

RESOLUTION NO. 10- 151

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SUTTON-KENNERLY & ASSOCIATES, INCORPORATED FOR ENGINEERING DESIGN, PREPARATION OF CONSTRUCTION AND BID DOCUMENTS, TO CONDUCT SPECIAL INSPECTIONS, FOR A CONSTRUCTION FIRM FOR PROTOTYPE REPAIRS AND TESTING FOR THE REPAIRS TO THE CITY HALL BUILDING

WHEREAS, Resolution Number 10 -79 approved on March 9, 2010, authorized City staff to develop a Request for Qualifications to develop construction and bid documents for water filtration repairs the Asheville City Hall Building; and

WHEREAS, the repairs to the Asheville City Building supports and enhances basic city services and is part of the facilities maintenance program to preserve the historic City Building;

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

City Council authorizes the City Manager to execute a contract with Sutton-Kennerly & Associates to develop the engineering design, bid, and construction documents for the repairs, and to perform special inspections during the construction repair efforts to the City Building.

Read, approved and adopted this the 27th day of July 2010.

Magdalen Boulleson
City Clerk

Tommy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION NO. 10-152

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RIVERTOP CONTRACTING, INC., FOR MAINTENANCE OF PACK SQUARE PARK

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 is contracting park maintenance services that supports basic city services and is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the City conducted a competitive bid process and Rivertop Contracting, Inc., was selected as the lowest responsive bidder.

WHEREAS, the amount of the Agreement is \$71,354.88 with an additional \$18,645 beyond the base amount of the contract as a contingency for emergencies for a total budgeted amount of \$90,000, and the monies have been budgeted in the Park, Recreation and Cultural Art's Department 2010-2011 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 Rivertop Contracting, Inc., for \$71,354.88 for maintenance of Pack Square Park and further authorized to execute any change orders to said contract or documents which may arise during the term of contract up to the budgeted amount of \$90,000.

Read, approved and adopted this the 27th day of July, 2010.

Magdalen Boulson
City Clerk

Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 10-153

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH ONTARIO INVESTMENTS, INC., FOR GOLF CARTS AND MAINTENANCE EQUIPMENT AT THE ASHEVILLE MUNICIPAL GOLF COURSE

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, Inc., was the lowest responsive and responsible bidder.

WHEREAS, the City of Asheville is leasing golf carts and maintenance equipment at the Asheville Municipal Golf Course that supports basic services and part of core park maintenance level of service for the City's park system; and

WHEREAS, the amount of the Agreement is not to exceed \$92,369 and the monies have been budgeted in the Parks, Recreation and Cultural Arts Department in the Golf Course Fund in the 2010-2011 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 lease on behalf of the City of Asheville with Ontario Investments, Inc., not to exceed \$92,369 for golf carts and maintenance equipment at the Asheville Municipal Golf Course and further authorized to execute any change orders to said contract or documents which may arise up to the budgeted amount.

Read, approved and adopted this the 27th day of July, 2010.

Magdalen Boulson
City Clerk

Angie Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 10- 154

RESOLUTION MODIFYING THE 2010 CITY COUNCIL MEETING SCHEDULE

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

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

A community meeting be held on Tuesday, August 31, 2010, at 6:30 p.m. in Asbury Hall at Groce United Methodist Church, located at 954 Tunnel Road, Asheville, N.C.

Read, approved and adopted this 27th day of July, 2010.

Magdalen Bouleson
CITY CLERK

Angie Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bouleson

RESOLUTION NO. 10-155

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT SUBGRANTEE FUNDS VIA THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM THE DIVISION OF POLLUTION PREVENTION AND ENVIRONMENTAL ASSISTANCE COMMUNITY RECYCLING GRANT PROGRAM.

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

WHEREAS, the North Carolina Department of Environment and Natural Resources (NC DENR) Division of Pollution Prevention and Environmental Assistance (DPPEA), has awarded the City of Asheville in the amount of \$10,000 to implement a more comprehensive recycling and community outreach for one year;

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

The City Manager is hereby authorized to apply for and enter into an agreement with North Carolina Department of Environment and Natural Resources Division of Pollution Prevention and Environmental Assistance for a grant in the amount of \$10,000.

Read, approved, and adopted this 27th day of July, 2010.

Magdalen Burlison
City Clerk

Angela Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlison
City Clerk

RESOLUTION NO. 10-156

RESOLUTION AUTHORIZING THE CONVEYANCE OF INTEREST IN RIGHT-OF-WAY ENCROACHMENTS

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-296 to regulate or license activities conducted in its right-of-way;

WHEREAS, the porches on the house located at 62 Panola Street encroach slightly into the right-of-way for Panola Street as shown on the drawing attached as Exhibit A, and the owner wishes to resolve title issues relating to those encroachments;

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

That the City Manager be, and is hereby, authorized to execute a non-warranty deed, or other appropriate instrument, conveying its interest in the two encroachment areas shown on Exhibit A, subject to the condition that said areas will revert to the City if needed for street purposes. The form of said deed or other instrument shall be approved by the City Attorney.

Read, approved and adopted this the 27th day of July, 2010.

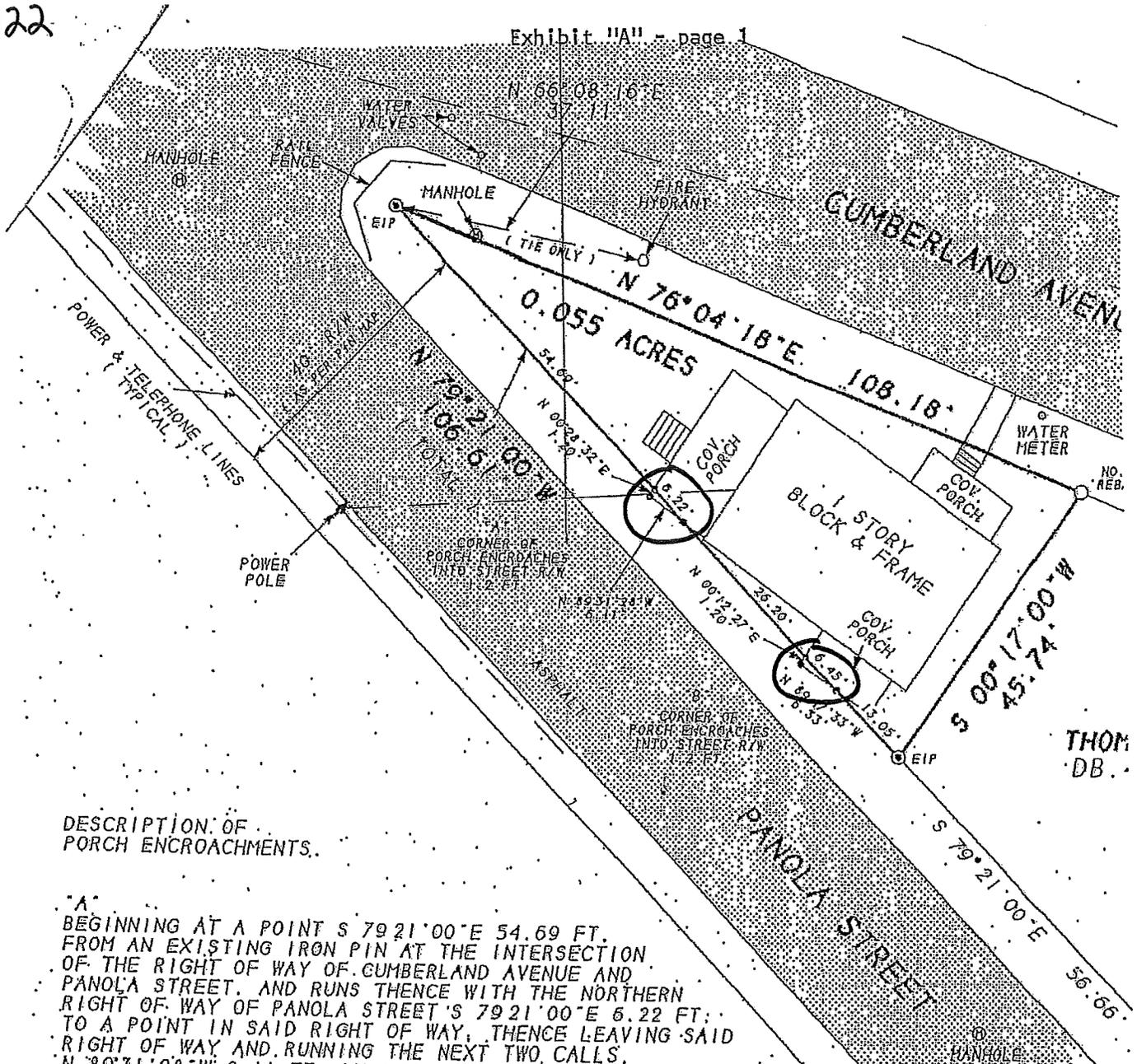
Magdalen Buleson
City Clerk

Angie Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Buleson
City Clerk



DESCRIPTION OF PORCH ENCROACHMENTS.

"A"
 BEGINNING AT A POINT S 79°21'00"E 54.69 FT.
 FROM AN EXISTING IRON PIN AT THE INTERSECTION
 OF THE RIGHT OF WAY OF CUMBERLAND AVENUE AND
 PANOLA STREET, AND RUNS THENCE WITH THE NORTHERN
 RIGHT OF WAY OF PANOLA STREET S 79°21'00"E 6.22 FT.
 TO A POINT IN SAID RIGHT OF WAY, THENCE LEAVING SAID
 RIGHT OF WAY AND RUNNING THE NEXT TWO CALLS,
 N 89°31'28"W 6.11 FT.; N 00°28'32"E 1.20 FT.
 TO THE POINT AND PLACE OF BEGINNING.
 CONTAINING 3.7 SQ. FT. OF AREA

"B"
 BEGINNING AT A POINT S 79°21'00"E 87.11 FT.
 FROM AN EXISTING IRON PIN AT THE INTERSECTION
 OF THE RIGHT OF WAY OF CUMBERLAND AVENUE AND
 PANOLA STREET, AND RUNS THENCE WITH THE NORTHERN
 RIGHT OF WAY OF PANOLA STREET S 79°21'00"E 6.45 FT.
 TO A POINT IN SAID RIGHT OF WAY, THENCE LEAVING SAID
 RIGHT OF WAY AND RUNNING THE NEXT TWO CALLS,
 N 89°47'33"W 6.33 FT.; N 00°12'27"E 1.20 FT. TO
 THE POINT AND PLACE OF BEGINNING.
 CONTAINING 3.8 SQ. FT. OF AREA

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

RESOLUTION NO. 10- 157

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ROCKIN RIVERFEST SAVE THE FRENCH BROAD ON THE DATE OF SATURDAY, AUGUST 14, 2010 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 Rockin Riverfest Save the French Broad.

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 Save the French Broad event area.

The Rockin Riverfest Save the French Broad event area is within the boundaries of French Broad River Park, as set forth in Exhibit A, attached to this Resolution.

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 Save the French Broad on Saturday, August 14, 2010 from 12:00 PM – 6:00 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 Save the French Broad 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 Save the French Broad 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 Save the French Broad, 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 27th day of July, 2010.

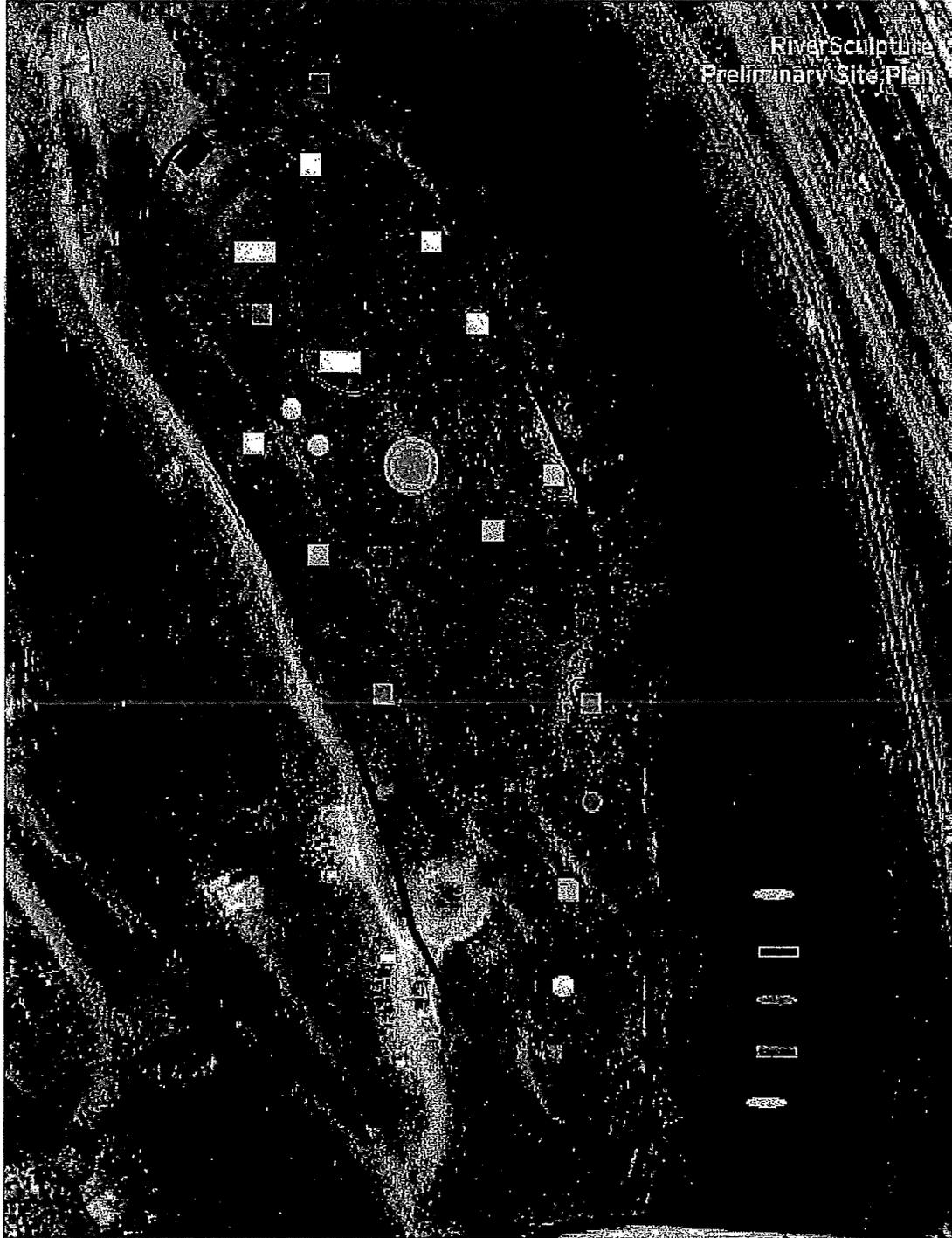
Magdalen Boulson
City Clerk

John Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk



Blumberg No. 5510
EXHIBIT
A

RESOLUTION NO. 10- 158

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL FOR LOCATION 1) FOR THE DATES OF FRIDAY, AUGUST 27, 2010 FROM 12:00 PM – 11:00 PM, SATURDAY, AUGUST 28, 2010 FROM 11:00 AM – 11:00 PM AND FOR LOCATION 2) THE DATE OF FRIDAY, AUGUST 27, 2010 FROM 12:00 PM – 8:00 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 Goombay 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 Goombay Festival event areas.

The Goombay Festival areas are for Location 1) within the boundaries of Eagle Street, South Market Street & Wilson Alley and for Location 2) within the boundaries of Pack Square Park's Roger McGuire Green, the City-County Parking Lot and within the designated area of Spruce Street between the intersections of College Street and Court Plaza as set forth in Exhibit A and B, attached to this Resolution.

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 Goombay Festival for Location 1) Friday, August 27, 2010 from 12:00 PM –

11:00 PM, Saturday, August 28, 2010 from 11:00 AM – 11:00 PM and for Location 2) Friday, August 27, 2010 from 12:00 PM – 8:00 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 Goombay Festival areas. 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 Goombay Festival areas, 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 locations of the Goombay 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 27th day of July, 2010.

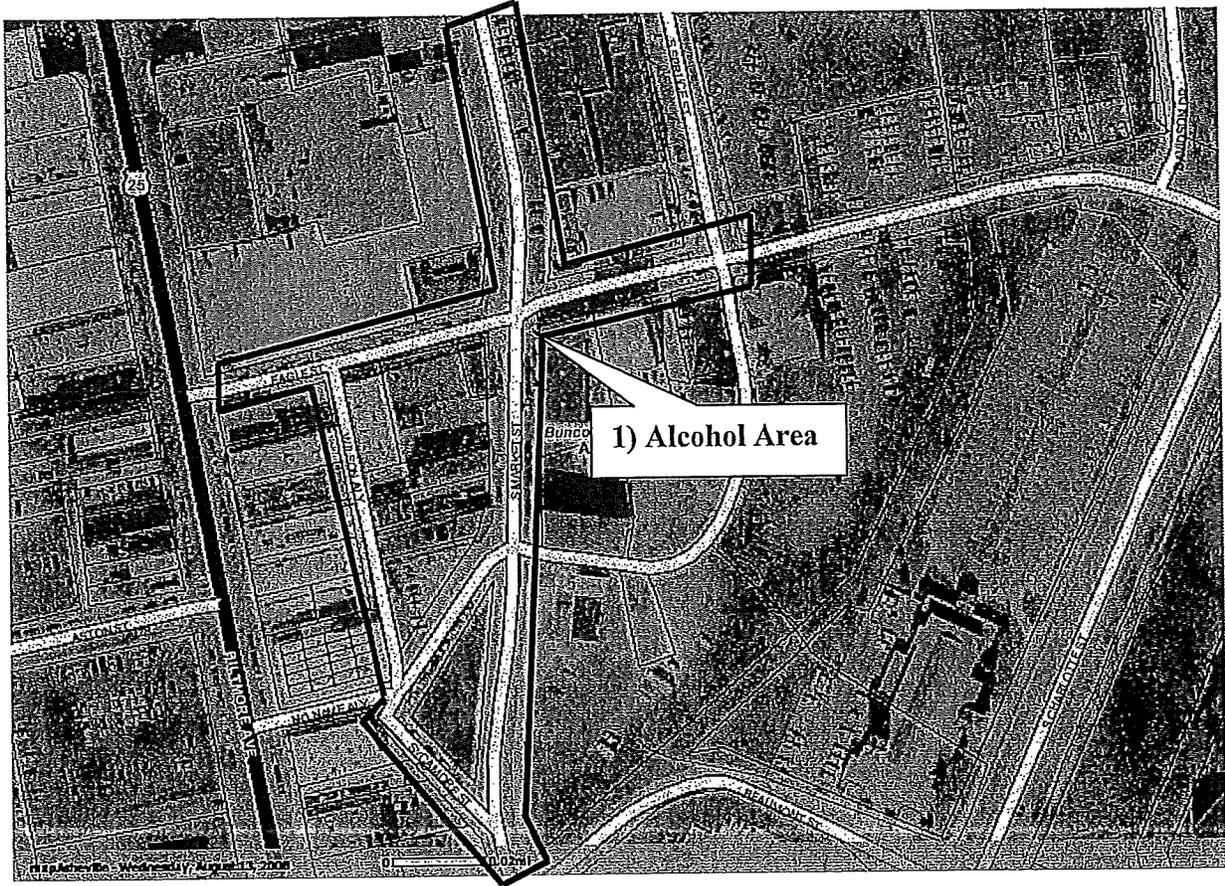
Magdalen Bureson
City Clerk

Jim Millum
Mayor

Approved as to form:

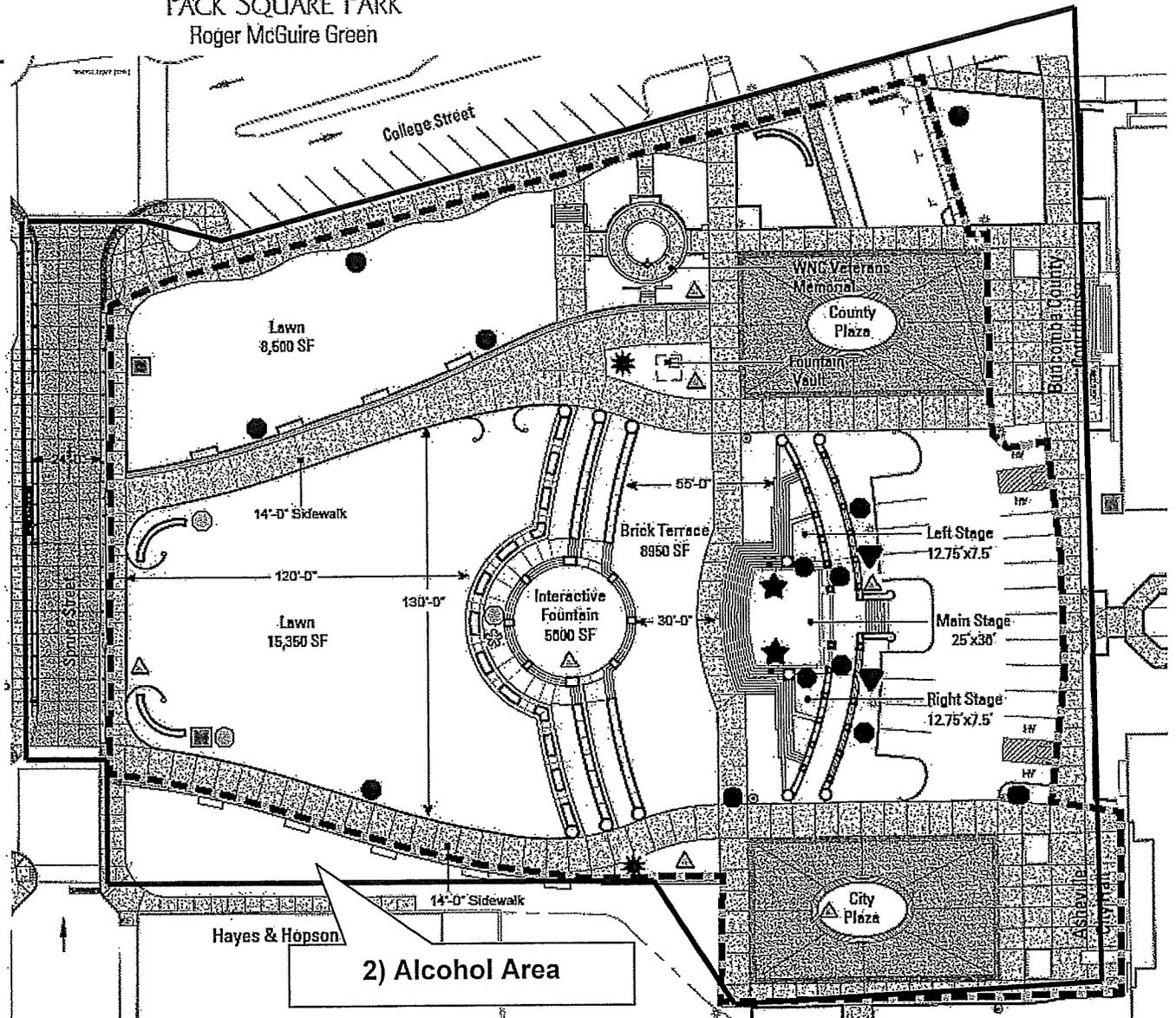
[Signature]
City Attorney

Magdalen Bureson
City Clerk



Blumberg No. 5119
EXHIBIT
A

PACK SQUARE PARK Roger McGuire Green



2) Alcohol Area

Blumberg No. 5713
EXHIBIT
B

RESOLUTION NO. 10- 159

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEXINGTON AVENUE ARTS & FUN FESTIVAL ON THE DATE OF SUNDAY, SEPTEMBER 5, 2010 FROM 12:00 PM – 9:00 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 Lexington Avenue Arts & Fun 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 Lexington Avenue Arts & Fun Festival event area.

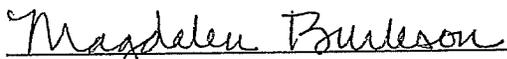
The Lexington Avenue Arts & Fun Festival event area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 overpass, Walnut Street between Lexington Avenue and Carolina Lane, as set forth in Exhibit A, attached to this Resolution.

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 Lexington Avenue Arts & Fun Festival on Sunday, September 5, 2010 from 12:00 AM – 9:00 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

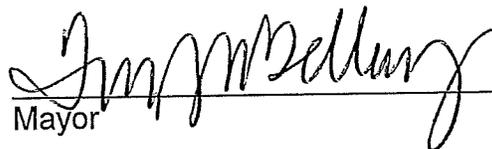
and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Lexington Avenue Arts & Fun Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Lexington Avenue Arts & Fun 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 the Lexington Avenue Arts & Fun 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 27th day of July, 2010.



City Clerk

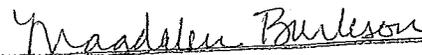


Mayor

Approved as to form:



City Attorney



City Clerk

RESOLUTION NO. 10- 160

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE AIA ASHEVILLE STREET PARTY ON THE DATE OF FRIDAY, SEPTEMBER 17, 2010 FROM 6:00 PM – 8:00 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 AIA Asheville Street Party.

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 AIA Asheville Street Party event area.

The AIA Asheville Street Party event area is within the boundaries of a partial sidewalk closure at 8 College Street, as set forth in Exhibit A, attached to this Resolution.

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 AIA Asheville Street Party on Friday, September 17, 2010 from 6:00 PM – 8:00 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 AIA Asheville Street Party 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 AIA Asheville Street Party 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 AIA Asheville Street Party, 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 27th day of July, 2010

Magdalena Bouleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Bill J. [Signature]
City Attorney

Magdalena Bouleson
City Clerk



Blumberg No. 5719
EXHIBIT
A

RESOLUTION NO. 10- 161

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL ON THE DATE OF SATURDAY, SEPTEMBER 18, 2010 FROM 12:00 PM – 7:00 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 Brewgrass 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 Brewgrass Festival event area.

The Brewgrass Festival event area is within the boundaries of Martin Luther King Jr. Park, as set forth in Exhibit A, attached to this Resolution.

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 Brewgrass Festival on Saturday, September 18, 2010 from 12:00 PM – 7:00 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 Brewgrass 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 Brewgrass 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 the Brewgrass 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 27th day of July, 2010.

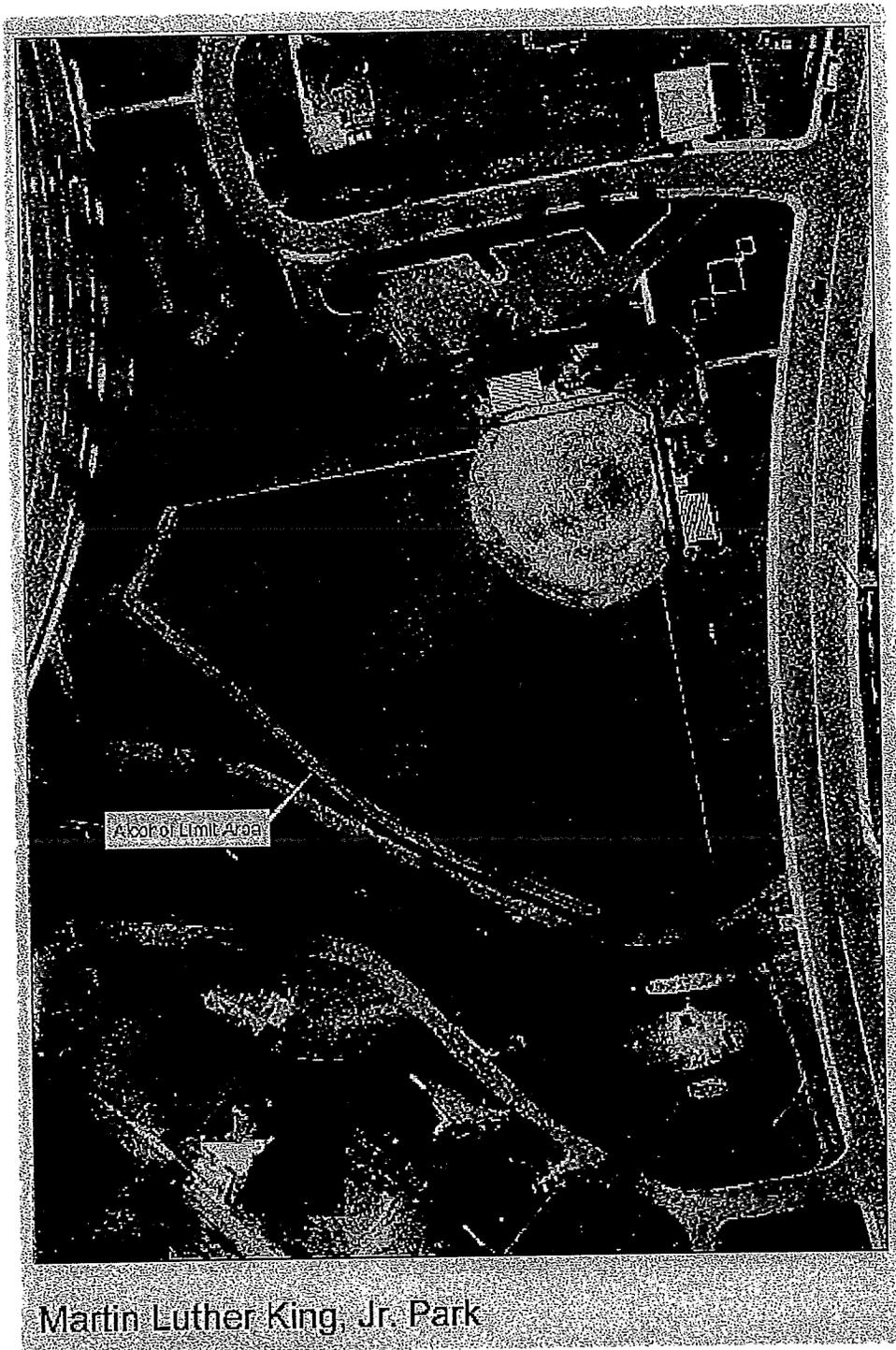
Magdalen Boulson
City Clerk

Gregory Bellamy
Mayor

Approved as to form:

Robert J. ...
City Attorney

Magdalen Boulson
City Clerk



Martin Luther King, Jr. Park

Blumberg No. 5795
EXHIBIT
A

RESOLUTION NO. 10- 162

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITIZEN-TIMES HALF MARATHON & 5K ON THE DATE OF SATURDAY, SEPTEMBER 18, 2010 FROM 8:30 AM – 12:00 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 Asheville Citizen-Times Half Marathon & 5K event.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Citizen-Times Half Marathon & 5K event area.

The Asheville Citizen-Times Half Marathon & 5K event area is within the boundaries of Otis Street, as set forth in Exhibit A, attached to this Resolution.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Citizen-Times Half Marathon & 5K event on Saturday, September 18, 2010 from 8:30 AM – 12:00 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 Asheville Citizen-Times Half Marathon & 5K event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Citizen-Times Half Marathon & 5K event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Asheville Citizen-Times Half Marathon & 5K event, 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 27th day of July, 2010.

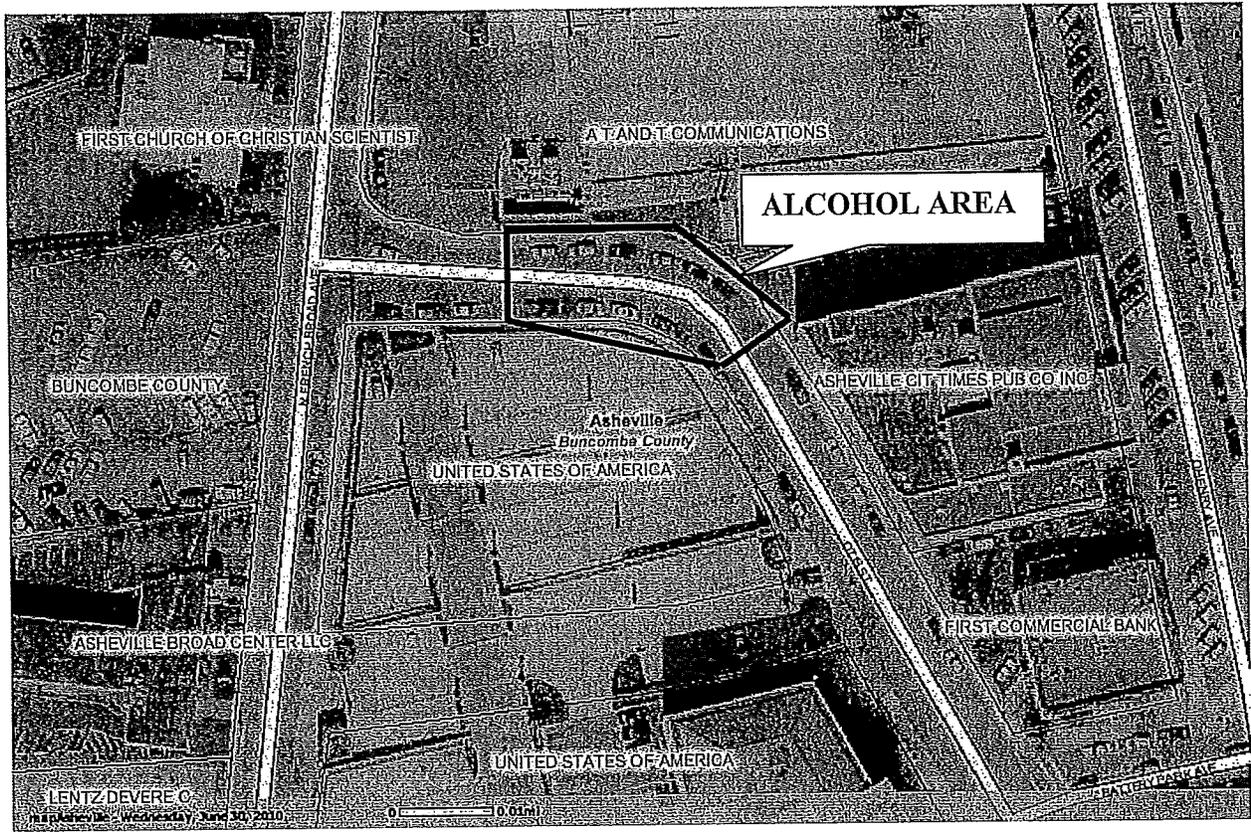
Margaret Boulson
City Clerk

Tommy Bellamy
Mayor

Approved as to form:

Russell
City Attorney

Margaret Boulson
City Clerk



Blumberg No. 5119
EXHIBIT
A

RESOLUTION NO. 10- 163

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST ON THE DATE OF SATURDAY, OCTOBER 9, 2010 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 Oktoberfest.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Oktoberfest event area.

The Oktoberfest event area is within the boundaries of Wall Street between Otis Street and Battery Park Avenue, as set forth in Exhibit A, attached to this Resolution.

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 Oktoberfest event on Saturday, October 9, 2010 from 12:00 PM – 6:00 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 Oktoberfest

event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Oktoberfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Oktoberfest event, 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 27th day of July, 2010.

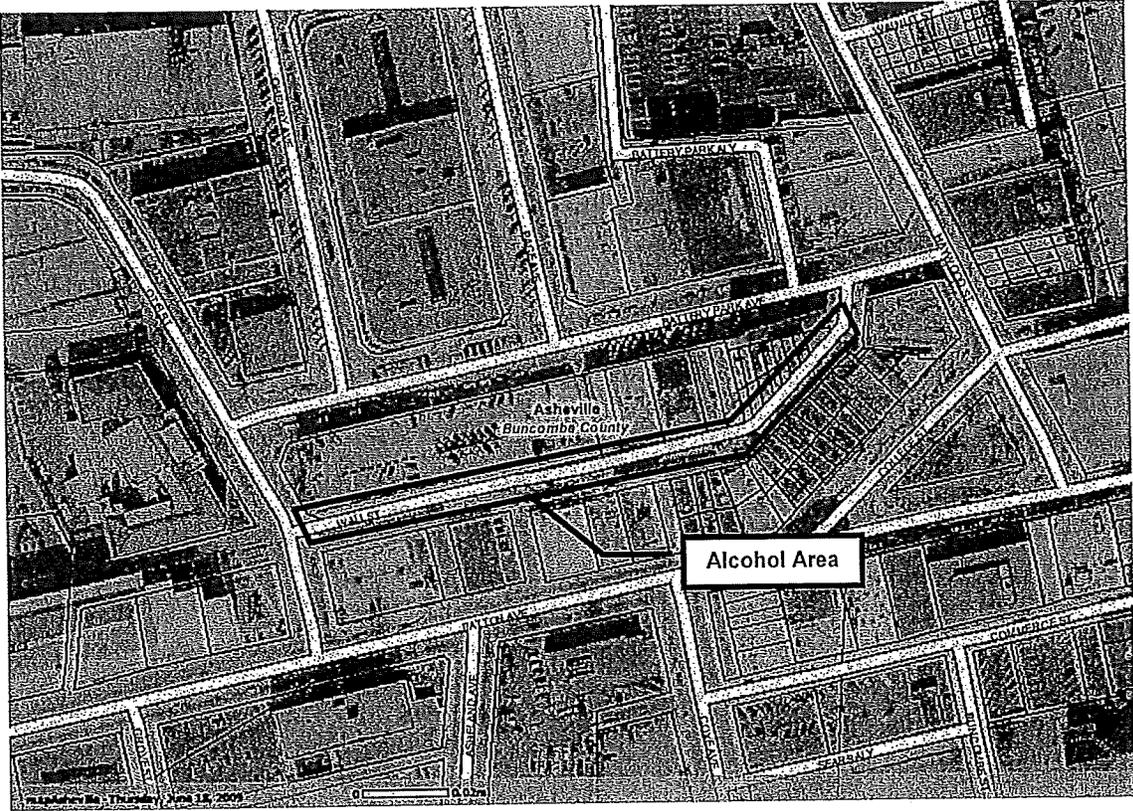
Magdalen Boulson
 City Clerk

Greg Bellamy
 Mayor

Approved as to form:

[Signature]
 City Attorney

Magdalen Boulson
 City Clerk



Blumberg No. 5119
EXHIBIT
A

RESOLUTION NO. 10-164

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SUNDAY, SEPTEMBER 5, 2010 FROM 12:00 PM – 7:00 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 Beer City Cup.

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 Beer City Cup event area.

The Beer City Cup event area is within the boundaries of Memorial Stadium, as set forth in Exhibit A, attached to this Resolution.

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 Beer City Cup on Sunday, September 5, 2010 from 12:00 PM – 7:00 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 Beer City Cup 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 Beer City Cup 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 Beer City Cup, 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.

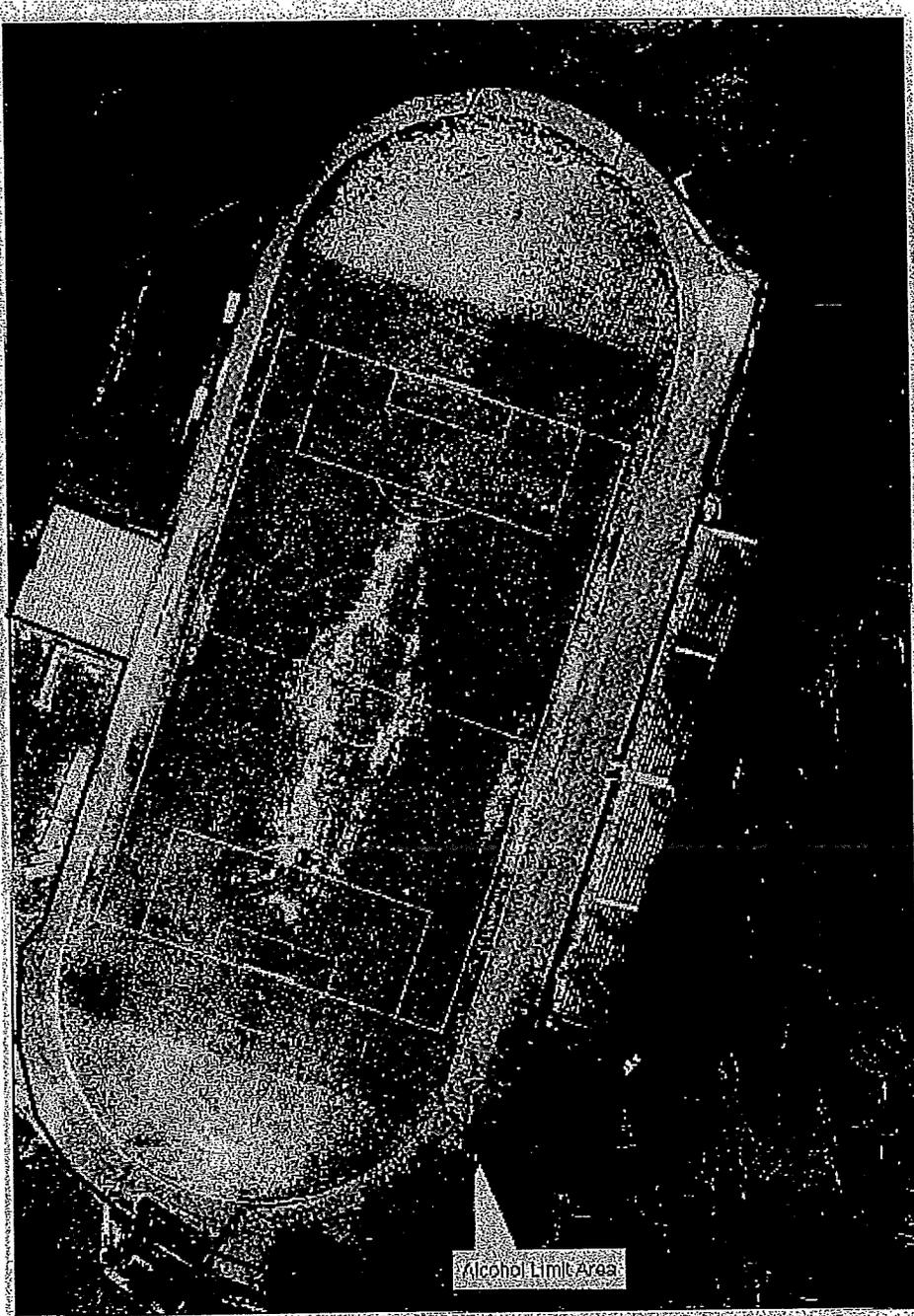
Read, approved and adopted this 27th day of July, 2010.

Magdalen Burlison
City Clerk

Greg Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Burlison
City Clerk



Memorial Stadium

Blumberg No. 5119
EXHIBIT
A

RESOLUTION NO. 10- 165

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS OF FAITH BEER & FILM TOUR ON THE DATE OF FRIDAY, SEPTEMBER 10, 2010 FROM 6:00 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 Clips of Faith Beer and Film Tour.

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 Clips of Faith Beer & Film Tour event areas.

The Clips of Faith Beer & Film Tour event areas are within the boundaries of Pack Square Park's Roger McGuire Green, the City-County Parking Lot and within the designated area of Spruce Street between the intersections of College Street and Court Plaza, as set forth in Exhibit A, attached to this Resolution.

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 Clips of Faith Beer and Film Tour on Friday, September 10, 2010 from 6:00 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 Clips of Faith Beer and Film Tour event areas. 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 Clips of Faith Beer and Film Tour event areas, 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 locations of the Clips of Faith Beer and Film Tour, 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 27th day of July, 2010.

Margaret Bourleson
City Clerk

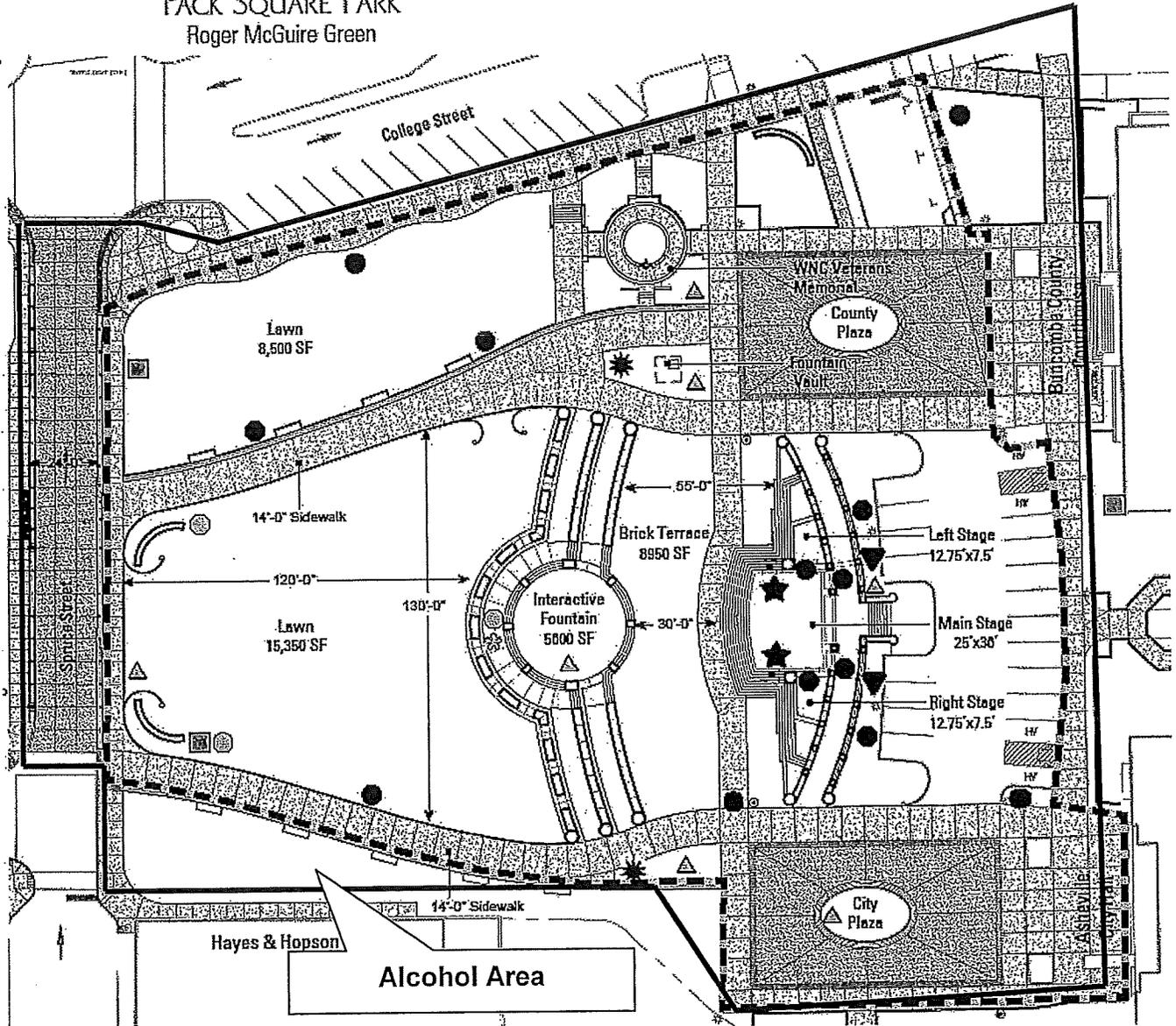
Greg Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Margaret Bourleson
City Clerk

PACK SQUARE PARK Roger McGuire Green



Resolution No. 10-166

RESOLUTION AUTHORIZING APPROVAL OF THE 2011 OUTSIDE AGENCY GRANTS

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

1. Council approves the award of Outside Agency Grants, as recommended by the Housing and Community Development Committee as follows:

Child Abuse Prevention Services, Inc.	General operating support targeted to parenting education and outreach	\$ 5,000
Children First /Communities in Schools	Project MARCH: after-school safe-haven program at three housing complexes in the City	\$ 17,800
One Youth at a Time	Provides mentoring, job training and placement assistance to at-risk students	\$ 5,600
YWCA of Asheville and WNC	Support Our Students (SOS) is an afterschool and day-long summer camp for at-risk students	\$ 8,000
Housing Authority-Youthful HAND	After-school program for children residing at Lee Walker Heights housing development will purchase research based materials to implement the literacy component of the program	\$ 4,000

2. Council authorizes the Community Development Director to sign all contracts and grant agreements, after approval by the City Attorney, with designated agencies for the implementation of the Outside Agency Grants.

Read, approved and adopted this 27th day of July, 2010.

Magdalen Bureson
CITY CLERK

Jim Bellamy
MAYOR

Approved As To Form:
Russell J. ...
CITY ATTORNEY

Magdalen Bureson
City Clerk

RESOLUTION NO. 10- 167

RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE, NORTH CAROLINA, TO CONSIDER ANNEXATION OF THE AREA KNOWN AS THE COOPERS HAWK DRIVE AREA, DESCRIBED HEREIN, AND FIXING THE DATE OF THE PUBLIC INFORMATIONAL MEETING AND THE PUBLIC HEARING ON THE QUESTION OF ANNEXATION

WHEREAS, Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes authorizes annexation by cities of 5,000 or more; and

WHEREAS, N. C. Gen. Stat. sec. 160A-49 sets out the procedure for annexation authorized by Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N. C. Gen. Stat. sec. 160A-49(a) provides that any municipal governing board desiring to annex territory under the provision of Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes shall first pass a resolution stating the intent of the municipality to consider annexation and requires such resolution to describe the boundaries of the area under consideration, fix a date for a public informational meeting and fix a date for a public hearing on the question of annexation; and

WHEREAS, the City Council of the City of Asheville desires to annex an area known as the Coopers Hawk Drive Area, as described hereinafter;

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

Section 1. It is the intent of the City Council of the City of Asheville to consider annexation of the territory described in Exhibit A, and shown on Exhibit A-1, pursuant to Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes. Exhibits A and A-1 are attached hereto and are incorporated by reference.

Section 2. A public informational meeting on the question of annexing the above-described territory will be held at 5:30 p.m. on the 13th day of September, 2010, in Room A-109 of the Public Works Building, 161 S. Charlotte Street, Asheville, N.C., at which time representatives of the City of Asheville shall provide explanations of plans for extending services to said territory and all residents and property owners in said territory and all residents of the City of Asheville will be given the opportunity to ask questions and receive answers regarding the proposed annexation.

Section 3. A public hearing on the question of annexing the above-described territory will be held at 5:00 p.m. on the 12th day of October, 2010, in the Council Chambers, located on the 2nd Floor of the City Hall Building, Asheville, N.C., at which time representatives of the City of Asheville will provide an explanation of plans for extending services to said territory and all residents and property owners in said territory and all residents of the City of Asheville will be given an opportunity to be heard.

Section 4. A report of plans for extending services to the above-described territory shall be made available for public inspection at the office of the City Clerk at least thirty (30) days prior to the date of the public informational meeting. The statement of financial impact contained in the report shall be delivered to the Buncombe County Board of Commissioners at least thirty (30) days prior to the date of the public informational meeting.

Section 5. A legible map of the area to be annexed and a list of identified persons holding freehold interests in property in the area to be annexed shall be posted in the Office of the City Clerk, Asheville City Building, 70 Court Plaza, Asheville, North Carolina, at least thirty (30) days prior to the date of the public informational meeting.

Section 6. The effective date of annexation shall be at least 70 days, but no more than 400 days, from the date of passage of the annexation ordinance.

Section 7. Notice of the public informational meeting and public hearing shall be given as required by law.

Read, approved and adopted this 27th day of July, 2010.

Magdalen Boulson
City Clerk

Angie Bellamy
Mayor

Approved as to form:

Russell
City Attorney

Magdalen Boulson
City Clerk

Exhibit A
Coopers Hawk Drive Area Boundary Description

Note: All deed and plat book references in this description refer to documents recorded in the Buncombe County Register of Deeds Office.

BEGINNING at the Northwesternmost point in the Existing Municipal Boundary set forth in Ordinance No. 2644; thence following the Existing Municipal Boundary in a Southerly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2758; thence following the Existing Municipal Boundary in a Westerly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2667; thence following the Existing Municipal Boundary in a Northwesterly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2759; thence following the Existing Municipal Boundary in a Northwesterly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2961; thence following the Existing Municipal Boundary in a Northerly direction to the easternmost point of Lot 177 as shown in Plat Book 88 Page 34; thence North 54°49'48" West 164.50 feet; thence along a curve to the left having a chord of South 85°34'36" West a radius of 35.00' and an arc distance of 48.37'; thence in a Northeasterly direction with the eastern margin of Schenck Parkway as shown in Plat Book 126 Page 19 approximately 123 feet to its intersection with lot 202 as shown in plat book 90 page 1; thence North 45°59'00" East 191.97 feet; thence South 49°49'54" East 298.86 feet; thence South 28°33'55" East 45.99 feet; thence North 49°29'45" East 90.83 feet; thence in a Southerly direction following the Eastern edge of the subdivision plat in Plat Book 90 Page 1 along the specified lines: L91, L90, L87, L84, L83, L79, L73, L74, L75, L69, L68, L64, and L58; thence South 49°09'13" East 50.41 feet; thence South 47°37'33" East 154.38 feet; thence due South 293.49 feet to the point of BEGINNING.

Also being the boundary shown in the attached Exhibit A-1 map.

Area: 41.8 acres

156

RESOLUTION NO. 10-168

RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE, NORTH CAROLINA, TO CONSIDER ANNEXATION OF THE AREA KNOWN AS THE ROYAL PINES AREA, DESCRIBED HEREIN, AND FIXING THE DATE OF THE PUBLIC INFORMATIONAL MEETING AND THE PUBLIC HEARING ON THE QUESTION OF ANNEXATION

WHEREAS, Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes authorizes annexation by cities of 5,000 or more; and

WHEREAS, N. C. Gen. Stat. sec. 160A-49 sets out the procedure for annexation authorized by Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N. C. Gen. Stat. sec. 160A-49(a) provides that any municipal governing board desiring to annex territory under the provision of Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes shall first pass a resolution stating the intent of the municipality to consider annexation and requires such resolution to describe the boundaries of the area under consideration, fix a date for a public informational meeting and fix a date for a public hearing on the question of annexation; and

WHEREAS, the City Council of the City of Asheville desires to annex an area known as the Royal Pines Area, as described hereinafter;

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

Section 1. It is the intent of the City Council of the City of Asheville to consider annexation of the territory described in Exhibit A, and shown on Exhibit A-1, pursuant to Part 3 of Article 4A of Chapter 160A of the North Carolina General Statutes. Exhibits A and A-1 are attached hereto and are incorporated by reference.

Section 2. A public informational meeting on the question of annexing the above-described territory will be held at 5:30 p.m. on the 13th day of September, 2010, in Room A-109 of the Public Works Building, 161 S. Charlotte Street, Asheville, N.C., at which time representatives of the City of Asheville shall provide explanations of plans for extending services to said territory and all residents and property owners in said territory and all residents of the City of Asheville will be given the opportunity to ask questions and receive answers regarding the proposed annexation.

Section 3. A public hearing on the question of annexing the above-described territory will be held at 5:00 p.m. on the 12th day of October, 2010, in the Council Chambers, located on the 2nd Floor of the City Hall Building, Asheville, N.C., at which time representatives of the City of Asheville will provide an explanation of plans for extending services to said territory and all residents and property owners in said territory and all residents of the City of Asheville will be given an opportunity to be heard.

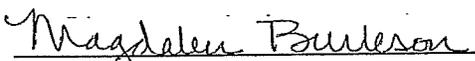
Section 4. A report of plans for extending services to the above-described territory shall be made available for public inspection at the office of the City Clerk at least thirty (30) days prior to the date of the public informational meeting. The statement of financial impact contained in the report shall be delivered to the Buncombe County Board of Commissioners at least thirty (30) days prior to the date of the public informational meeting.

Section 5. A legible map of the area to be annexed and a list of identified persons holding freehold interests in property in the area to be annexed shall be posted in the Office of the City Clerk, Asheville City Building, 70 Court Plaza, Asheville, North Carolina, at least thirty (30) days prior to the date of the public informational meeting.

Section 6. The effective date of annexation shall be at least 70 days, but no more than 400 days, from the date of passage of the annexation ordinance.

Section 7. Notice of the public informational meeting and public hearing shall be given as required by law.

Read, approved and adopted this 27th day of July, 2010.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

Exhibit A**Royal Pines Area Boundary Description**

Note: all deed and plat book references in this description refer to documents recorded in the Buncombe County Register of Deeds Office.

BEGINNING at a point in Sweeten Creek Road at the intersection of the Existing Municipal Boundary set forth in Ordinance No. 2935 and the Existing Municipal Boundary set forth in Ordinance No. 1645; thence following the Existing Municipal Boundary set forth in Ordinance No. 1645 in a Southerly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2821; thence following the Existing Municipal Boundary in a Southerly direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 3357; thence following the Existing Municipal Boundary set forth in Ordinance No. 3357 in a clockwise direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 3110; thence following the Existing Municipal Boundary set forth in Ordinance No. 3110 in a clockwise direction to the intersection with the western margin of Weston Road; thence with the Existing Municipal Boundary in a Northeasterly direction across Weston Road; thence following the eastern margin of Weston Road in a Northeasterly direction to the southwestern corner of Lot 7 as shown in Plat Book 49 Page 10; thence with the eastern margin of Weston road the following calls and distances: along a curved line to the right having a radius of 432.26 feet and a length of 51.69 feet with a chord of North 27°05'25" East 51.66 feet; thence North 30°31'00" East 72.52 feet; thence on a curved line to the left having a radius of 883.31 and a length of 98.54 feet with a chord of North 27°19'13" East 98.49 feet; thence North 24°07'25" East 30.6 feet; thence leaving the eastern margin of Weston Road, South 65°52'35" East 25 feet; thence North 24°07'25" East: 25 feet; thence North 65°52'35" West 25 feet; thence following the eastern(southern) margin of Weston Road north and east to the eastern margin of Glen Cove Road; thence following the southern margin of Weston Road to the road's intersection with Oak Terrace and Saint Johns Street; thence following the southern margin of Saint Johns Street to the northwestern corner of the property described in Deed Book 2055 Page 250; thence South 02°50'00" West 65.81 feet to an iron pin; thence South 20°18'00" East 91.74 feet to an iron pin; thence South 87° 18' 13" East 72.21 feet to a 1" iron pin; thence South 87°10' East 114.66 feet to the southeastern corner of the property described in Deed Book 1433 Page 563; thence South 86°45' East 100 feet; thence South 87°06'54" East 105 feet; thence South 86°45' East 86 feet to the southeastern corner of the property described in Deed Book 1850 Page 481; thence South 86°45' East 100 feet to the northwest corner of the property described in Deed Book 4514 Page 1741; thence South 86°45' East 300 feet to an iron pin; thence with the northern boundary of Lot A as shown in Plat Book 43

Page 104 South $86^{\circ}45'$ East 106 feet to an iron pin; thence following the western boundary of the Frank Phelan property shown in Plat Book 43 Page 104 in a southeasterly direction approximately 677 feet to its southern corner; thence with the western boundary of lot 20A as shown in Plat Book 99 Page 51; thence North $74^{\circ}46'53''$ East 29.51 feet to the northernmost point of Lot 6 shown in Plat Book 99/51; thence following the eastern boundary of Lot 6 shown in Plat Book 99/51 in a clockwise direction to the southernmost point of said lot; thence following the boundary of Lot 1 as shown in Plat Book 135 Page 18 in a clockwise direction to its southernmost point; thence following the boundary of Lot 2 as shown in Plat Book 135 Page 18 in a counterclockwise direction to its intersection with Lot 3 as shown in Plat Book 135 Page 18; thence following the southern boundary of Lot 3 as shown in Plat Book 135 Page 18 in an easterly direction to its southeastern corner; thence following the southern boundaries of Lots 29 and 28 as shown in Plat Book 45 Page 157 in an easterly direction to the southeastern corner of Lot 28 as shown in said plat; thence with the northern boundary of the property described in Deed Book 975 Page 652 approximately 750 feet in an easterly direction to the northernmost corner of said property; thence North $06^{\circ}16'51''$ West 701.89 feet with the western boundary of the subdivision plat shown in Plat Book 51 Page 95; thence North $06^{\circ}16'51''$ West 1240.00 feet with the western boundary of the subdivision plat shown in Plat Book 53 Page 180; thence North $04^{\circ}49'$ West 1005.0 feet with the eastern boundary of the subdivision plat shown in Plat Book 32 Page 144; thence with the boundary of the subdivision plat shown in Plat Book 32 Page 144 North $85^{\circ}22'$ West 395.31 feet; thence with the boundary of the subdivision plat shown in Plat Book 32 Page 144 North $04^{\circ}08'$ East 92.2 feet; thence with the boundary of the subdivision plat shown in Plat Book 32 Page 144 North $56^{\circ}15'$ West 388.26 feet; thence following the southern margin of Weston Road in an easterly direction to its intersection with the western margin of Glen Crest Drive; thence crossing Weston Road at a bearing of North 45° West to the northern margin of said road; thence with the northern margin of Weston Road to the easternmost point of Lot 5 as shown in Plat Book 56 Page 164; thence following the outer boundaries of the subdivision shown in Plat Book 56 Page 164 in a counterclockwise direction approximately 1455 feet to the westernmost point in Lot 14 of said plat; thence following the eastern outer boundary of the subdivision shown in Plat Book 45 Page 126 in a southerly direction approximately 330 feet to the eastern margin of Hickory Hills Drive; thence with the eastern margin of Hickory Hills Drive in a southeasterly direction to the northern margin of Weston Road; thence with the northern margin of Weston Road to the southernmost point in a Lot labeled "RESERVED" in Plat Book 45 page 126; thence North $56^{\circ}41'22''$ West 110.00 feet; thence running with the boundary of the France property as described in Deed Book 1421 Page 83 South $6^{\circ}59'38''$ West 126.59' passing an existing iron pin at 85.89' to an iron pin found; thence running with the northern

boundary of the Hefner property described in Deed Book 1203 Page 221 South $84^{\circ}16'$ West 57.46 feet; thence running with the southwest boundary of the property described in deed recorded in Deed Book 1587 Page 146 North $71^{\circ}46'53''$ West 101.74 feet to an iron pin found; thence North $27^{\circ}54'39''$ West 213.09 feet to the northeast corner of Lot 20 as shown in Plat Book 45 Page 126; thence North $87^{\circ}10'$ West 60.00 feet to the eastern boundary of Lot 18 of Block 13 as shown in Plat Book 7 Page 83; thence following the outer boundaries of the subdivision shown in Plat Book 7 Page 83 in a counterclockwise direction approximately 305 feet to the southernmost point in Lot 11 Block 13 of said plat; thence following the outer boundaries of the property recombinations shown in Plat Book 113 Page 108 in a counterclockwise direction approximately 310 feet to the southernmost point in Lot 9 Block 13 of Plat Book 7 Page 83; thence following the outer boundaries of the subdivision shown in Plat Book 7 Page 83 in a northerly direction approximately 250 feet to the northeastern corner of Lot 5 Block 13 of said plat; thence following the northern boundary of Lot 5 Block 13 shown in Plat Book 7 Page 83 to the northwestern corner of said lot; thence crossing Oak Terrace to the northernmost point of Lot 14 Block 12 of Plat Book 7 Page 83; thence following the outer boundaries of the subdivision shown in Plat Book 7 Page 83 in a westerly direction approximately 750 feet to the northwestern corner of Lot 1 Block 12 of said plat; thence crossing Locust Court to the northeasternmost point of Lot 91 Block 11 of Plat Book 7 Page 83; thence following the outer boundaries of the subdivision shown in Plat Book 7 Page 83 in a southwesterly direction approximately 1325 feet to the northwestern corner of Lot 68 Block 11 of said plat; thence South $66^{\circ}25'$ West approximately 50 feet to the eastern margin of Mount Royal Drive; thence crossing Mount Royal Drive to the northeast corner of Lot 64 Block 11 of Plat Book 7 Page 82; thence following the outer boundaries of the subdivision shown in Plat Book 7 Page 82 in a westerly direction approximately 2040 feet to the northeasternmost point of Lot 22 Block 11 of said plat; thence North $82^{\circ}36'$ East approximately 70 feet to the western margin of Rhododendron Drive; thence in a northerly direction with the western margin of Rhododendron Drive to the northeastern corner of Lot 19 Block 11 shown in Plat Book 7 Page 82; thence crossing Rhododendron Drive in a northerly direction to the southeastern corner of Lot 17 Block 11 shown in Plat Book 7 Page 82; thence following the outer boundaries of the subdivision shown in Plat Book 7 Page 82 in a northerly direction approximately 600 feet to the northeasternmost point of Lot 7 Block 11 of said plat; thence following the eastern boundary of Lot 13 Block 3 shown in Plat Book 24 Page 23 North $1^{\circ}10'$ West 132 feet; thence North $3^{\circ}34'$ West 75 feet to the southwestern corner of Lot 12 Block 3 shown in Plat Book 24 Page 23; thence following the boundary of Lot 12 Block 3 shown in Plat Book 24 Page 23 in a counterclockwise direction to the northeast corner of said lot; thence following the boundary indicated in Plat Book 53 Page 96 in a counterclockwise direction approximately 4950

feet to the southeast corner of the COMMON AREA shown in Plat Book 57 Page 98 (excepting the right-of-way of Wood Road adjacent to Lots 13 and 14 in the northeast corner of Plat Book 53 Page 96, instead following the western margin of said right-of-way); thence with the eastern boundary of the COMMON AREA shown in Plat Book 57 Page 98 North $11^{\circ}46'10''$ East 123.41 feet; thence North $50^{\circ}19'03''$ West 21.0 Feet; thence due north crossing Bramblewood Road to the boundary of Lot 3 as shown in Plat Book 48 Page 150; thence following the boundary of Lot 3 as shown in Plat Book 48 Page 150 in a counterclockwise direction to its intersection with the southeast corner of Lot 6 as shown in Plat Book 48 Page 150; thence in a northerly direction with the eastern boundary of Lot 6 as shown in Plat Book 48 Page 150 to its intersection with the southwest corner of Lot 1 as shown in Plat Book 48 Page 150; thence following the boundary of Lot 1 as shown in Plat Book 48 Page 150 in a counterclockwise direction to the northernmost point of Lot 1; thence crossing Knight Road at a bearing of North $63^{\circ}10'00''$ West to the boundary of Lot 2 as shown in Plat Book 81 Page 143; thence following the boundary of Lot 2 as shown in Plat Book 81 Page 143 in a counterclockwise direction to the northernmost point of Lot 2; thence crossing Rosscraggon Road in a northerly direction to the southeast corner of Lot 11 of Block C as shown in Plat Book 16 Page 38; thence following the outer boundary of the property described in Deed Book 4660 Page 1642 in a counterclockwise direction to its northernmost point; thence crossing Southway Garden Road (formerly Mountain Road) to the southeast corner of the property described in Deed Book 4547 Page 1916; thence following the eastern boundary of said property North $8^{\circ}20''$ West 163.33 feet to the southern boundary of the W.C. Plummer Lot as shown on Plat Book 27 Page 3; thence following the southern boundary of the W.C. Plummer Lot as shown on Plat Book 27 Page 3 to the southeast corner of that lot; thence North $5^{\circ}16'$ West 296.89 feet; thence North $79^{\circ}58'$ East 119.65 feet; thence North $21^{\circ}36'$ East 52.80 feet to the Western Boundary of Rathfarnam Circle; thence with the Western Boundary of Rathfarnam Circle in a northerly direction approximately 510 feet to the southern margin of Rathfarnam Road; thence crossing Rathfarnam Road in a northerly direction to the Southeast corner of Lot 11 as shown in Plat Book 36 Page 2; thence with the eastern boundary of Lot 11 as shown in Plat Book 36 Page 2 North $3^{\circ}40'20''$ East 236.35 feet to the southern boundary of the property shown in Plat Book 82 Page 66; thence following the boundary of the property shown in Plat Book 82 Page 66 in a counterclockwise direction to its intersection with the Existing Municipal Boundary set forth in Ordinance No. 2935; thence following the Existing Municipal Boundary set forth in Ordinance No. 2935 in a westerly direction to the point of BEGINNING.

Also being the boundary shown in the attached Exhibit A-1 map.

Area: 388.8 acres

RESOLUTION NO. 10- 169

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, due to the passing of Mr. Randy Osborne, there currently exists a vacancy for a licensed engineer on the Board of Electrical Examiners until July 1, 2012;

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

Mr. B. Augustus (Gus) Sims, 7 Northland Road, Asheville, N.C., be and he is hereby appointed as the licensed engineer on the Board of Electrical Examiners to fill the unexpired term of Mr. Osborne, term to begin immediately and expire July 1, 2012, or until his successor has been appointed.

Read, approved and adopted this 27th day of July, 2010.

Magdalen Burseson
CITY CLERK

Jimmy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burseson
City Clerk

RESOLUTION NO. 10- 170RESOLUTION APPOINTING MEMBERS TO THE POLICE OFFICERS AND
FIREFIGHTERS DISABILITY REVIEW BOARD

WHEREAS, the terms of Dr. Alexander Maitland, as the licensed physician on the Police Officers and Firefighters Disability Review Board; Stephanie Cooper and James Lewis, as members on the Police Officers and Firefighters Disability Review Board, expired on July 19, 2010; and

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

- (1) Dr. Stephen Hulkower, Director of the Division of Family Medicine at Mountain Area Health Education Center, 118 W.T. Weaver Boulevard, Asheville, N.C., be and he is hereby reappointed as the licensed physician on the Police Officers and Firefighters Disability Review Board, to serve an additional two year term, term to expire July 19, 2012, or until his successor has been duly appointed.
- (2) Ms. Stephanie Cooper, 112 Deerlake Drive, Asheville, N.C., be and she is hereby reappointed as a member on the Police Officers and Firefighters Disability Review Board, to serve an additional two year term, term to expire July 19, 2012, or until her successor has been appointed.
- (3) Mr. James Lewis, 1150 Oteen Church Road, Asheville, N.C., be and she is hereby reappointed as a member on the Police Officers and Firefighters Disability Review Board, to serve an additional two year term, term to expire July 19, 2012, or until his successor has been appointed.

Read, approved and adopted this 27th day of July, 2010.

Magdalen Boulton
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulton
City Clerk