

RESOLUTION NO. 10-80

RESOLUTION DIRECTING THE MAYOR TO CONVEY PROPERTY OFF OF SHORT STREET

---

WHEREAS, the City of Asheville owns certain property off of Short Street, being PIN 9649-11-8703-00000; and

WHEREAS, Resolution No. 10-59 of the City Council of the City of Asheville directed the City Clerk to advertise an offer to purchase for upset bids regarding property off Short Street; PIN 9649-11-8703-00000; and

WHEREAS, Notice of the intent of City Council to sell said property to BK Broadway Partners, LLC of Asheville in the amount of \$71,000 was duly published in the Asheville Citizen-Times on March 12, 2010; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids; and

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

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

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

The Mayor is hereby authorized to execute a deed of conveyance and all related documents, upon approval of the City Attorney, in order to convey to BK Broadway Partners, LLC, real property off Short Street, PIN 9649-11-8703 for the sum of \$71,000.

Read, approved and adopted this the 23<sup>rd</sup> day of March, 2010.

Magdalen Bourleson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

Map of PIN # 9649-11-8703-00000



RESOLUTION NO. 10- 81

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION OF PROPERTY LOCATED AT 97 AND 99 UNDERWOOD ROAD PURSUANT TO N.C.G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the petition has been signed by the owners of all the real property within the area described herein; and

WHEREAS, the City Clerk has investigated the sufficiency of the petition and has certified to the City Council the sufficiency thereof; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber on the Second Floor of the City Building at 5:00 PM on the 13<sup>th</sup> day of April, 2010.

Section 2. The area proposed for annexation is as described on Exhibit "A" attached hereto. A map of the same subject property is attached hereto as "Property Map".

Section 3. Notice of the public hearing shall be published in the Asheville Citizen-Times, a newspaper having general circulation in the City of Asheville, at least ten (10) days prior to the date of the public hearing.

Read, approved and adopted this 23<sup>rd</sup> day of May, 2010.

Magdalen Paulson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

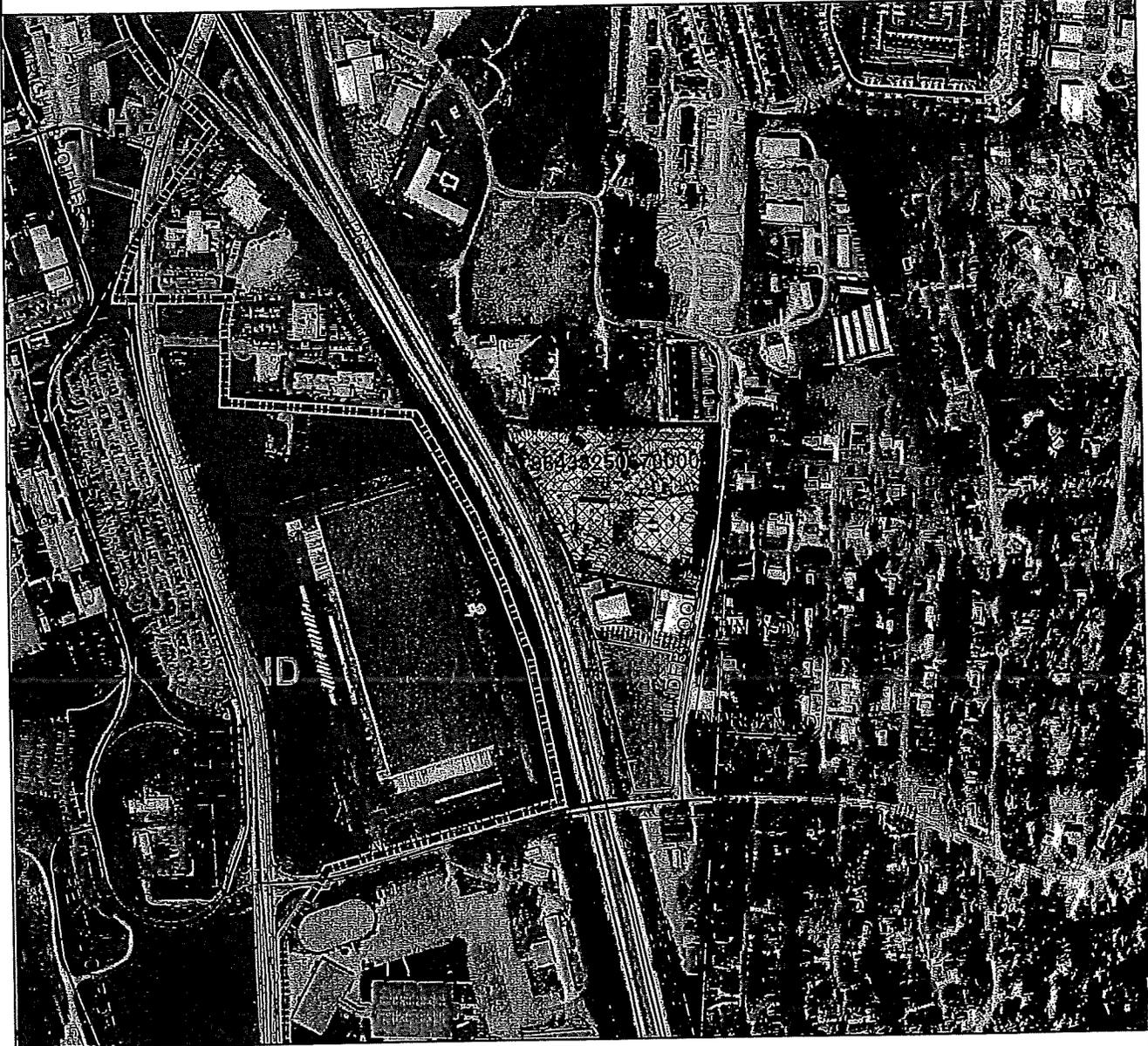
Magdalen Paulson  
City Clerk

**Exhibit A**  
**Property Description – PIN 9643-82-5057**

Being all that real property described in Deed Book 930 Page 147 less and excepting those tracts described in Deed Book 944 at Page 79, Deed Book 1352 at Page 53 (rerecorded in Deed Book 1358 (age 791) and Deed Book 1489 Page 34 all of the Buncombe County Registry, reference to which is hereby made for a more particular description.



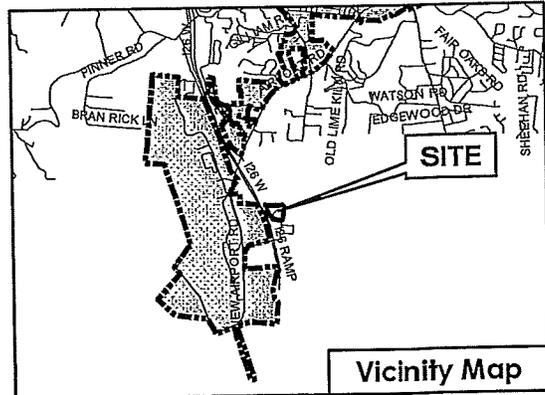
# City of Asheville - Property Map Voluntary Annexation



Project Number: A-10-04  
 Project Description: Petition Annexation  
 Petitioner(s): Larry Holbert and Ronnie Gray  
 Parcel ID Number(s): 9643-82-5057

Location/Address: 97 and 99 Underwood Road

- |  |   |   |
|--|---|---|
|  Project Site |  Zoning Districts      |  Streets |
|  Parcels      |  Asheville City Limits |  Streams |



RESOLUTION NO. 10-82

RESOLUTION STATING THE INTENT OF THE CITY OF ASHEVILLE, NORTH CAROLINA, TO CONSIDER ANNEXATION OF PROPERTY LOCATED AT 411 DEAVERVIEW ROAD AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION PURSUANT TO N.C.G.S. 160A-31(g)

---

WHEREAS, Part 1 of Article 4A of Chapter 160A of the North Carolina General Statutes authorizes annexation by a municipality of contiguous property owned by the municipality; and

WHEREAS, N. C. Gen. Stat. sec. 160A-31(g) sets out the procedure for such an annexation; and

WHEREAS, N. C. Gen. Stat. sec. 160A-31(g) provides that any municipal governing board desiring to annex territory under the provisions of this section 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 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 a property located at 411 Deaverview Road, currently owned by the City of Asheville, 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 Section 160A-31(g) of the North Carolina General Statutes. Exhibits A and A-1 are attached hereto and are incorporated by reference.

Section 2. A public hearing on the question of annexation of the area described herein will be held in the Council Chambers on the Second Floor of the City Building at 5:00 PM on the 13<sup>th</sup> day of April, 2010.

Section 3. Notice of the public hearing shall be published in the Asheville Citizen-Times, a news paper.

Read, approved and adopted this 23<sup>rd</sup> day of March, 2010.

Magdalen Baulson  
City Clerk

Tom Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

**Exhibit "A"**

All that certain piece, parcel, or lot of land, situate, lying and being in Buncombe County, North Carolina, and bounded and more particularly described as follows:

*Tract III: Supplemental Tract, Deed Book 4202, Page 194.*

*Lying in Hazel Township, Buncombe County, North Carolina, being the same real property described in the deed recorded in Buncombe County Book 1064 at page 123, and being more particularly described as follows: Beginning at a stake in the western margin of a twelve foot (12') road (the "Road") which leads to Deaverview Road, said stake being the northeast corner of the Sunrise Baptist Church lot described in the deed recorded in Buncombe County Book 826 at page 151; and running thence with the north line of said Church lot and the old fence line, North 81 deg. 29 min. West 145.1 feet to an iron pin in the line of the other property of Villas at Cedar Hill, LLC; thence with said line North 3 deg. 30 min. East 555 feet to a stake in the center of Smith Mill Creek and in the southern line of the Chesick property; thence with Chesick's lines, North 87 deg. 20 min. 31 sec. East 110 feet to a point, South 82 deg. 34 min. 44 sec. East 140.74 feet to a rod (formerly a stake in an old fence line); thence with the old fence line, South 6 deg. 59 min. West (not South 65 deg. 9 min. West, as incorrectly stated in the deed recorded in Buncombe County Book 1064 at Page 123) 651.33 feet to an old hub; thence South 82 deg. 51 min. West 180 feet to a post in the eastern margin of a ten foot (10') right of way; thence with the eastern margin of said right of way, South 3 deg. 30 min. West 122 feet to a post; thence South 76 deg. 30 min. West 25 feet to a stake in the western margin of the Road; thence North 32 deg. 30 min. West 40 feet to an iron; thence North 14 deg. 30 min. West 153 feet to an iron pin; thence North 2 deg. West 26.5 feet to the beginning. Together with a twelve foot (12') right of way extending from the southernmost point of the above mentioned tract to Deaverview Road for utility, pedestrian and vehicular ingress, egress and regress to and from the above described tract and Deaverview Road. [Note- Chesick's lines from the Timothy D. Turner plat attached to the easement in Book 3711 at page 677.] Being all of that property described in Deed of Trust Book 3993, page 802-806.*

*Being that property described in Supplemental Deed of Trust, Deed Book 4202, Page 194.*



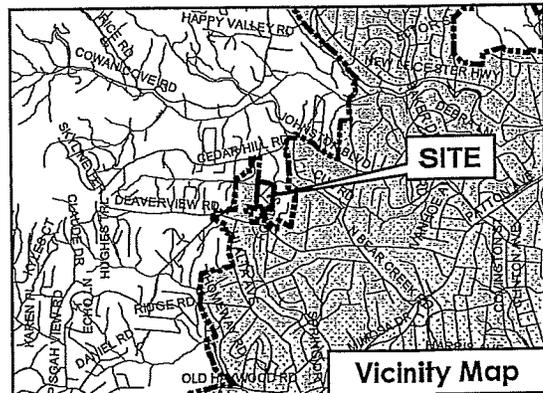
# City of Asheville Exhibit A-1 Map



Project Number: A-10-03  
 Project Description: Voluntary Annexation  
 Owner: City of Asheville  
 Parcel ID Number(s): 9628-27-4164

Location/Address: 411 Deaver View Road

-  Project Site
-  Zoning Districts
-  Streets
-  Parcels
-  Asheville City Limits
-  Streams



RESOLUTION NO. 10-83

RESOLUTION OF SUPPORT TO BECOME A TARGET CITY FOR THE GOOGLE FIBER FOR COMMUNITIES FIBER-TO-THE-HOME PROJECT

WHEREAS, the Asheville area is a diverse and vibrant urban community comprised of artists, musicians and filmmakers, brewers, entrepreneurs and small-business people, educators, faith leaders, outdoor enthusiasts, students and retirees, techies and non-techies; and

WHEREAS, the Asheville area has developed a grass roots collaborative effort to educate and convince Google to make our community home of one of the fastest high-speed broadband networks in the nation; and

WHEREAS, on February 10, 2010, Google, Inc., announced that it was launching a project to build and test ultra-high speed broadband networks in a small number of trial locations across the country; and

WHEREAS, this network would offer speeds of one gigabyte per second and would be modeled on a fiber optic connection directly to the home; and

WHEREAS, responding to the Google RFI has been identified as a priority by thousands of Asheville area residents, businesses & institutions and provides an opportunity for engagement and participation from members all across the broad spectrum of Asheville community stakeholders; and

WHEREAS, Asheville is the best possible candidate for the Google Fiber for Communities program and would benefit significantly from this opportunity; and

WHEREAS, the large cross section of the community has evaluated the Google RFP and has determined that Asheville's size, community cross-section, and business cross-section are ideal for participation in this project and that Asheville will greatly benefit as a test community for Google while Google will receive invaluable feedback from citizens of Asheville;

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

That the City Manager is directed to complete and submit the City of Asheville's response to the Google Fiber for Communities Request for Information.

BE IT FURTHER RESOLVED THAT:

1:30 p.m. on Thursday, March 25 be proclaimed a "Google Moment" and that all citizens, including our school children, employees, and business leaders, pause and fill out a community application in an effort to make Asheville the home of the Google Fiber Initiative.

Read, approved and adopted this 23<sup>rd</sup> day of March, 2010.

Magdalena Paulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalena Paulson  
City Clerk

RESOLUTION NO. 10-84

## RESOLUTION IN SUPPORT FOR GREEN OPPORTUNITIES, INC., PROPOSAL FOR GREEN JOBS TRAINING PILOT AWARD

WHEREAS, Green Opportunities, Inc., is a local nonprofit business dedicated to building a strong and green economy in Western North Carolina; and

WHEREAS, as part of its mission, Green Opportunities, Inc., operates a job training program for young adults in the Asheville area; and

WHEREAS, Green Opportunities and the City of Asheville have worked together since the Fall of 2008 to administer grant funded programs whereby Green Opportunities has placed young adults in well paying, green jobs, and its work enjoys substantial support throughout the community; and

WHEREAS, Green Opportunities has made a proposal to the U.S. Congress of Mayors/Wal-Mart Foundation for a Green Jobs Training Initiative Pilot Award, and seeks the City's support for said proposal;

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

- (1) The City supports and endorses the proposal of Green Opportunities, Inc., for the Green Jobs Training Initiative Pilot Award by the U.S. Congress of Mayors/Wal-Mart Foundation; and
- (2) The City Clerk is hereby directed to transmit a certified copy of this Resolution to Green Opportunities, Inc., for use and support of its proposal.

Read, approved and adopted this the 23<sup>rd</sup> day of March, 2010.

Magdalen Bourleson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 10- 85

RESOLUTION AFFIRMING CONTINUED SUPPORT OF THE WESTERN NORTH CAROLINA PASSENGER RAIL INITIATIVE

Whereas, the North Carolina Department of Transportation has analyzed and recommended extension of intercity passenger service to connect Western North Carolina via Salisbury to Asheville; and

Whereas, the City of Asheville desires to continue a partnership with cities along the proposed WNC Passenger Rail Corridor and with the North Carolina Department of Transportation, Rail Division, and

Whereas, the City of Asheville finds that the intent of the Passenger Rail initiative aligns with adopted City goals and plans;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville continues to support the North Carolina Department of Transportation, Rail Division, and the Western North Carolina Corridor Committee in the active pursuit of the Western North Carolina Passenger Rail Initiative.

Read, approved and adopted this 23<sup>rd</sup> day of March, 2010

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 10-86

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO JOIN THE MUNICIPAL ENVIRONMENTAL ASSESSMENT COALITION, AND PARTICIPATE IN OBTAINING A STUDY OF PROPOSED WATER QUALITY STANDARDS

---

WHEREAS, pursuant to N.C.G.S. 160A-20.1, the City may enter into contracts for the performance of any public purpose that the City is authorized by law to engage in; and

WHEREAS, the City may be affected by proposed revisions to State water quality standards; and

WHEREAS, the North Carolina League of Municipalities has requested that the City participate with other North Carolina cities in an organization known as the Municipal Environmental Assessment Coalition (MEAC), and participate in obtaining an engineering analysis regarding the proposed water quality standards; and

WHEREAS, the City Council determines that it is in the public interest to participate in the MEAC, and to obtain the engineering analysis; and

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

- (1) The City may become a member of the MEAC and may participate with other cities in North Carolina in obtaining an engineering analysis regarding proposed water quality standards.
- (2) The Mayor be and is hereby authorized to execute such documents as may be necessary to effectuate this Resolution, subject to approval by the City Attorney.

Read, approved and adopted this the 23<sup>rd</sup> day of March, 2010.

Magdalena Bourleson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalena Bourleson  
City Clerk

RESOLUTION NO. 10-87

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE WNC COMMUNITY MEDIA CENTER FOR THE MANAGEMENT OF PUBLIC ACCESS FOR A PERIOD OF ONE YEAR.

---

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 has the authority to pursuant to Article 42 of NCGA Chapter 66 to provide for public access channels; and

WHEREAS, the City has supported a local public access channel since November 2004; and

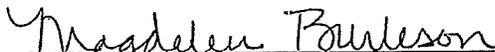
WHEREAS, the existing agreement with the WNC Community Media Center for the management of the public access channel expires April 26, 2010; and

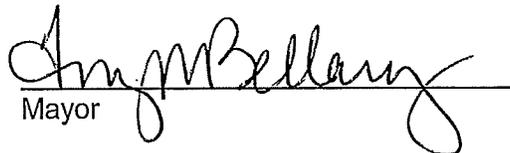
WHEREAS, the City Council wishes to extend the management agreement with the WNC Community Media Center to ensure the continuation of a public access cable channel and media center for the public;

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

The Mayor is hereby authorized to sign the Public Access Management Agreement between the City of Asheville and WNC Community Media Center.

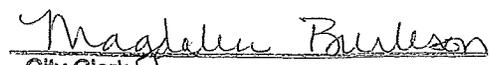
Read, approved and adopted this 23rd day of March, 2010.

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

  
\_\_\_\_\_  
Mayor

Approved as to form:

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

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

RESOLUTION NO. 10-88

RESOLUTION AUTHORIZING THE LAYOUT OF THE BELE CHERE FESTIVAL

---

WHEREAS, the City has the power to regulate the use of public streets and to close any street temporarily pursuant to N.C.G.S 160A-296; and

WHEREAS, the Bele Chere Festival requires downtown streets to be closed prior to and during the three-day event; and

WHEREAS, as downtown Asheville continues to develop, adjustments to the festival layout are necessary. The map attached hereto as Exhibit A, shows the streets that will have festival activities (indicated in orange) as well as street closings (indicated in red); and

WHEREAS, staff developed the festival layout and has been approved by representatives from the Asheville Fire and Police Departments; and

WHEREAS, the layout was reviewed by the Bele Chere Board on October 7, 2009, and by the Recreation Board on January 11, 2010. Both boards recommend the layout.

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

The attached layout of the Bele Chere Festival is approved.

Read, approved and adopted this the 23<sup>rd</sup> day of March, 2010.

Magdalen Burlison  
City Clerk

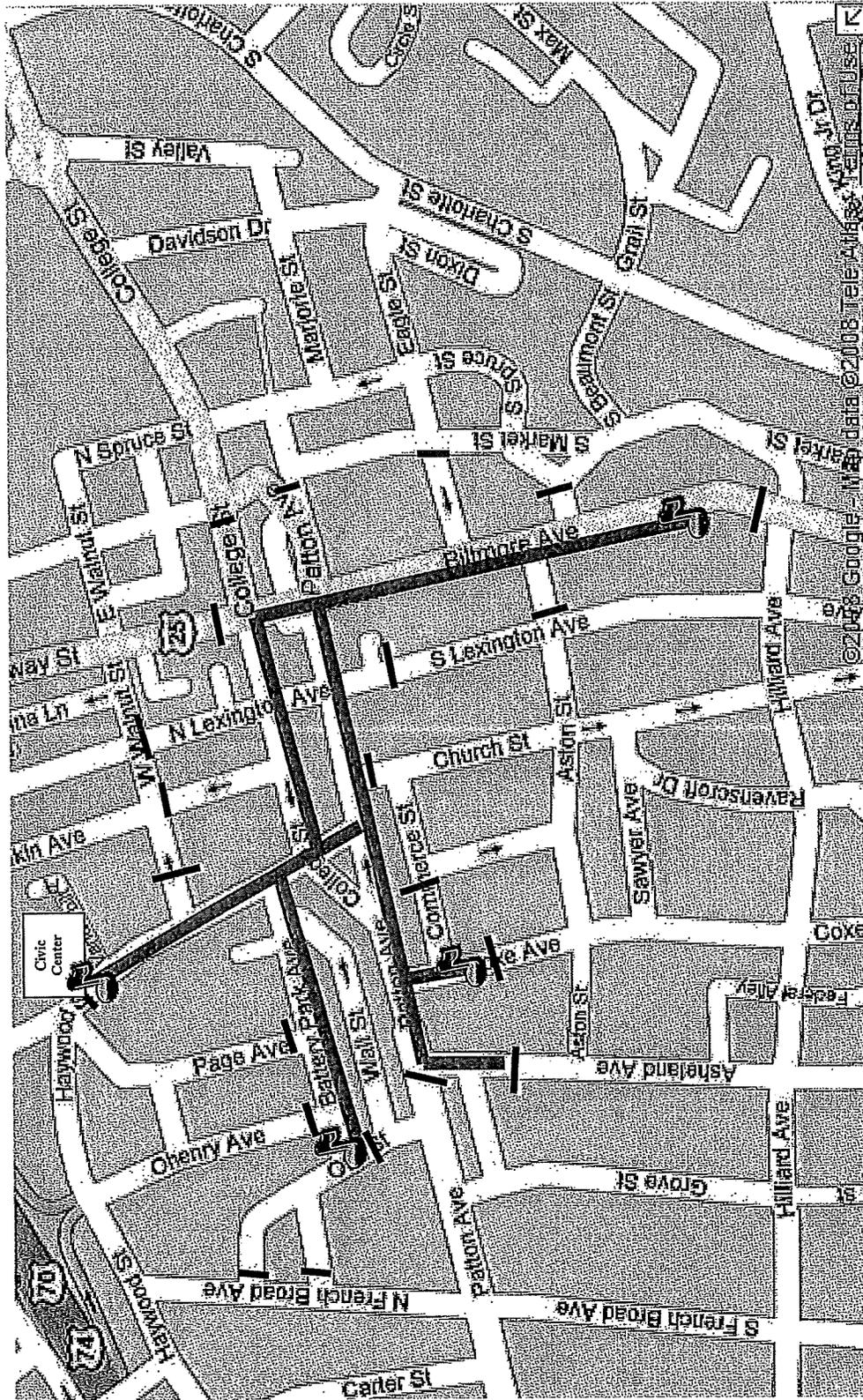
Angela Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

Bele Chere Festival  
Proposed Layout and Street Closings



- Key:
- DOT Roads
  - Programmed Streets
  - Barricades
  - Stages

## RESOLUTION NO. 10-89

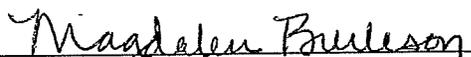
RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART BOARD

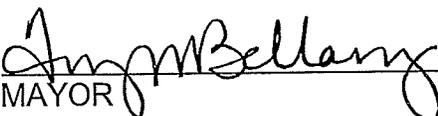
WHEREAS, Ms. Jenny Bowen has resigned as a member of the Public Art Board, thus leaving an unexpired term until December 31, 2011;

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

Ms. Honor Moor, 604 Old Toll Road, Asheville, N.C., be and she is hereby appointed a member of the Public Art Board to fill the unexpired term of Ms. Bowen, term to expire December 31, 2011, or until her successor has been appointed.

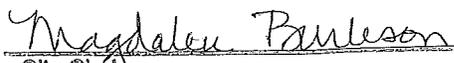
Read, approved and adopted this 23<sup>rd</sup> day of March, 2010.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk