM AND SUNDAY, MAY 29, 2016 FROM 12:00 PM – 6:00 PM

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

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

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

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

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

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

   The Mountain Sports Festival event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Mountain Sports Festival on Friday, May 27, 2016 from 4:00 p.m. – 10:00 p.m., Saturday, May 28, 2016 from 10:00 a.m. – 10:00 p.m. and Sunday, May 29, 2016 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 Mountain Sports Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Sports Festival event

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

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

Read, approved and adopted this 17th day of May, 2016.

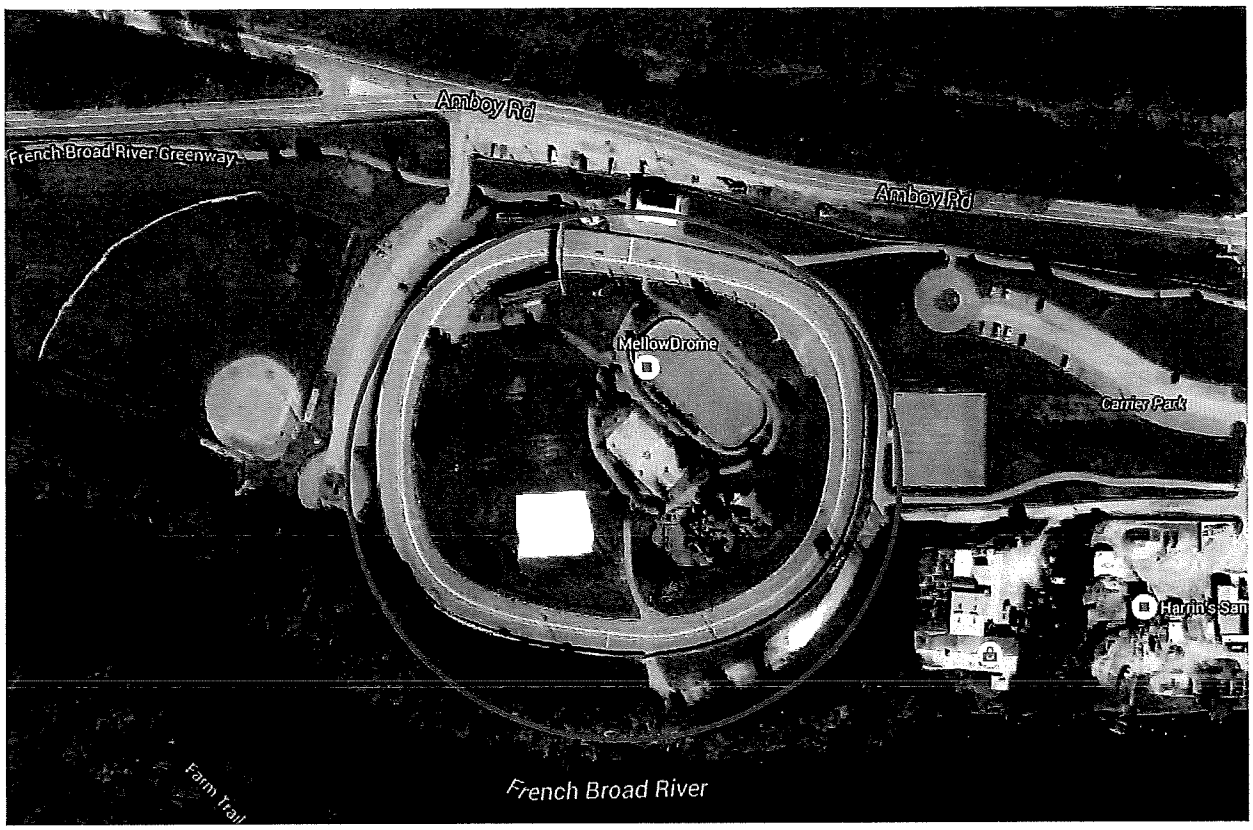
Magdalen Bowlison
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A


Amboy Rd
French Broad River Greenway
Amboy Rd
MellowDrome
Carrier Park
Harrin's San
Farm Trail
French Broad River

RESOLUTION NO. 16- 122

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE COMMUNITY CONCERT ON THE DATE OF SATURDAY, JUNE 11, 2016 FROM 6:00 PM – 9:30 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 Community Concert.

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 Community Concert event area, as set forth in Exhibit A, attached.

   The Community Concert event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College 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 Community Concert on Saturday, June 11, 2016 from 6:00 p.m. – 9:30 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 Community Concert 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 Community Concert 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 Community Concert, 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 17th day of May, 2016.

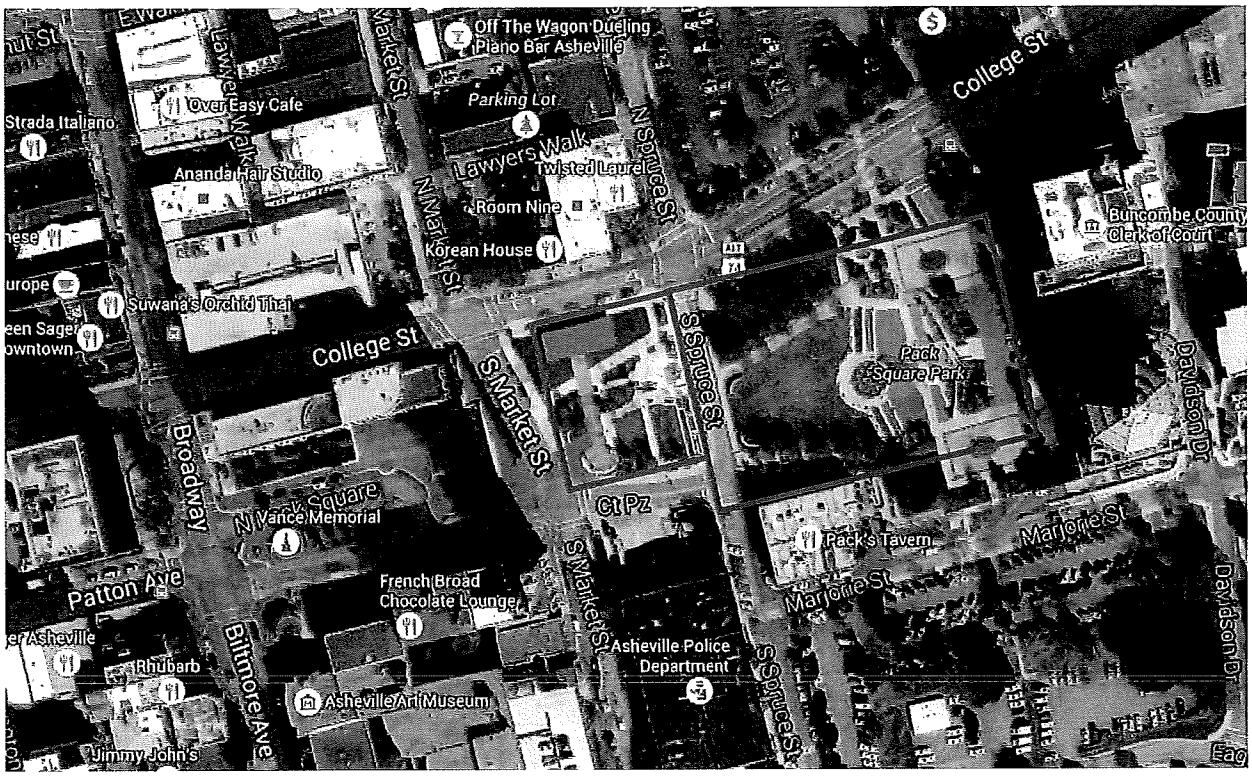
Magdalen Burleson
CITY CLERK

Edwin E. Marks
MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Over Easy Cafe
Strada Italiano
Parking Lot
Lawyers Walk
Ananda Hair Studio
Twisted Laurel
Room Nine
Korean House
Suwana's Orchid Thai
College St
N Market St
S Market St
N Spruce St
S Spruce St
Pack Square Park
Buncombe County Clerk of Court
Broadway
N Vance Square
Ctr Pz
Pack's Tavern
Marjorie St
Davidson Dr
Patton Ave
French Broad Chocolate Lounge
Asheville Police Department
Biltmore Ave
Rhubarb
Asheville Art Museum
Jimmy John's

RESOLUTION NO. 16- 123

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE DAY CELEBRATION ON THE DATE OF MONDAY, JULY 4, 2016 FROM 12:00 PM – 10:00 PM

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

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

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

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

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 Ingles Independence Day Celebration event area, as set forth in Exhibit A, attached.

   The Ingles Independence Day Celebration event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Ingles Independence Day Celebration on Monday, July 4, 2016 from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Ingles Independence Day Celebration 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 Ingles Independence

Day Celebration 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 Ingles Independence Day Celebration, 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 17th day of May, 2016.

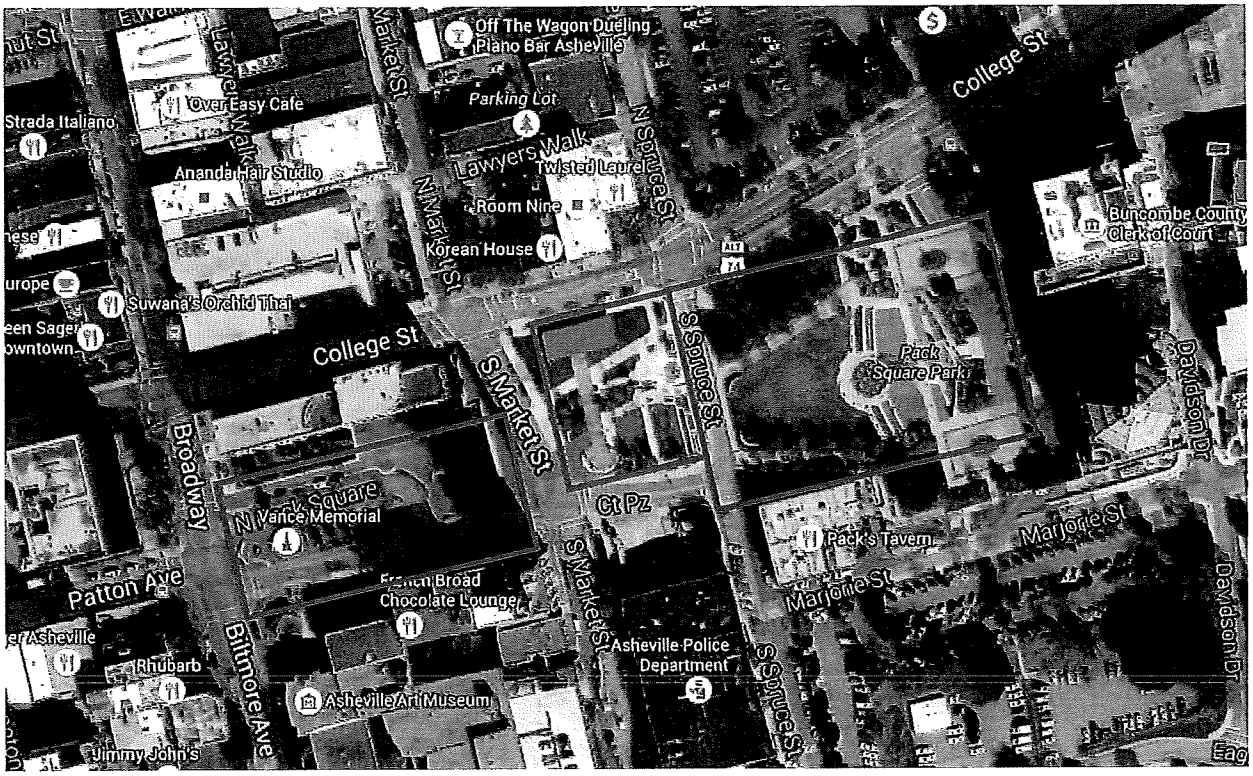
Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
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Parking Lot
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Suwana's Orchid Thai
College St
N Market St
N Spruce St
S Market St
S Spruce St
Pack Square Park
Buncombe County Clerk of Court
Dawdson Dr
Broadway
N Pack Square
Vance Memorial
Ct Pz
Pack's Tavern
Marjorie St
Patton Ave
Chocolate Lounge
Asheville Police Department
Rhubarb
Biltmore Ave
Asheville Art Museum
Jimmy John's

RESOLUTION NO. 16-124

RESOLUTION AMENDING THE COMPOSITION OF THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, the voting members of the Citizens-Police Advisory Committee (CPAC) currently includes the following: five representatives of the north, east, south, west and central areas of the City; Chair of the Asheville-Buncombe Community Relations Council (ABCRC); Asheville Housing Authority Chair or designee; and two ad-hoc members appointed by CPAC; and

WHEREAS, as a result of the February 29, 2016, official dissolution of ABCRC, the CPAC seat dedicated to the ABCRC Chair no longer exists; and

WHEREAS, Council believes it is in the City's best interests to convert the ABCRC seat to one dedicated to a resident of property owned by the Asheville Housing Authority appointed through the Council appointment process; and

WHEREAS, the two ad hoc members of CPAC are currently appointed by the CPAC without terms; and

WHEREAS, Council believes it is in the City's best interest that two ad hoc seats of CPAC be at-large seats appointed by City Council with three-year terms;

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

The composition of the CPAC be amended to (1) have the ABCRC seat converted to one dedicated to a resident of property owned by the Asheville Housing Authority; and (2) the two current ad hoc members become at-large seats appointed by City Council with three-year terms.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16 -125

RESOLUTION ADOPTING THE ASHEVILLE IN MOTION PLAN, CITY OF ASHEVILLE MOBILITY PLAN

WHEREAS, the Asheville City Council supports the development of multimodal transportation options that encourage walking, biking and riding transit, and where people of Asheville can live an active and healthy life style; and

WHEREAS, the City is in need of a strategy to develop and prioritize a multimodal network and allocate funding; and

WHEREAS, the City hired Kimley-Horn, Inc. to develop the Asheville in Motion Plan; and

WHEREAS, the Asheville in Motion Plan was developed based on data analysis, robust public input and participation; and

WHEREAS, the AIM plan takes into consideration the uniqueness of the city's urban context and the interaction with the road network; and

WHEREAS, the AIM Plan stablishes a vision for multimodal transportation improvements that provides enhanced mobility options to the citizens of Asheville and develops a cohesive strategy to prioritize transportation projects and multimodal improvements;

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

The Asheville in Motion Plan is hereby adopted as the multimodal transportation plan for the City of Asheville.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney