

RESOLUTION NO. 13- 61

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COOPER CONSTRUCTION COMPANY, INC., FOR THE GROVEMONT & SCENIC VIEW NEIGHBORHOOD WATER LINE REPLACEMENTS

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 Grovemont & Scenic View Neighborhood Water Line Replacements; and

WHEREAS, Cooper Construction Company, Inc., of Arden, NC was the lowest responsible bidder for the Project, in the amount of \$2,475,027.50 with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of: approximately 40,000 linear feet of 8-inch & 6-inch ductile iron pipe, a limited amount of 2-inch copper pipe and other work and materials required in order to complete the project; and

WHEREAS, the bids have been reviewed by the Water Resources Department, Michael Baker Engineering, Inc 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 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.
2. The City Manager is hereby authorized to execute the contract with Cooper Construction Company, Inc., for the bid amount of \$2,475,027.50. A 15% contingency amount of \$371,254.13 is added to the project for a total of \$2,846,281.63 for the Grovemont & Scenic View Neighborhood Water Line Replacements 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 9<sup>th</sup> day of April 2013.

Magdalen Burlington  
City Clerk

Ann Bellay  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlington  
City Clerk

## Exhibit A

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Bid Tabulation for the Grovemont & Scenic View Neighborhood Water Line Replacements

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Buchanan and Sons, Inc  
PO Box 123  
Whittier, NC 28789  
**Total Bid: \$ 3,909,675.00**

Buckeye Construction Company, Inc.  
654 Buckeye Cove Rd,  
Canton, NC 28716  
**Total Bid: \$ 3,169,636.00**

Cooper Construction Company, Inc.  
761 S Allen Rd  
Flat Rock, NC 28731  
**Total Bid: \$ 2,475,027.50**

T&K Utilities, Inc  
204 Charlotte Hwy  
Asheville, NC 28803  
**Total Bid: \$ 3,098,645.00**

RESOLUTION NO. 13-62

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN A CONTRACT WITH BREKFORD INC FOR PARKING CITATION MANAGEMENT SYSTEMS

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WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, parking citation management services are needed in the City's parking enforcement program; and

WHEREAS, the amount of the contract is \$200,000.00 for three years two months and the monies have been budgeted in the Transportation Department's Operating Budget for FY 2012-13; and

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Brekford, Inc, for \$200,000.00 over three years, two months, not to exceed \$60,000.00 per fiscal year for parking citation management services in the City parking enforcement program and further authorized to execute any change orders to said contract or documents which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 9th day of April 2013.

Magdalen Bouleson  
City Clerk

Ing Bellan  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bouleson  
City Clerk

RESOLUTION NO. 13-63

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER A CHANGE ORDER IN CONTRACT WITH ASHEVILLE STAFFING, INC FOR TEMPORARY SERVICES IN THE CITY PARKING GARAGES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, TEMPORARY services are needed in the City parking garages; and

WHEREAS, the amount of the contract is \$89,000.00 for one year and the monies have been budgeted in the Transportation Department's Operating Budget for FY 2012-13; and

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

The City Manager is hereby authorized to enter into a change order in a contract on behalf of the City of Asheville with Asheville Staffing, Inc, not to exceed \$130,000.00 per fiscal year for temporary services in the City parking garages.

Read, approved and adopted this the 9th day of April 2013.

Magdalen Boulson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

Will Jarr  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 13- 64

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND  
CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT  
ASHEVILLE EARTH DAY ON THE DATE OF SATURDAY, APRIL 20, 2013  
FROM 12:00 PM – 10:00 PM

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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 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 Asheville Earth Day.

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 Earth Day event area, as set forth on Exhibit A, attached.

The Asheville Earth Day event area is within the boundaries of the 100 block of Lexington Avenue extending within the metered parking lot located at the I-240 underpass.

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 Asheville Earth Day on Saturday, April 20, 2013 from 12:00 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 Asheville Earth Day 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 Earth Day 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 Asheville Earth Day, 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 9th day of April, 2013.

Margaret Boulson  
City Clerk

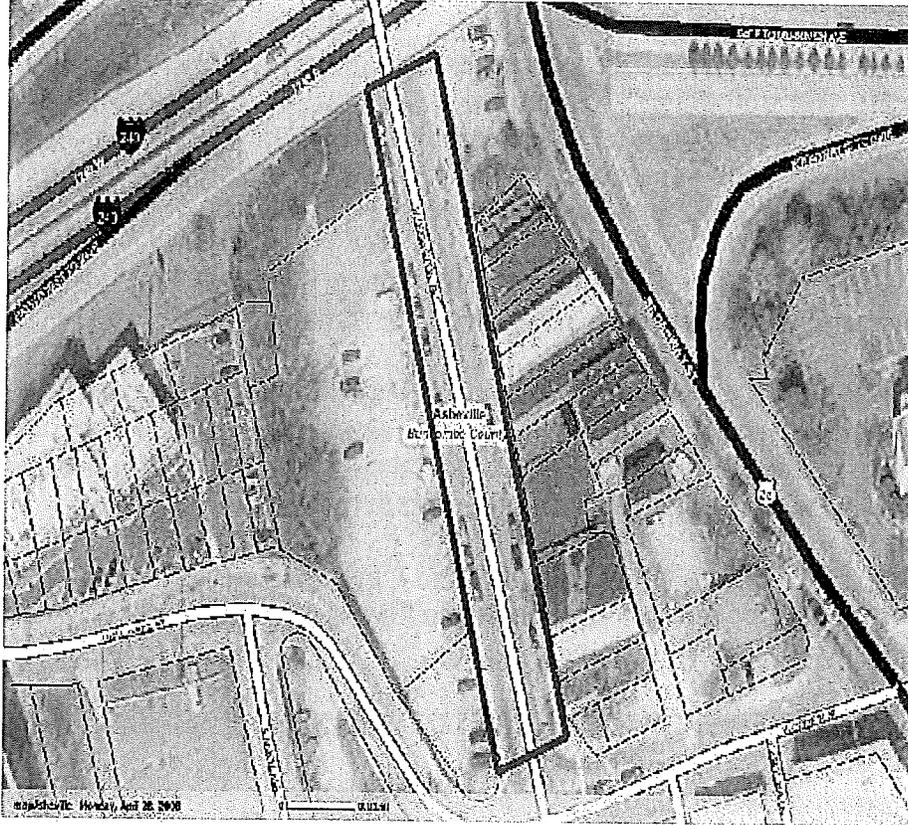
Jim Bales  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margaret Boulson  
City Clerk

Exhibit A



**Lexington Avenue (100 Block)**

RESOLUTION NO. 13- 65

## RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG LOVE FEST ON THE DATE OF SUNDAY, MAY 5, 2013 FROM 12:00 PM – 8:00 PM

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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 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 Big Love Fest.

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 Big Love Fest event area, as set forth in Exhibit A, attached.

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

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Big Love Fest on Sunday May 5, 2013 from 12:00 p.m. – 8:00 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 Big Love Fest 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 Big Love Fest 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 Big Love Fest, 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 9th day of April, 2013.

Magdalen Boulison  
 City Clerk

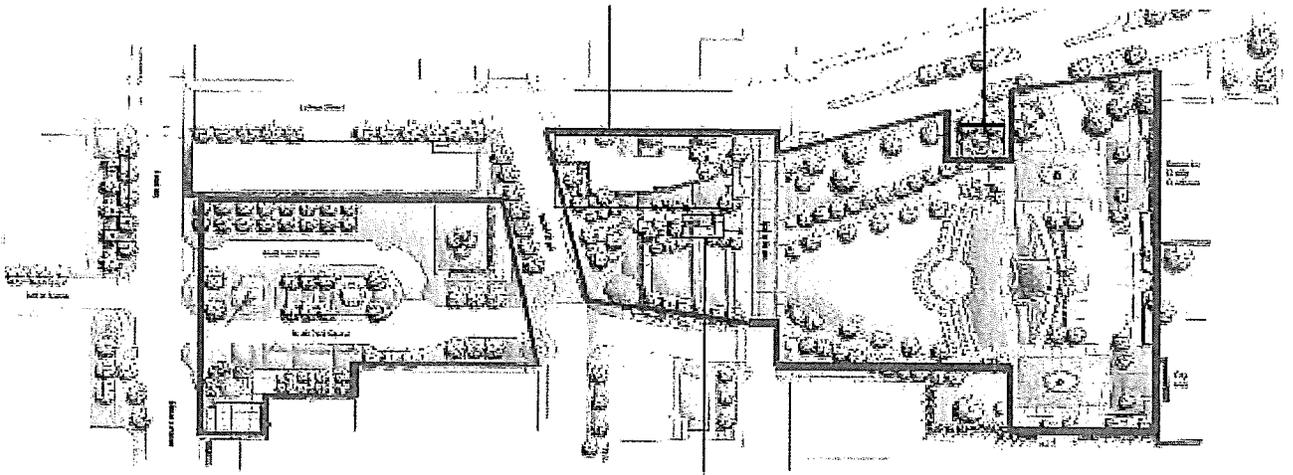
Shirley Bellan  
 Mayor

Approved as to form:

Burdett  
 City Attorney

Magdalen Boulison  
 City Clerk

Exhibit A



**Alcohol Area**

RESOLUTION NO. 13- 66

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAY, MAY 17, JUNE 21, JULY 19, AUGUST 16 & SEPTEMBER 20, 2013 FROM 5:00 PM – 9:00 PM

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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 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 Downtown After 5.

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 Downtown After 5 event area, as set forth in Exhibit A, attached.

The Downtown After 5 event area is within the boundaries of the 100 block of Lexington Avenue extending within the metered parking lot located at the I-240 underpass.

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 Downtown After 5 on Friday, May 17, June 21, July 19, August 16 & September 20, 2013 from 5:00 PM – 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 Downtown After 5 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 Downtown After 5 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 Downtown After 5, 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 9th day of April, 2013.

Magdalen Paulson  
 City Clerk

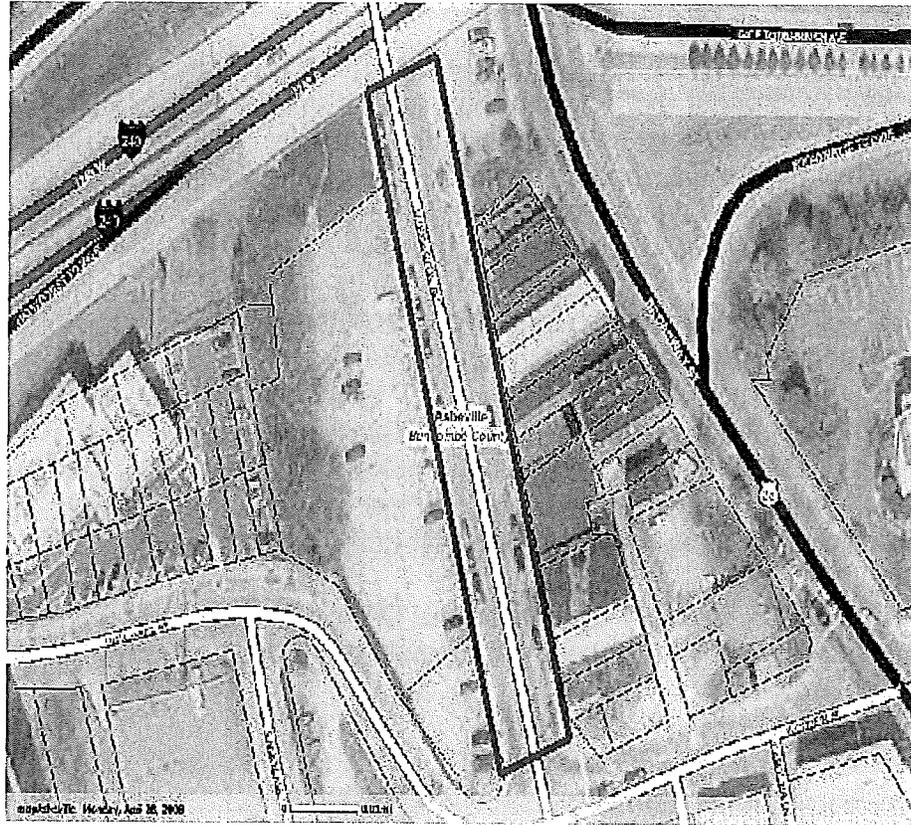
Greg Bellamy  
 Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalen Paulson  
 City Clerk

EXHIBIT A



**Lexington Avenue (100 Block)**

RESOLUTION NO. 13- 67RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND  
CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT  
THE BEER CITY FESTIVAL ON THE DATE OF JUNE 1, 2013 FROM 12:00 PM  
– 6:00 PM

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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 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 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 Beer City Festival event area, as set forth in Exhibit A, attached.

The Beer City Festival event area is within the boundaries of Pack Square Park's Roger McGuire Green, Spruce Street between the intersections of South Pack Square & College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Festival on Saturday, June 1, 2013 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 Beer City 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 Beer City 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 Beer City 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 9th day of April, 2013.

Magdalen Baulson  
City Clerk

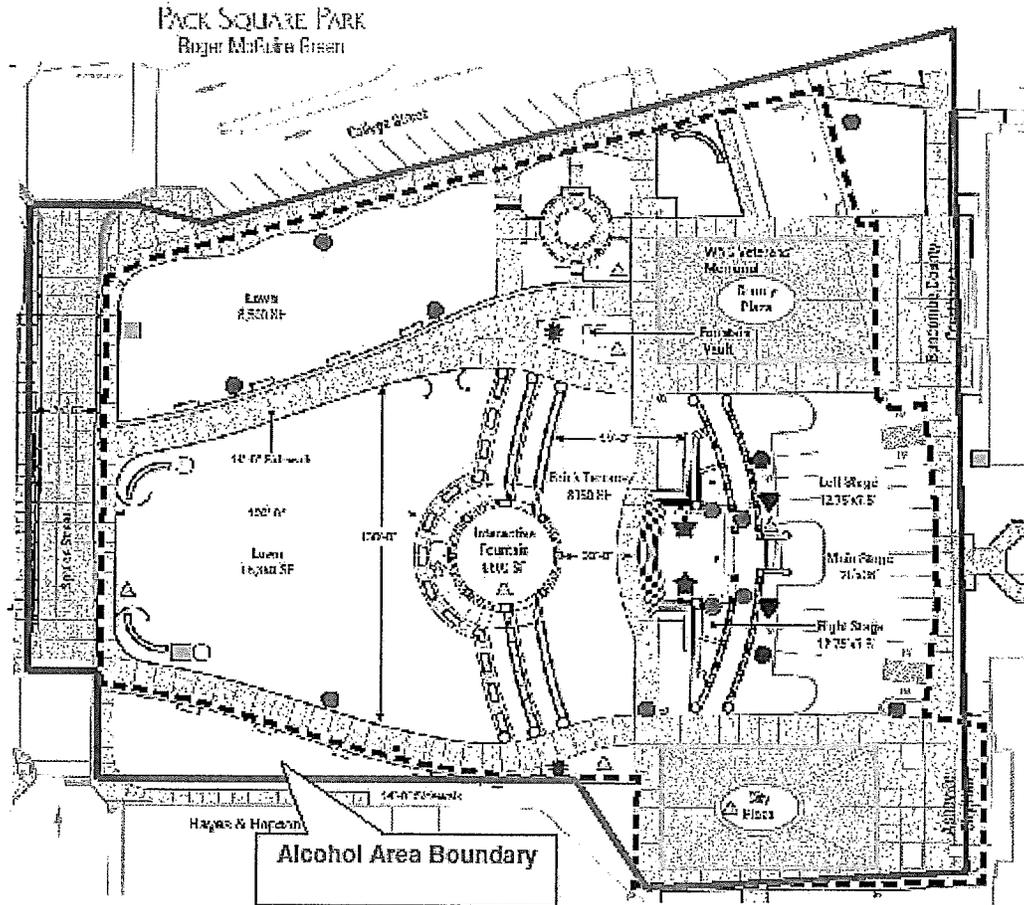
Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

EXHIBIT A



RESOLUTION NO. 13- 68

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND  
CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT  
THE MOUNTAIN SAFARI ON THE DATE OF JUNE 8, 2013 FROM 5:30 PM –  
9:30 PM

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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 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 Mountain Safari.

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

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

The Mountain Safari event area is within the boundaries of the WNC Nature Center facility.

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 Mountain Safari on Saturday, June 8, 2013 from 5:30 PM – 9:30 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 Mountain Safari event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Safari 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 Mountain Safari, 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 9th day of April, 2013.

Magdalen Boulson  
 City Clerk

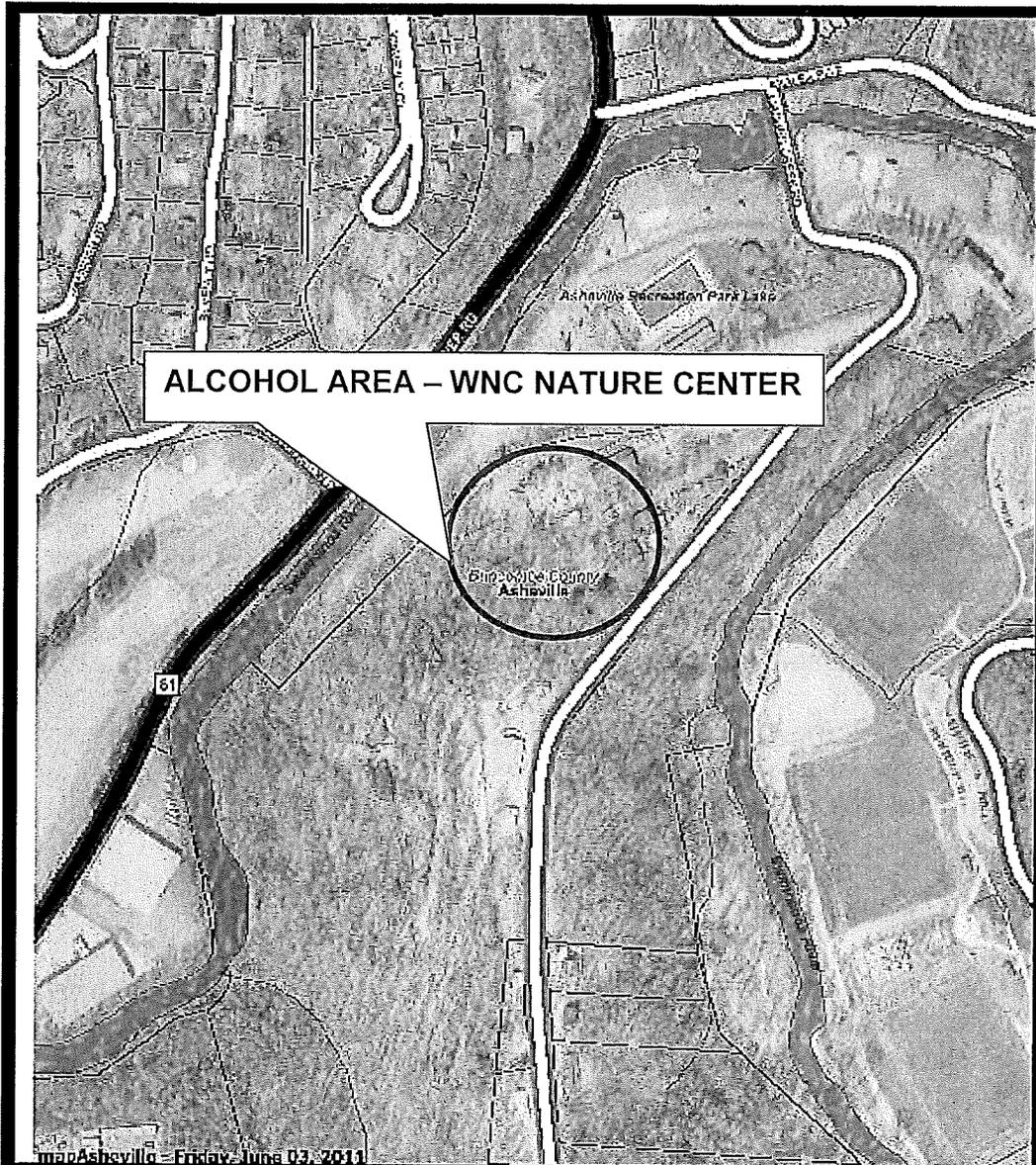
Jim Bellamy  
 Mayor

Approved as to form:

Andrew  
 City Attorney

Magdalen Boulson  
 City Clerk

EXHIBIT A



mapAsheville - Standard GIS

MapAsheville is the City of Asheville's online, interactive, GIS data and information system. The City of Asheville's GIS data is derived from various sources and is not intended for use in any other manner. The City of Asheville's GIS data is not intended for use in any other manner. The City of Asheville's GIS data is not intended for use in any other manner.

MapAsheville is the City of Asheville's online, interactive, GIS data and information system. The City of Asheville's GIS data is derived from various sources and is not intended for use in any other manner. The City of Asheville's GIS data is not intended for use in any other manner.



RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND  
CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT  
THE FRENCH BROAD CYCLING CLASSIC ON THE DATE OF JULY 21, 2013  
FROM 12:00 PM – 6:00 PM

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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 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 French Broad Cycling Classic.

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 French Broad Cycling Classic event area, as set forth in Exhibit A, attached.

The French Broad Cycling Classic event area is within designated segments of Thetford Street, Town Square Boulevard, Schenck Parkway, Dearborn Street, and Schenck Crescent.

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 French Broad Cycling Classic on Sunday, July 21, 2013 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 French Broad Cycling Classic 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 French Broad Cycling Classic 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 French Broad Cycling Classic, 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 9th day of April, 2013.

Magdalen Boulison  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulison  
City Clerk



RESOLUTION NO. 13- 70

## RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SEPTEMBER 1, 2013 FROM 12:00 PM – 11:00 PM

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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 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, as set forth in Exhibit A, attached.

The Beer City Cup event area is within the boundaries of Memorial Stadium facility.

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 1, 2013 from 12:00 PM – 11:00 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 9th day of April, 2013.

Magdalen Bouleson  
 City Clerk

Jim Bellamy  
 Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalen Bouleson  
 City Clerk

EXHIBIT A



Memorial Stadium

RESOLUTION NO. 13-71

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CDM SMITH FOR ENGINEERING AND DESIGN SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT (RADTIP)

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on February 22, 2011, the City Council approved the Cooperative Agreement with the Federal Transportation Administration for the use of TIGER II Planning Grant funds, including the allocation of funds for the RADTIP; and

WHEREAS, City Council directed staff to continue steps toward implementation of the RADTIP;

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 with CDM Smith for an amount not to exceed \$100,000 for the River Arts District Transportation Improvement Project engineering and design services 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 9<sup>th</sup> day of April, 2013.

Magdalen Boulson  
City Clerk

Shirley Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 13- 72

RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF NCAA COMPETITION BASKETBALL COURT AT THE U.S. CELLULAR CENTER FROM PRATERS FLOORING

WHEREAS, N.C.G.S. 143-129 details the procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129(e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when "(vi) performance or price competition for a product or not available or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, staff research finds that Praters Floors is the only provider of 'one time use' basketball floors;

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

City Council hereby authorizes the purchase of Basketball Floors from Praters Flooring as permitted under N.C.G.S. 143-129(e)(6) for equipment standardization.

Read, approved, and adopted this 9th day of April, 2013

Magdalen Baulleson  
CITY CLERK

Chris M. Bell  
MAYOR

APPROVED AS TO FORM:

[Signature]  
CITY ATTORNEY

Magdalen Baulleson  
City Clerk

RESOLUTION NO. 13-73

RESOLUTION AMENDING THE 2013 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:

1. A City Council budget worksession will be held on April 23, 2013, in the First Floor North Conference Room of City Hall at 3:00 p.m.
2. The City Council special meeting on April 30, 2013, at 3:30 p.m. in the First Floor North Conference Room of City Hall to receive the Charlotte Street Comprehensive Traffic Study Report has been cancelled.
3. The City Council community meeting on April 30, 2013, has been cancelled.
4. A community meeting will be held on Thursday, April 18, 2013, at 6:00 p.m. in the south area.

Read, approved and adopted this 9th day of April, 2013.

Magdalen Boulton  
CITY CLERK

Greg Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Boulton  
CITY CLERK

## RESOLUTION NO. 13-74

RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND (PARTF)

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WHEREAS, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

WHEREAS, The Parks and Recreation Trust Fund (PARTF) was established with bi-partisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

WHEREAS, since its inception The Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

WHEREAS, North Carolina's population has grown to make it the 10<sup>th</sup> most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

WHEREAS, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

WHEREAS, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

WHEREAS, The Parks & Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

WHEREAS, The Parks & Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

WHEREAS, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

WHEREAS, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

WHEREAS, dedicated, recurring funding of the Parks & Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

WHEREAS, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability;

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

The City Council calls on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

A copy of this resolution be sent to each of the members of the General Assembly representing the people of the City of Asheville and the North Carolina Recreation and Park Association.

Read, approved and adopted this 9th day of April, 2013.

Magdalen Bourleson  
City Clerk

Jim Ballantyne  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 13- 75

RESOLUTION TO ACCEPT US ECONOMIC DEVELOPMENT ADMINISTRATION GRANT  
AWARD FOR PUBLIC WORKS ASSISTANCE

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WHEREAS, the City has authority pursuant to N.C.G.S. sec. 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, On June 12, 2012, the City of Asheville City Council authorized the execution of a Memorandum of Understanding with New Belgium Brewing which included the representation that the city would pursue funding partnerships to include grant applications to the US EDA that could support infrastructure improvement needs for their economic development project; and

WHEREAS, the City was successful in its application, being offered an award of \$1,122,401 of US Economic Development Administration Public Works Assistance Funds of on March 28, 2013 by the US Department of Commerce; and

WHEREAS, the scope of work supported with these funds meets City Strategic Goals; and

WHEREAS, City of Asheville City Council wishes to accept these funds and proceed in a timely manner with the body of work agreed to as outlined in the Memorandum of Understanding signed and notarized the 17<sup>th</sup> of September 2012;

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

The Mayor is authorized to sign the US Economic Development Administration award offer letter and the City Manager is authorized to execute all documents necessary to accept the award of a US EDA Grant in the amount of \$1,122,401.

Read, approved and adopted this 9th day of April, 2013

Magdalen Burkson  
CITY CLERK

Jim Bellamy  
MAYOR

Approved As To Form:

[Signature]  
CITY ATTORNEY

Magdalen Burkson  
City Clerk

RESOLUTION NO. 13- 76

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BRANTLEY CONSTRUCTION CO., LLC FOR ADDITIONAL WORK TO BE INCLUDED IN PHASE III OF THE RENOVATIONS TO THE US CELLULAR CENTER; AND TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BETSCH ASSOCIATES/CLARK NEXEN FOR CONTINUED DESIGN SERVICES

WHEREAS, the City Council approved a contract with Brantley Construction Co., LLC on February 15, 2013 in the amount of \$1,876,000 for the next phase of renovations at the US Cellular Center; and

WHEREAS, at the time it entered into the aforementioned contract, the City did not have sufficient funds for several items of additional alternate renovation work that it desired and which had been included in the construction bid package; and

WHEREAS, the City has recently received additional funding in the form of a TDA Grant and sponsorship funds that may be allocated to additional renovation work and the City, therefore, desires to utilize these funds to add six alternate bid items to the scope of the construction contract with Brantley; and

WHEREAS, the desired alternates will increase the construction contract amount to \$2,378,107 plus a 10% contingency of \$237,810.70 for the possibility of unknown factors that may require a change order to the contract and therefore, a change order is required to affect this change; and

WHEREAS, the City also desires to utilize the aforementioned additional funds to add additional design work for the Mezzanine level of the US Cellular Center and to amend the professional services contract it has with Betsch Associates/Clark Nexen in an additional amount not to exceed \$55,600; and

WHEREAS, the aforementioned changes also requires a budget amendment in the amount of \$839,917 to provide sufficient budget authorization for all contract expenses that are anticipated prior to June 30, 2013 and such funds are now available;

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

The City Manager is authorized to execute change orders with Brantley Construction Co., LLC up to the budgeted amount of \$2,378,107.00 and a contingency of \$237,810.70; to execute an amendment to the professional services contract for Betsch Associates/Clark Nexen in amount not to exceed \$55,600 for continued designed services; and to execute a budget amendment in the amount of \$839,917 to provide sufficient funds for all contract expenses that are anticipated prior to June 30, 2013 for the purpose of renovations to the U.S. Cellular Center.

Read, approved and adopted this 9th day of April, 2013.

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

## RESOLUTION NO. 13- 77

RESOLUTION OPPOSING HOUSE BILL 488, REQUIRING TRANSFERS OF CERTAIN WATER SYSTEMS

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WHEREAS, House Bill 488 was introduced in the North Carolina General Assembly on March 28, 2013; and

WHEREAS, HB 488 provides that the assets of certain public water systems shall be transferred to the metropolitan sewerage district in the county in which the water system is located; and

WHEREAS, HB 488 is intended to apply to Asheville and Buncombe County; and

WHEREAS, pursuant to law, water customers outside the City are entitled to receive water service on the same basis and at the same cost as customers inside the City; and

WHEREAS, studies performed by or at the request of the City of Asheville demonstrate that:

- (1) The City of Asheville Water System is well managed and financially sound.
- (2) The City of Asheville Water System is in good repair.
- (3) Consolidation of Asheville's water system with the Metropolitan Sewerage District of Buncombe County would not achieve financial or operational efficiencies.

WHEREAS, pursuant to law, water customers outside the City are entitled to receive water service on the same basis and at the same cost as customers inside the City; and

WHEREAS, the City Council has previously adopted Resolutions 12-36 and 12-259 supporting its retention of its water system and opposing the forced transfer of the system to another entity (copies of resolutions attached as attachments A and B); and

WHEREAS, over 50 municipalities in North Carolina have adopted similar resolutions; and

WHEREAS, the board of an authority established pursuant to HB 488 would have the power to condemn property, borrow money, adopt ordinances, set water and sewer rates, and impose taxes, but is not an elected board; and

WHEREAS, in the general election held in November of 2012, the citizens of Asheville voted overwhelmingly against the sale or lease of the water system to another entity; and

WHEREAS, HB 488 would, if enacted, be an unprecedented intrusion by the State into matters that have long been matters of local concern;

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

1. That the City Council opposes House Bill 488 for the reasons set forth above, and for

the reasons expressed in Resolutions 12-36 and 12-259 referenced above;

2. That the City Council respectfully requests that members of the North Carolina General Assembly vote against House Bill 488.

Read, approved and adopted the 9<sup>th</sup> day of April, 2013.

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

M. J. [Signature]  
City Attorney

Magdalen Boulson  
City Clerk

## RESOLUTION NO. 12-36

RESOLUTION SUPPORTING ASHEVILLE'S RETENTION OF ITS WATER SYSTEM

WHEREAS, the City of Asheville has operated a public water system in the City of Asheville since as early as 1900; and

WHEREAS, water provided by the system remains plentiful, safe, and among the cleanest and purest available anywhere; and

WHEREAS, said water system currently serves all of the City of Asheville, approximately 60 percent of Buncombe County, and a portion of Henderson County; and

WHEREAS, the water system includes a pristine 20,000 acre watershed which Asheville has diligently protected for decades and will continue to do so, two reservoirs and three treatment plants with a capacity of over 40 million gallons per day, over 1,600 miles of transmission and service lines, 40 pump stations, 34 storage reservoirs, and associated equipment; and

WHEREAS, through operation of the water system Asheville has supported and will continue to support growth and economic development for the region; and

WHEREAS, since 1991, the City has issued over \$100 million in revenue bonds and other financing for the repair, maintenance, and improvement of the water system, including \$39 million in 2007; and

WHEREAS, the water system and the City's Water Resources Department are recognized by State and national organizations as being well run and financially sound; and

WHEREAS, the development and operation of the water system in Asheville and Buncombe County is similar to other systems across the State; and

WHEREAS, there is no compelling reason to transfer responsibility for the operation or control of the water system from Asheville to another entity;

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

1. Through leadership and sound governmental practice, the City of Asheville has developed a water system that is well run, financially sound, and able to meet water demand in the area for the foreseeable future.
2. The City is committed to continuing to maintain and improve the water system, and to provide water to its customers at fair and reasonable rates and in accordance with recognized best practices for the industry.
3. The water system is a public asset held by the City of Asheville for the benefit of its citizens and regional customers. The City operates the water system as a public enterprise pursuant to North Carolina law. Ownership and operational control of the water system should remain with the City of Asheville.

Read, approved and adopted this the 14<sup>th</sup> day of February, 2012.

Margaret Barleson  
City Clerk

John Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margaret Barleson  
City Clerk

## RESOLUTION NO. 12-259

RESOLUTION REAFFIRMING ASHEVILLE'S RETENTION OF ITS WATER SYSTEM

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WHEREAS, the N.C. General Assembly is considering adopting legislation that would require the City of Asheville water system be consolidated with the Metropolitan Sewerage District of Buncombe County (MSD) and the Cane Creek Sewer District; and

WHEREAS, the Asheville City Council unanimously adopted Resolution Number 12-36 supporting Asheville's retention of its Water System; and

WHEREAS, 86% of Asheville residents who voted in the 2012 general election chose "no" when asked "Shall the City of Asheville undertake the sale or lease of its water treatment system and water distribution system"; and

WHEREAS, public utilities have the unique responsibility to be protectors of public health and the environment, while serving as partners in the community's growth and development; and

WHEREAS, the Town of Black Mountain, the Town of Weaverville, the Town of Biltmore Forest, the Woodfin Sanitary, Water and Sewer District, and the City of Hendersonville all share that unique responsibility with the City of Asheville; and

WHEREAS, the Legislative Research Commission reported the justifiable reasons for a merger as being the achievement of an economies of scale and a single location for water and wastewater availability; and

WHEREAS, the City of Asheville's Water Utility and the MSD Sewer System have demonstrated solid financial management and positive historical financial results, which are reflected in each utility's strong credit rating.

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

1. The Council remains unanimously opposed to legislation that forces the transfer of the City of Asheville's municipal water system to another entity.
2. The Council is committed to leading an effort to achieve cost savings for all stakeholders through shared services of regional utility providers.
3. The Council remains convinced that local solution arrived at by an open, collaborative process is preferable to a legislative directed disposition of municipal assets.

4. The forced taking of the local government infrastructure sets a dangerous precedent in the State of North Carolina, a precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State of North and resulting in job losses for our citizens in Western North Carolina and across the State.

Read, approved, and adopted this the 11<sup>th</sup> day of December, 2012.

Margaret Boulton  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

Rudolph  
City Attorney