

RESOLUTION NO. 10- 125

RESOLUTION AWARDING THE VIEWMONT ACRES WATER SYSTEM EXTENSION PROJECT TO PATTON CONSTRUCTION GROUP, LLC.

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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Viewmont Acres Water System Extension Project; and

WHEREAS, Patton Construction Group, LLC, of Asheville, NC, was the lowest responsible bidder for the Project, in the amount of \$294,950.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the Project involves the construction and installation of: approximately 2,850 Linear Feet of 8-inch waterline, fire hydrants, valves, and other appurtenances as well as the installation of five (5) private residential booster pump stations; and

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

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

1. The Viewmont Acres Water System Extension Project is hereby awarded to Patton Construction Group, LLC, as the lowest responsible bidder.
2. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.
3. The City Manager is hereby authorized to execute a contract with Patton Construction Group, LLC, in the amount of \$294,950.00 for the construction of the Viewmont Acres Water System Extension Project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 8<sup>th</sup> day of June, 2010.

Magdalen Bourleson  
City Clerk

Tom Bellamy  
Mayor

Approved as to form:

Paul J. Duke  
City Attorney

Magdalen Bourleson  
City Clerk

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Exhibit A

Bid Tabulation for the Viewmont Acres Water System Extension Project

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Patton Construction Group, LLC  
16 Pond Road  
Asheville, NC 28806  
(828) 667-8400  
**Total Base Bid: \$294,950.00**

T & K Utilities, Inc.  
204 Charlotte Highway, Suite G  
Asheville, NC 28803  
(828) 299-8205  
**Total Base Bid: \$313,425.00**

Spur Construction  
2707 Asheville Highway  
Waynesville, NC 28786  
828-456-5222  
**Total Base Bid: \$391,341.85**

Steppe Construction, Inc.  
4149 Highway 9 N  
Mill Spring, NC 28756  
(828) 625-4722  
**Total Base Bid: \$405,700.00**

DPI Construction  
39 Loop Road  
Arden, NC 28704  
(828) 651-4481  
**Total Base Bid: \$751,808.00**

RESOLUTION NO. 10-126

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY AND ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA HISTORIC PRESERVATION OFFICE IN CONSIDERATION OF A GRANT FROM THE US DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE FOR THE PURPOSE OF UPDATING AND EXPANDING THE DOWNTOWN ASHEVILLE NATIONAL REGISTER HISTORIC DISTRICT

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

WHEREAS, the State Historic Preservation Office, Department of Cultural Resources, Office of Archives and History has made available to the City of Asheville Historic Resources Commission, as a Certified Local Government a grant from the Historic Preservation fund, administered by the National Park Service, US Department of the Interior; and

WHEREAS, the local match for this grant shall be paid by funding contributed by Buncombe County for administration of the Asheville Buncombe Historic Preservation program;

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 North Carolina State Historic Preservation Office in consideration of a grant from the Historic Preservation Fund, administered by The National Park Service, US Department of Interior for the purpose of updating and expanding the Downtown Asheville National Register District nomination.

Read, approved and adopted this the 8th day of June, 2010.

Magdalen Burrellson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burrellson  
City Clerk

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RESOLUTION NO. 10- 127

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DIXON HUGHES PLLC, FOR AUDITING SERVICES FOR FISCAL YEAR 2009-10

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

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, Dixon Hughes has submitted a proposal to provide audit services to the City Council for Fiscal Year 2009-2010; and

WHEREAS, the City Council desires that the City's Fiscal Year 2009-2010 audit service contract be awarded to the firm Dixon Hughes; and

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

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

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Dixon Hughes PLLC, in the amount of \$153,450 for auditing services for fiscal Year 2009-2010.

Read, approved and adopted this the 8th day of June, 2010.

Magdalen Baulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

RESOLUTION NO. 10-128

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ASHEVILLE FORD, KARS & KOLORS, INC., RUSSELL'S PAINT AND BODY, LLC., ANCHOR-RICHEY EVS INC., AND ENSLEY PAINT & BODY FOR AUTO BODY SHOP REPAIR

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, these contracts are necessary to repair accident damage to city owned equipment; and

WHEREAS, the amount of the Agreement shall not exceed \$75,000 in any fiscal year for any one (1) vendor and auto body repairs will be managed out of the Fleet Management operating budget, and billed back to the owning departments operating budgets, as approved;

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

The City Manager is hereby authorized to enter into multi-year contracts, on behalf of the City of Asheville with Asheville Ford, Kars & Kolors, Inc., Russell's Paint & Body, LLC., Anchor-Richey EVS Inc., and Ensley Paint & Body for Auto Body Shop Repair, not to exceed \$75,000 in any fiscal year for any one (1) vendor for Auto Body Shop repair and further authorized to execute any change orders to said contracts or documents which may arise during execution of the Auto Body Shop repair up to the budgeted amount.

Read, approved and adopted this the 8<sup>th</sup> day of June, 2010.

Magdalena Bourleson  
City Clerk

Andy Bellamy  
Mayor

Approved as to form:

Arnell D... ..  
City Attorney

Magdalena Bourleson  
City Clerk

RESOLUTION NO. 10- 129

RESOLUTION AUTHORIZING EXECUTION OF EASEMENT TO PROGRESS ENERGY CORPORATION FOR POWER LINES AT LIVINGSTON STREET COMMUNITY CENTER

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WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-273 to grant easements across City property and right-of-way; and

WHEREAS, a new community Center on Livingston Street will be constructed which requires new electrical power facilities for which an easement is needed as shown on Exhibit A; attached hereto; and

WHEREAS, the City is the owner of land on which the Livingston Street Community Center will be constructed and Depot Street is a public right-of-way; and

WHEREAS, the Asheville City Council has determined that the requested easement is in the public interest.

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

The Mayor be and is hereby authorized to execute an easement to Progress Energy across property owned by the City of Asheville known as Livingston Street Community Center, located at 285 Livingston Street, and across Depot Street adjacent to said property, the form of said easement to be approved by the City Attorney.

Read, approved and adopted this the 8th day of June, 2010.

Magdalen Baulson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk



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RESOLUTION NO. 10-\_\_\_\_\_ 130

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CRIMESTOPPERS INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY

WHEREAS, pursuant to N.C.G.S. 153A-445 and N.C.G.S. 160A-461, the City and County may enter into agreements in order to execute a governmental undertaking;

WHEREAS, on November 1, 1983, Crimestoppers of Asheville-Buncombe, Inc., a North Carolina non-profit corporation (herein "Crimestoppers"), was formed to assist law enforcement in catching suspects of crimes by offering cash rewards for tips which lead to arrests; and

WHEREAS, both the City and County have pledged support to the Crimestoppers program including appointing board members to the Crimestoppers' Board of Directors and funding the program based on appropriations from each governmental agency's budget every fiscal year since 1983;

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

The Mayor of the City of Asheville be, and is hereby, authorized to sign an interlocal agreement with Buncombe County in which the two entities agree to split the annual funding cost of the Crimestopper's program.

Read, approved and adopted this the 8<sup>th</sup> day of June, 2010.

Magdalen Burlison  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 10- 131

RESOLUTION AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION SECTION 5309 BUS AND BUS FACILITIES STATE OF GOOD REPAIR PROGRAM GRANT

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WHEREAS, the Federal Transit Administration funding for Section 5309 Bus and Bus Facilities State of Good Repair Program Grant is available to transit agencies to finance capital projects including bus purchasing; and

WHEREAS, the City of Asheville's Transit System is applying for additional funding to be able to replace most of its aged transit fleet; and

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

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

The City of Asheville City Council supports the application for funding for Section 5309 Bus and Bus Facilities State of Good Repair Program Grant in order to purchase three diesel buses and two hybrid diesel-electric buses. In addition, the City of Asheville City Council authorizes the Mayor to execute the appropriate documents to accept the grant, if it is awarded.

Read, approved and adopted this 8<sup>th</sup> day of June 2010.

Magdalen Burlington  
City Clerk

Sam Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlington  
City Clerk

RESOLUTION NO. 10- 132

RESOLUTION AMENDING 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:

The Asheville City Council regular formal meeting on Tuesday, July 13, 2010, is hereby cancelled.

Read, approved and adopted this 8<sup>th</sup> day of June, 2010.

Magdalen Baurleson  
CITY CLERK

Tom Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Baurleson  
City Clerk

RESOLUTION NO. 10-133

RESOLUTION PROVIDING FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2010 INGLES 4<sup>TH</sup> OF JULY CELEBRATION

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

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

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession and consumption 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 that it is appropriate to make other provisions for the possession and consumption of malt beverages at the 2010 Ingles 4<sup>th</sup> of July 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 2010 Ingle's July 4<sup>th</sup> Celebration event area.

The 2010 Ingle's 4<sup>th</sup> of July Celebration event area described is as follows: Within the boundaries of Pack Square Park, as set forth in Exhibit A attached.

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 2010 Ingle's 4<sup>th</sup> of July Celebration on Sunday, July 4, 2009 from 4:00 p.m. to 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 2010 Ingle's 4<sup>th</sup> of July 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 2010 Ingle's 4<sup>th</sup> of July 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 2010 Ingle's 4<sup>th</sup> of July 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 Festival area.

Read, approved and adopted this 8<sup>th</sup> day of June 2010.

Magdalen Paulson  
City Clerk

Amy Bellamy  
Mayor

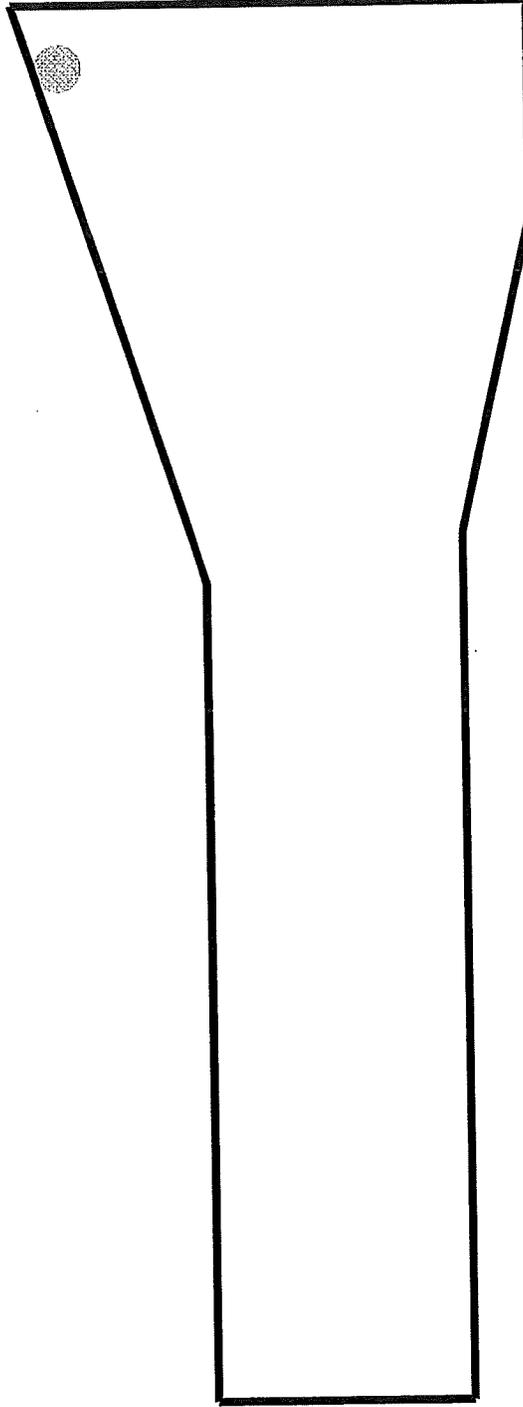
Approved as to form:

[Signature]  
City Attorney

Magdalen Paulson  
City Clerk

2010 Ingles 4<sup>th</sup> of July Celebration Alcohol Area

Pack Square Park— Ingles 4th of July Alcohol Area



- Pack Square
- Reuter Terrace
- Roger McGuire Green
- City/Cou  
nty  
Parking  
Lot

RESOLUTION NO. 10- 134RESOLUTION PROVIDING FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2010 BELE CHERE FESTIVAL

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 and consumption 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 that it is appropriate to make other provisions for the possession and consumption of malt beverages at the Ingles 4<sup>th</sup> of July Celebration and consumption of malt beverages and/or unfortified wine at the 2010 Bele Chere Festival;

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

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 2010 Bele Chere Festival area, except for at the locations set forth hereinafter.

1. The 2010 Bele Chere Festival area is described as follows and set forth in Exhibit A, attached:

BEGINNING at Pack Square going south along the eastern margin of the sidewalk on the eastern side of Biltmore Avenue to its intersection with an extension of the northern margin of the sidewalk on the northern side of Hilliard Avenue;

thence westerly with said extension, crossing the sidewalk on the eastern side of Biltmore Avenue, Biltmore Avenue, and the sidewalk on the western side of Biltmore Avenue and continuing with the southern margin of the sidewalk on the northern side of Hilliard Avenue to its intersection with the eastern margin of the sidewalk on the eastern side of Lexington Avenue;

thence westerly with an extension of the southern margin of the sidewalk on the southern side of Aston Street, crossing the sidewalk and the eastern side of Lexington Avenue, Lexington Avenue and the sidewalk on the western side of

Lexington Avenue to its intersection with the western margin of the sidewalk on the western side of Lexington Avenue;

thence northerly along the western margin of the sidewalk on the western side of Lexington Avenue to its intersection with the southern boundary of the parking lot owned by the property owners of the Drhumor Building (which parking lot is bounded on the east by Lexington Avenue, on the north by Patton Avenue and on the west by Church Street)-, thence westerly along the southern boundary of said parking lot to the intersection of its boundary line with the eastern margin of the sidewalk on the eastern side of Church Street;

thence westerly, continuing along an extension of the southern boundary line of said parking lot to the intersection of said extension with the western margin of the sidewalk on the western side of Church Street;

thence northerly with the western margin of the sidewalk on the western side of Church Street to its intersection with the southern margin of the sidewalk on the southern side of Commerce Street;

thence westerly with the southern margin of the sidewalk on the southern side of Commerce Street to its intersection with the eastern margin of the sidewalk on the eastern side of Coxe Avenue;

thence southerly along the eastern margin of the sidewalk on the eastern side of Coxe Avenue to its intersection with the northern margin of the pavement of Hilliard Avenue;

thence westerly with the northern margin of the pavement on Hilliard Avenue, crossing Coxe Avenue, to its intersection with the eastern margin of the pavement of Ashland Avenue;

thence continuing westerly with an extension of the northern margin of the pavement on Hilliard Avenue to its intersection with the western margin of the sidewalk on the western side of Ashland Avenue;

thence northerly with the western margin of the sidewalk on the western side of Ashland Avenue to its intersection with the southern margin of the sidewalk on the southern side of Patton Avenue;

thence westerly with the southern margin of the sidewalk on the southern side of Patton Avenue to its intersection with an extension of the western margin of the sidewalk on the western side of Otis Street;

thence northerly with said extension and with the western margin of the sidewalk on the western side Otis Street, crossing the sidewalk on the southern side of Patton Avenue, Patton Avenue and the sidewalk on the northern side of Patton Avenue, to its intersection with an extension of the northern margin of the sidewalk on the northern side of Battery Park Avenue;

thence easterly with said extension and continuing with the northern margin of the sidewalk on the northern side of Battery Park Avenue, crossing Otis Street

and the sidewalks on both sides of it, O'Henry Avenue and the sidewalks on both sides of it and Page Avenue and the sidewalks on both sides of it, to its intersection with the western margin of the sidewalk on the western side of Haywood Street;

thence northerly with the western margin of the sidewalk on the western side of Haywood Street to its intersection with an extension of the southern margin of the sidewalk on the northern side of Page Avenue;

thence easterly with said extension, crossing Haywood Street and the sidewalks on both sides of it, to its intersection with the eastern margin of the sidewalk on the eastern side of Haywood Street;

thence southerly with the eastern margin of the sidewalk on the eastern side of Haywood Street to its intersection with the northern margin of the sidewalk on the northern side of Walnut Street;

thence easterly with the northern margin of the sidewalk on the northern side of Walnut Street, crossing Rankin Avenue, Lexington Avenue, Broadway, and the sidewalks on both sides of those Avenues and Street to its intersection with the eastern margin of the sidewalk on the eastern side of Broadway;

thence continuing south on Broadway to Pack Square and place of BEGINNING.

2. The possession of and consumption from open containers of malt beverages and unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in unbreakable plastic cups and/or aluminum cans. Possession of and/or consumption from glass or can containers of malt beverages and/or unfortified wine are not allowed anywhere in the 2010 Bele Chere Festival area and 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 2010 Bele Chere Festival area or elsewhere in the City of Asheville as prohibited by Section 11-11 of the Code of Ordinances of the City of Asheville.
3. The possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall only be allowed in the 2010 Bele Chere Festival area, as described hereinabove, during the following hours of the 2010 Bele Chere Festival:
 

Friday, July 23, 2010, from 12:00 p.m. to 10:00 p.m.  
Saturday, July 24, 2010, from 10:00 a.m. to 10:00 p.m.

There will be no sales and/or consumption of malt beverages and/or unfortified wine permitted on Sunday July 25, 2010.
4. 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 in the 2010 Bele Chere Festival area, as described hereinabove only for those individuals who have purchased a wristband from the 2010 Bele Chere Festival

at designated 2010 Bele Chere Festival booths. Proper identification shall be required to show that the individual purchasing the wristband is of lawful age to possess malt beverages and/or unfortified wine within the 2010 Bele Chere Festival area. Purchase and display of a different colored wristband is required for each day of the 2010 Bele Chere Festival.

- 5. The possession of personal coolers of any shape, size or form shall not be allowed in the 2010 Bele Chere Festival area, as described hereinabove.
- 6. The areas in the 2010 Bele Chere Festival area where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed or prohibited and where possession of personal coolers are prohibited as set forth herein shall be designated by the posting of signs in the 2010 Bele Chere Festival area.

Read, approved and adopted this 8<sup>th</sup> day of June 2010.

Magdalen Boulson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk



RESOLUTION NO. 10-135

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE TO RECEIVE FUNDS FROM THE N.C. DEPT. OF HEALTH AND HUMAN SERVICES IN THE FORM OF AN AMERICAN REINVESTMENT AND RECOVERY ACT GRANT TO FUND AN INTERN TO WORK WITH THE PUBLIC WORKS

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S 160A-17.1 to accept and administer funds from the Federal government and to contract with other agencies for the administration of such grants; and

WHEREAS, the City of Asheville has coordinated with the North Carolina Department of Health and Human Services for American Reinvestment & Recovery Act (ARRA) funds; and

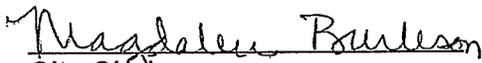
WHEREAS, the student is a local individual, that plans to attend a college or university in the field of Engineering, thus acquiring experience while assisting the Engineering Services Division in the Public Works Department over the summer; and

WHEREAS, the grant will pay for the employees wages, including the appropriate taxes, therefore leaving the City of Asheville with no financial obligations for the employee;

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville the necessary agreement with the North Carolina Department of Health and Human Services that will allow the City to receive ARRA funds for the employment of an intern in the Engineering Services Division of Public Works

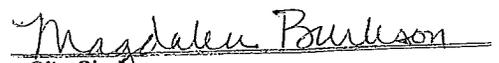
Read, approved and adopted this the 8th day of June, 2010.

  
City Clerk

  
Mayor

Approved as to form:

  
City Attorney

  
City Clerk

RESOLUTION NO. 10- 136 .

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF FEDERAL ALLEY

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute Section 160A-299 to permanently close streets and alleys within its jurisdiction; upon compliance with applicable law; and

WHEREAS, a petition has been filed by Swannanoa Laundry Inc. and the City of Asheville asking that a portion of Federal Alley be closed to public use; and

WHEREAS, City Council on the 11<sup>th</sup> day of May 2010 adopted a resolution of intent to permanently close a portion of Federal Alley and ordered a public hearing on the question of this closing for the 8<sup>th</sup> day of June, 2010, at its regular meeting on the 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said hearing was published in the Asheville Citizen-Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to the Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed prominently at two locations along said streets, and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join in the petition to close; and

WHEREAS, at said public hearing no objections were made that the proposed closing street portion would deprive and individual owing property in the vicinity in which said street portion are located of reasonable means of ingress and regress to the property.

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

Pursuant to North Carolina General Statute Section 160A-299 a portion of Federal Alley beginning from an "X" marked in the concrete as called for as the North-West corner of the property in Deed Book 2225 Page 885 recorded in the Buncombe County Register of Deeds; thence with the western line in said deed South 15°02'35" East 84.57 feet to the Point of Beginning where the property line meets the building wall; thence with the face of the building wall South 5°29'12" East 20.41 feet to a point being 1.5 feet past the building corner; thence North 84°05'59" East 3.43 feet to the South-West corner of said deed; thence with western line of said deed North 15°02'35" West 20.68 feet to the Point of Beginning; being 35 square feet; bearings based on NAD83(NSRS2007), be permanently closed to public use as a street.

Read, approved and adopted this 8th day of June, 2010.

Magdalen Boulson  
City Clerk

Imy Bellan  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 10- 137

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY BY NORTH CAROLINA NON-WARRANTY DEED ANY AND ALL INTEREST, IF ANY; THE CITY HAS IN THE CLOSED PORTION OF FEDERAL ALLEY ADJACENT TO SWANANONA CLEANERS.

Whereas, pursuant to NCGS § 160A-299, cities may permanently close streets and alleys located within the city's jurisdiction; and

Whereas, the Asheville City Council on June 8, 2010 held a public hearing and permanently closed to public use a portion of Federal Alley located within the territorial jurisdiction of the City of Asheville, as more specifically set forth on the attached exhibit labeled "Attachment 2;" and

Whereas, in addition to the street closing, City staff recommend that the City relinquish any and all rights it may have, if any, as a fee simple owner to the closed portion of Federal Alley;

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

The City Manager is hereby authorized to convey by North Carolina Non-Warranty Deed any and all interest, if any, the City may continue to have in the closed portion of Federal Alley, as shown on Attachment 2, attached hereto and incorporated herein by reference, to Swannanoa Cleaners Inc.,

Read, approved and adopted this 8<sup>th</sup> day of June, 2010.

Magdalen Bureson  
City Clerk

Gregory Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk

**RESOLUTION 10- 138**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA,  
APPROVING AN INSTALLMENT FINANCING CONTRACT AND A DEED OF TRUST WITH RESPECT  
THERETO AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED  
MATTERS**

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*WHEREAS*, the City of Asheville, North Carolina (the "City") is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (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 financing contracts in order to finance the purchase 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 to secure repayment of the purchase price;

*WHEREAS*, the City Council of the City (the "City Council") has determined that it is in the best interest of the City to enter into a Financing Agreement and Deed of Trust (the "Contract") with Branch Banking and Trust Company (the "Bank") in order to pay the capital costs of the construction and equipping of a community center (the "Project") and create a security interest in the site of the Project and the improvements thereon;

*WHEREAS*, the Project will be owned and operated by the City;

*WHEREAS*, the City Council adopted a resolution on April 27, 2010 making certain findings with respect to the Project and the proposed financing therefor;

*WHEREAS*, the City Council conducted a public hearing on May 25, 2010 to receive public comments on the Project, the proposed financing and the Contract;

*WHEREAS*, the City has filed an application with the LGC for approval of the LGC with respect to the City entering into the Contract in an aggregate principal amount of not to exceed \$1,100,000;

*WHEREAS*, there have been made available to the City Council the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

*WHEREAS*, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

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

Section 1. **Ratification of Prior Actions.** All actions of the City, the City Manager, the City Attorney, the City Purchasing Director, the Finance Director and the Treasury Services Manager of the City and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. **Approval, Authorization and Execution of Contract.** The City hereby approves the Project 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 City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed \$1,100,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Finance Director and the Treasury Services Manager of the City and the City Clerk or their respective designees (each a "Designated Representative") are each authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is 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 as executed.

Section 3. **Further Actions.** Each Designated Representative is hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Contract, and the City Manager, the City Purchasing Director, the Finance Director and the Treasury Services Manager of the City are authorized and directed to proceed with the Project in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

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

Section 7. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. **Effective Date.** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 8th day of June, 2010.

Magdalen Boulson  
City Clerk

Angela Bellamy  
Mayor

APPROVED AS TO FORM:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

Resolution No. 10-139

RESOLUTION AUTHORIZING APPROVAL OF THE 2010 OUTSIDE AGENCY GRANTS

WHEREAS, 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:

Design Center	Coordinating community and design professional work on public infrastructure projects	\$ 4,000
Homeward Bound of Asheville-AHOPE	A HOPE Day Center outreach, intake and support for homeless persons on weekends.	\$ 20,000
Asheville Buncombe Community Relations Council	Fair Housing	\$ 50,000
Economic Development Coalition	Economic development services	\$ 40,000
Asheville Greenworks	Graffiti removal; tree planting	\$ 8,000

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 8th day of June, 2010.

Magdalen Boulson  
CITY CLERK

Jim Bellay  
MAYOR

Approved As To Form:  
[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

**RESOLUTION FOR LOCAL CAMPAIGN FINANCE REFORM OPTIONS**

**WHEREAS**, the cost of running for local office should be attainable to everyday citizens in any North Carolina community; and

**WHEREAS**, public financing programs that encourage small donations, voter participation, and voluntary spending limits are present at the federal and state level, including in North Carolina statewide judicial and executive branch elections; and

**WHEREAS**, public financing programs increase voter contact with candidates, and allow elections to be "voter-owned"; and

**WHEREAS**, the Town of Chapel Hill successfully implemented a public financing pilot in 2009, with participating candidates winning more votes than any of their non-participating opponents; and

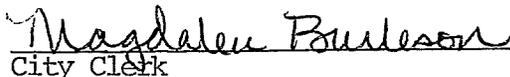
**WHEREAS**, a North Carolina city or town can only be implemented if State law is changed to give local governments the authority to pursue this option; and

**WHEREAS**, the North Carolina House of Representatives passed HOUSE BILL 120, AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS, during the 2009 session,

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Asheville calls upon the North Carolina General Assembly and Governor to enact legislation that gives large towns, like Asheville, the authority to sponsor a public financing program for their elections, using local resources, with technical assistance from the State Board of Elections.

**AND BE IT FURTHER RESOLVED THAT** such legislation should allow for the consideration of said financing by any qualifying municipality, but not mandate the implementation of such a plan.

Read, approved and adopted this 8th day of June, 2010.

  
City Clerk

  
Mayor

Approved as to form:

  
City Attorney

  
City Clerk

RESOLUTION NO. 10-141

RESOLUTION APPROVING THE TABLE OF USES FOR POST-CONSTRUCTION AQUATIC BUFFERS AS A GUIDELINE

WHEREAS, the Asheville City Council adopted new Stormwater and Erosion Control regulations of the Unified Development Ordinance, Section 7-12-2, on June 22, 2010; and

WHEREAS, while the NPDES Phase II buffer rules do not require an undisturbed post construction buffer, only that a 30-foot wide vegetative setback be provided, the City's newly adopted stormwater and erosion control regulations require that post construction buffers remain undisturbed as defined therein; and

WHEREAS, there is a need to remain flexible with the undisturbed post construction buffer while complying with its purpose and intent; and

WHEREAS, pursuant to 15A of the North Carolina Administrative Code, section 02B.0243, the North Carolina Environmental Management Commission adopted a Table of Uses for the protection and maintenance of existing riparian buffers along the Catawba River mainstream; and

WHEREAS, with some modifications to the Table of Uses adopted by the North Carolina Environmental Management Commission, City staff recommend that City Council adopt the attached Table of Uses to be used by the City's Engineering staff as a guideline in determining what uses in the post construction buffer are exempt from the buffer requirement, allowable with mitigation and prohibited; and

WHEREAS, the sole purpose of the Table of Uses is to serve as a guideline to the City's Engineering staff in determining post construction, what uses may or may not be made of the aquatic buffer; it is not intended and specifically do not apply to those activities specified as exempt under Section 7-12-2( a)(7) b and c of the newly adopted UDO Stormwater and Erosion Control Ordinance.

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

City Council hereby approve the attached Table of Uses for Post-Construction Aquatic Buffers as a guideline to the City of Asheville Engineering staff for allowing uses of areas designated as post construction aquatic buffers and their designation as exempt, allowable with mitigation, or prohibited.

Read, approved and adopted this the 8<sup>th</sup> of June 2010.

Magdalen Bourleson  
City Clerk

Tom Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

**TABLE OF USES FOR POST-CONSTRUCTION  
AQUATIC BUFFERS**

**GUIDELINES**

The following table sets out the uses of areas designated as post-construction aquatic buffers and their designation as exempt, allowable with mitigation, or prohibited. These exemptions do not apply to projects that are exempt in the Unified Development Ordinance, Stormwater and Erosion Control Ordinance Sections 7-12-2(a)(7)b. and c.

	Exempt from Buffer Requirements	Allowable with Mitigation <sup>1</sup>	Prohibited
Airport facilities: <ul style="list-style-type: none"> <li>• Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of aquatic buffer</li> <li>• Airport facilities that impact greater than 150 linear feet or one-third of an acre of aquatic buffer</li> </ul>		X  X	
Archeological activities	X		
Bridges		X	
Dam maintenance activities	X		
Drainage ditches, roadside ditches and stormwater outfalls through aquatic buffers: <ul style="list-style-type: none"> <li>• Existing drainage ditches, roadside ditches, and stormwater outfalls provided that they are managed to minimize the sediments, pollutants and other pollution that convey to waterbodies</li> <li>• New drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control pollutants and attenuate flow before the conveyance discharges through the aquatic buffer</li> <li>• New drainage ditches, roadside ditches and stormwater outfalls that do not provide control for pollutants before discharges through the aquatic buffer</li> </ul>	X	X	X

<sup>1</sup> Mitigation includes but is not limited to those mitigation measures as applicable, set forth in 15A NCAC 02B .0242, as amended from time to time, to include but not limited to providing on-site or off-site riparian buffer restoration, enhancement or preservation; payment of a compensatory mitigation fee to the City's Civil Penalty Mitigation Fund, limiting the degree or magnitude of the action, etc.

	Exempt from Buffer Requirements	Allowable with Mitigation	Prohibited
<ul style="list-style-type: none"> <li>Excavation of the streambed in order to bring it to the same elevation as the invert of a ditch</li> </ul>			X
Discharge of a pond in a natural drainage way provided that a new aquatic buffer is established adjacent to the new pond	X		
Driveway crossings of streams and other surface waters subject to this Rule: <ul style="list-style-type: none"> <li>Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of aquatic buffer</li> <li>Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of aquatic buffer</li> <li>In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of aquatic buffer</li> <li>In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of aquatic buffer</li> </ul>	X	X  X  X	
Fences provided that disturbance is minimized and installation does not result in the removal of forest vegetation	X		
Fertilizer application: <ul style="list-style-type: none"> <li>One-time fertilizer application to establish replanted vegetation</li> <li>Ongoing fertilizer application</li> </ul>	X		X
Grading and re-vegetation in outer most one-third of the aquatic buffer area only provided that diffuse flow and the health of existing vegetation in inner most two-thirds is not compromised and disturbed areas are stabilized	X		
	Exempt from Buffer Requirements	Allowable with Mitigation	Prohibited
Greenways / hiking trails that do not increase impervious area within the aquatic buffer	X		
Greenways/hiking trails that increase impervious area within the aquatic buffer but which utilize BMPs or other measures		X	

to minimize water quality impacts			
Historic preservation	X		
Landfills as defined in G.S. 130A-290			X
<p>Mining activities:</p> <ul style="list-style-type: none"> <li>• Mining activities that are covered by the Mining Act provided that new aquatic buffers are established adjacent to the relocated channels</li> <li>• Mining activities that are not covered by the Mining Act OR where new aquatic buffers are not established adjacent to the relocated channels</li> <li>• Wastewater or mining dewatering wells with approved NPDES permit</li> </ul>	X	X	X
<p>Non-electric utility lines:</p> <ul style="list-style-type: none"> <li>• Impacts other than perpendicular crossings in outer most one-third of the aquatic buffer only<sup>3</sup></li> <li>• Impacts other than perpendicular crossings in inner most two-thirds of the aquatic buffer<sup>3</sup></li> </ul>		X	X
<p>Non-electric utility line perpendicular crossing of streams and other surface waters:</p> <ul style="list-style-type: none"> <li>• Perpendicular crossings that disturb equal to or less than 40 feet of aquatic buffer with a maintenance corridor equal to or less than 10 feet in width</li> </ul>	X		
	Exempt from Buffer Requirements	Allowable with Mitigation	Prohibited
<ul style="list-style-type: none"> <li>• Perpendicular crossings that disturb equal to or less than 40 feet of aquatic buffer with a maintenance corridor greater than 10 feet in width</li> <li>• Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of aquatic buffer with a maintenance corridor equal to or less than 10 feet in width</li> <li>• Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of aquatic buffer with a maintenance corridor greater than 10 feet in width</li> </ul>		X	X

<ul style="list-style-type: none"> <li>Perpendicular crossings that disturb greater than 150 linear feet of aquatic buffer</li> </ul>		X	
On-site sanitary sewage systems – new ones that use ground absorption			X
Overhead electric utility lines <ul style="list-style-type: none"> <li>Impacts other than perpendicular crossings in outer most one-third of the aquatic buffer only<sup>3</sup></li> <li>Impacts other than perpendicular crossings in inner most two-thirds of the aquatic buffer<sup>1,2,3</sup></li> </ul>		X	
Overhead electric utility line perpendicular crossings of streams and other surface waters: <ul style="list-style-type: none"> <li>Perpendicular crossings that disturb equal to or less than 150 linear feet of aquatic buffer<sup>3</sup></li> <li>Perpendicular crossings that disturb greater than 150 linear feet of aquatic buffer<sup>1,2</sup></li> </ul>	X	X	
Periodic maintenance of modified natural streams such as canals and a grassed travelway on one side of the surface water when alternative forms of maintenance access are not practical		X	

<sup>1</sup> Provided that, in inner most two-thirds of the aquatic buffer, all of the following BMPs for overhead utility lines are used.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Rip rap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measurements shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

<sup>2</sup> Provided that poles or towers shall not be installed within 10 feet of a water body unless approved by Stormwater Administrator based upon no practical alternative.

<sup>3</sup> Perpendicular crossings are those that intersect the surface water at an angle between 75° and 105°.

	Exempt from Buffer Requirements	Allowable with Mitigation	Prohibited
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<p>Playground equipment:</p> <ul style="list-style-type: none"> <li>• Playground equipment on single family lots provided that installation and use does not result in removal of vegetation</li> <li>• Playground equipment installed on lands other than single-family lots or that requires removal of vegetation</li> </ul>	X	X	
<p>Ponds in natural drainage ways, excluding dry ponds:</p> <ul style="list-style-type: none"> <li>• New ponds provided that an aquatic buffer is established adjacent to the pond</li> <li>• New ponds where an aquatic buffer is NOT established adjacent to the pond</li> </ul>		X X	
	Exempt from Buffer Requirements	Allowable with Mitigation	Prohibited
Protection of existing structures, facilities and streambanks when this requires additional disturbance of the aquatic buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters		X	
<p>Railroad crossings of streams and other surface waters:</p> <ul style="list-style-type: none"> <li>• Railroad crossings that impact equal to or less than 40 linear feet of aquatic buffer</li> <li>• Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of aquatic buffer</li> <li>• Railroad crossings that impact greater than 150 linear feet or one-third of an acre of aquatic buffer</li> </ul>	X	X X	
Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored	X		
Road impacts other than crossings of streams and other surface waters		X	
<p>Road crossings of streams and other surface waters:</p> <ul style="list-style-type: none"> <li>• Road crossings that impact equal to or less than 40 linear feet of aquatic buffer</li> <li>• Road crossings that impact greater than 40 linear feet but equal to or less</li> </ul>	X	X	

<p>than 150 linear feet or one-third of an acre of aquatic buffer</p> <ul style="list-style-type: none"> <li>• Road crossings that impact greater than 150 linear feet or one-third of an acre of aquatic buffer</li> </ul>		X	
Scientific studies and stream gauging	X		
	Exempt from Buffer Requirements	Allowable with Mitigation	Prohibited
<p>Stormwater management ponds excluding dry ponds:</p> <ul style="list-style-type: none"> <li>• New stormwater management ponds provided that an aquatic buffer is established adjacent to the pond</li> <li>• New stormwater management ponds where an aquatic buffer is NOT established adjacent to the pond</li> </ul>		X	
Stream restoration	X		
Streambank stabilization		X	
<p>Temporary roads:</p> <ul style="list-style-type: none"> <li>• Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within six months of initial disturbance</li> <li>• Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months of initial disturbance</li> <li>• Temporary roads used for bridge construction or replacement provided that restoration activities, such as soil stabilization and re-vegetation, are conducted immediately after construction</li> </ul>	X	X	
<p>Temporary sediment and erosion control devices:</p> <ul style="list-style-type: none"> <li>• In outer most one-third of the aquatic buffer only provided that the vegetation in the inner most two-thirds of the aquatic buffer is not compromised and that discharge is released as diffuse flow</li> </ul>	X		

	Exempt from Buffer Requirements	Allowable with Mitigation	Prohibited
<ul style="list-style-type: none"> <li>In the aquatic buffer to control impacts associated with uses approved by the Stormwater Administrator or that have received a variance provided that sediment and erosion control for upland areas is addressed to the maximum extent practical outside the buffer</li> <li>In-stream temporary erosion and sediment control measures for work within a stream channel</li> </ul>	X	X	
Underground electric utility lines: <ul style="list-style-type: none"> <li>Impacts other than perpendicular crossings in outermost one-third of the aquatic buffer only<sup>3</sup></li> <li>Impacts other than perpendicular crossings in the inner-most two-thirds of the aquatic buffer<sup>3,4</sup></li> </ul>	X	X	
Underground electric utility line perpendicular crossings of streams and other surface waters: <ul style="list-style-type: none"> <li>Perpendicular crossings that disturb less than or equal to 40 linear feet of aquatic buffer</li> <li>Perpendicular crossings that disturb greater than 40 linear feet of aquatic buffer</li> </ul>	X	X	

<sup>4</sup> Provided that, in inner most two-thirds of the aquatic buffer, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Division.

- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench, where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measurements shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

	Exempt from Buffer Requirements	Allowable with Mitigation	Prohibited
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	Requirements		
<p>Vegetation management:</p> <ul style="list-style-type: none"> <li>• Emergency fire control measures provided that topography is restored</li> <li>• Periodic mowing and harvesting of plant products in the outer most one-third of the aquatic buffer only</li> <li>• Planting vegetation to enhance the aquatic buffer</li> <li>• Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised</li> <li>• Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life</li> <li>• Removal of poison ivy</li> <li>• Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 1998, Exotic Plant Guidelines. Department of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, N.C. Guideline #30</li> </ul>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>		
Water dependent structures as defined in 15A NCAC 2B .0202		X	
<p>Water supply reservoirs:</p> <ul style="list-style-type: none"> <li>• New reservoirs provided that an aquatic buffer is established adjacent to the reservoir</li> <li>• New reservoirs where an aquatic buffer is NOT established adjacent to the reservoir</li> </ul>		<p>X</p> <p>X</p>	
Water wells	X		
Wetland restoration	X		

RESOLUTION NO. 10-142

RESOLUTION APPOINTING A MEMBER TO THE WNC REGIONAL AIR QUALITY AGENCY

WHEREAS, the term of Mr. Loyd Kirk, member of the WNC Regional Air Quality Agency, expires on July 1, 2010;

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

Mr. Loyd Kirk, 866 Hendersonville Road, Asheville, N.C., be and he is hereby reappointed as a member of the WNC Regional Air Quality Agency, to serve an additional six year term, term to expire July 1, 2016, or until his successor has been appointed.

Read, approved and adopted this 8<sup>th</sup> day of June, 2010.

Magdalen Boulson  
CITY CLERK

Ann M Bellamy  
MAYOR

Approved as to form:

R. W. [Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 10-143

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE TRANSIT COMMISSION

WHEREAS, Hanna Raskin has resigned as a member of the Asheville Transit Commission, thus leaving an unexpired term until December 31, 2012;

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

Ms. Julie Mayfield, 109 Estes Court, Asheville, N.C., be and she is hereby appointed as a member of the Asheville Transit Commission to fill the unexpired term of Ms. Raskin, term to expire December 31, 2012, or until her successor has been appointed.

Read, approved and adopted this 8<sup>th</sup> day of June, 2010.

Magdalen Boulleson  
CITY CLERK

Mayor Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Boulleson  
City Clerk