

RESOLUTION NO. 13 - 176RESOLUTION ACCEPTING FOREST LAKE DRIVE, MEADOW LAKE ROAD, SAWMILL ROAD, SIMPSON HOLLOW ROAD, GOLD FINCH LANE, GLENWOODS COURT, AND KINGBIRD LANE AS CITY-MAINTAINED STREETS

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Forest Lake Drive, Meadow Lake Road, Sawmill Road, Simpson Hollow Road, Gold Finch Lane, Glenwoods Court, and Kingbird Lane are located in the corporate limits of the City of Asheville; and

WHEREAS, the subject streets are currently maintained by the North Carolina Department of Transportation; and

WHEREAS, Forest Lake Drive is currently identified as SR 3320 and is specifically located from Rock Hill Road to Forest Lake Drive for a total length of 0.26 mile; and

WHEREAS, dedication of the 50-foot right-of-way for Forest Lake Drive has been recorded in Plat Book 57 Page 110; and

WHEREAS, Meadow Lake Road is currently identified as SR 3321 and is specifically located from SR 3320 (Forest Lake Drive) to its dead-end for a total length of 0.19 mile; and

WHEREAS, dedication of the 50-foot right-of-way for Meadow Lake Road has been recorded in Plat Book 57 Page 174; and

WHEREAS, Sawmill Road is currently identified as SR 3322 and is specifically located from SR 3320 (Forest Lake Drive) to its dead-end for a total length of 0.06 mile; and

WHEREAS, dedication of the 50-foot right-of-way for Sawmill Road has been recorded in Plat Book 57 Page 110; and

WHEREAS, Simpson Hollow Road is currently identified as SR 3328 and is specifically located from SR 3320 (Forest Lake Drive) to its dead-end for a total length of 0.14 mile; and

WHEREAS, dedication of the 50-foot right-of-way for Simpson Hollow Road has been recorded in Plat Book 57 Page 147; and

WHEREAS, Gold Finch Lane is currently identified as SR 3334 and is specifically located from SR 3320 (Forest Lake Drive) to its dead-end for a total length of 0.02 mile; and

WHEREAS, dedication of the 50-foot right-of-way for Gold Finch Lane has been recorded in Plat Book 60 Page 13 and 18; and

WHEREAS, Glenwoods Court is currently identified as SR 3337 and is specifically located from SR 3320 (Forest Lake Drive) to its dead-end for a total length of 0.05 mile; and

WHEREAS, dedication of the 50-foot right-of-way for Glenwoods Court has been recorded in Plat Book 60 Page 18; and

WHEREAS, Kingbird Lane is currently identified as SR 3338 and is specifically located from SR 3320 (Forest Lake Drive) to its dead-end for a total length of 0.05 mile; and

WHEREAS, dedication of the 50-foot right-of-way for Kingbird Lane has been recorded in Plat Book 60 Page 170; and

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

Forest Lake Drive, Meadow Lake Road, Sawmill Road, Simpson Hollow Road, Gold Finch Lane, Glenwoods Court, and Kingbird Lane are accepted by the City of Asheville for maintenance as indicated on the attached map sections subject to concurrence by the North Carolina Department of Transportation.

Read, approved and adopted this 27th day of August, 2013.

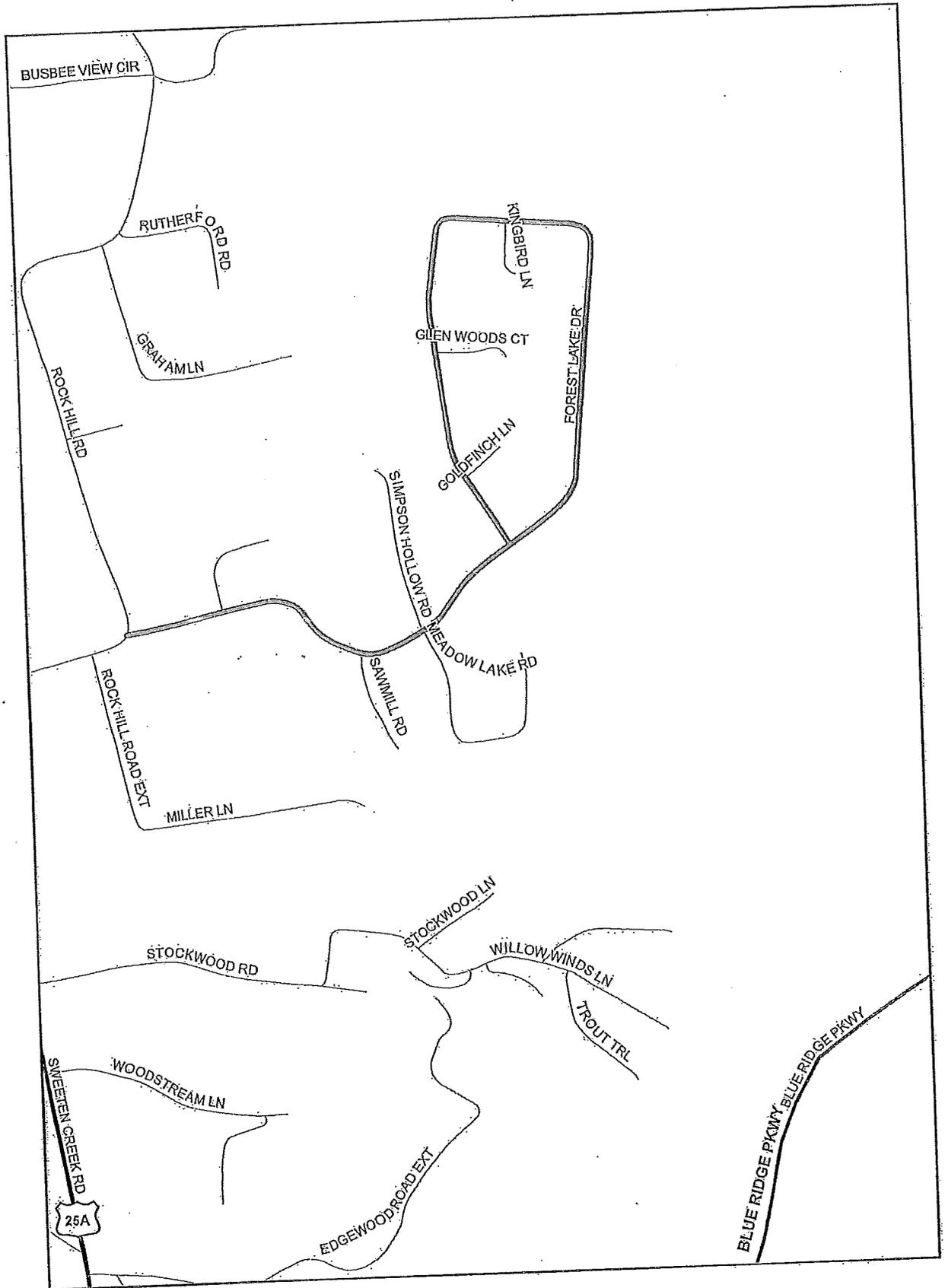
Magdalen Bouleson
City Clerk

Jimmy Bellamy
Mayor

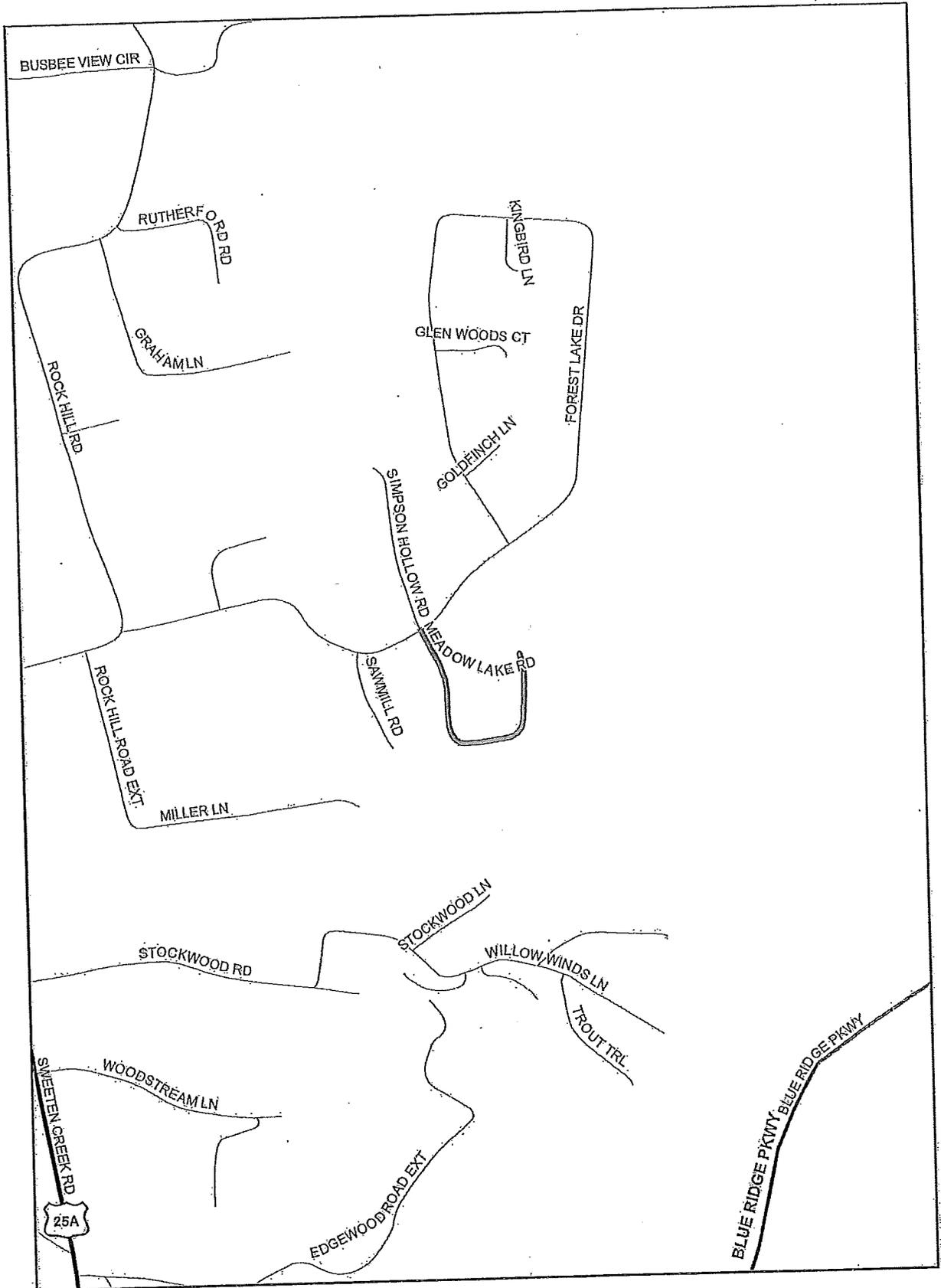
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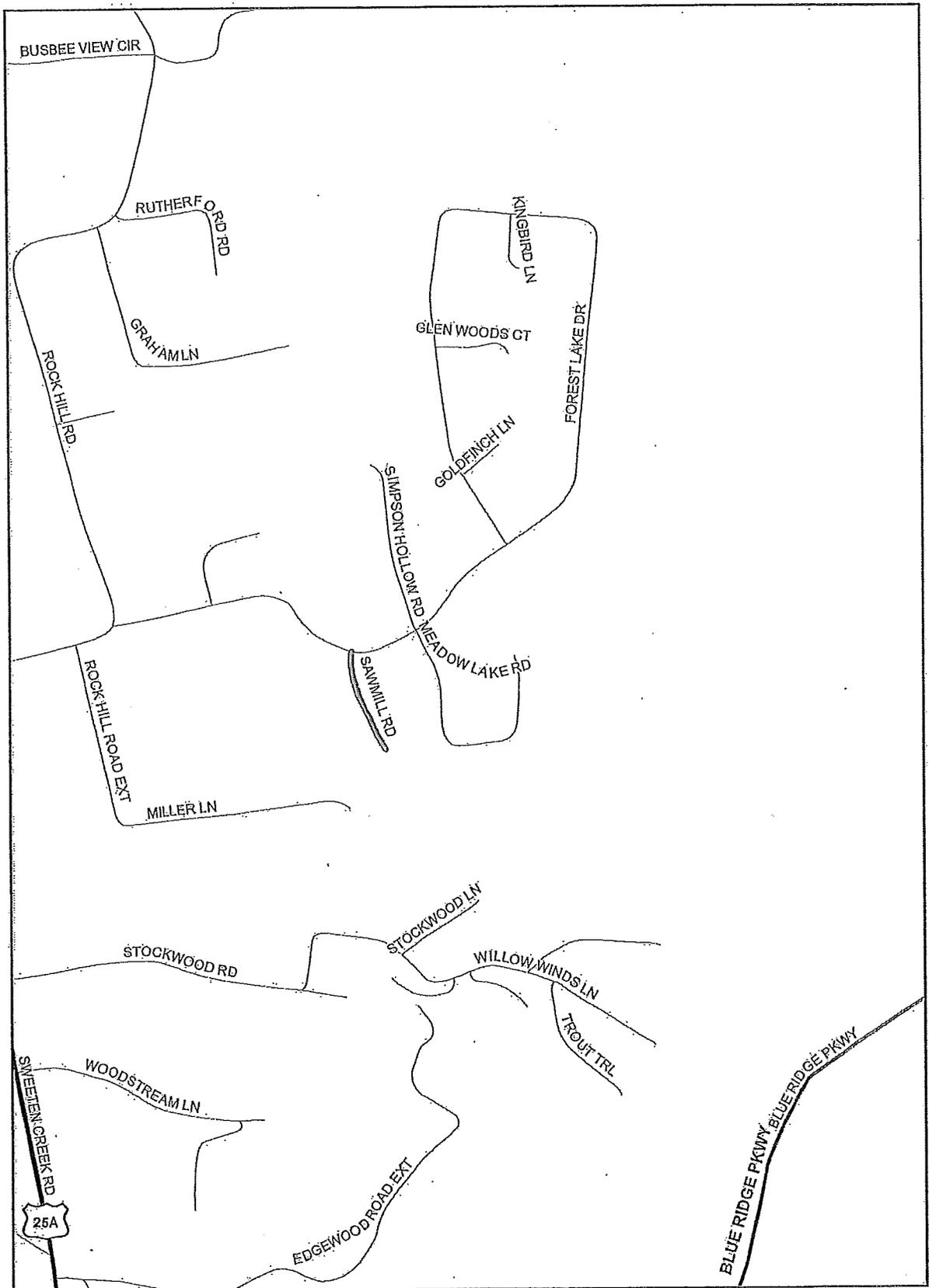
Walter W. McAlister
City Attorney

Magdalen Bouleson
City Clerk

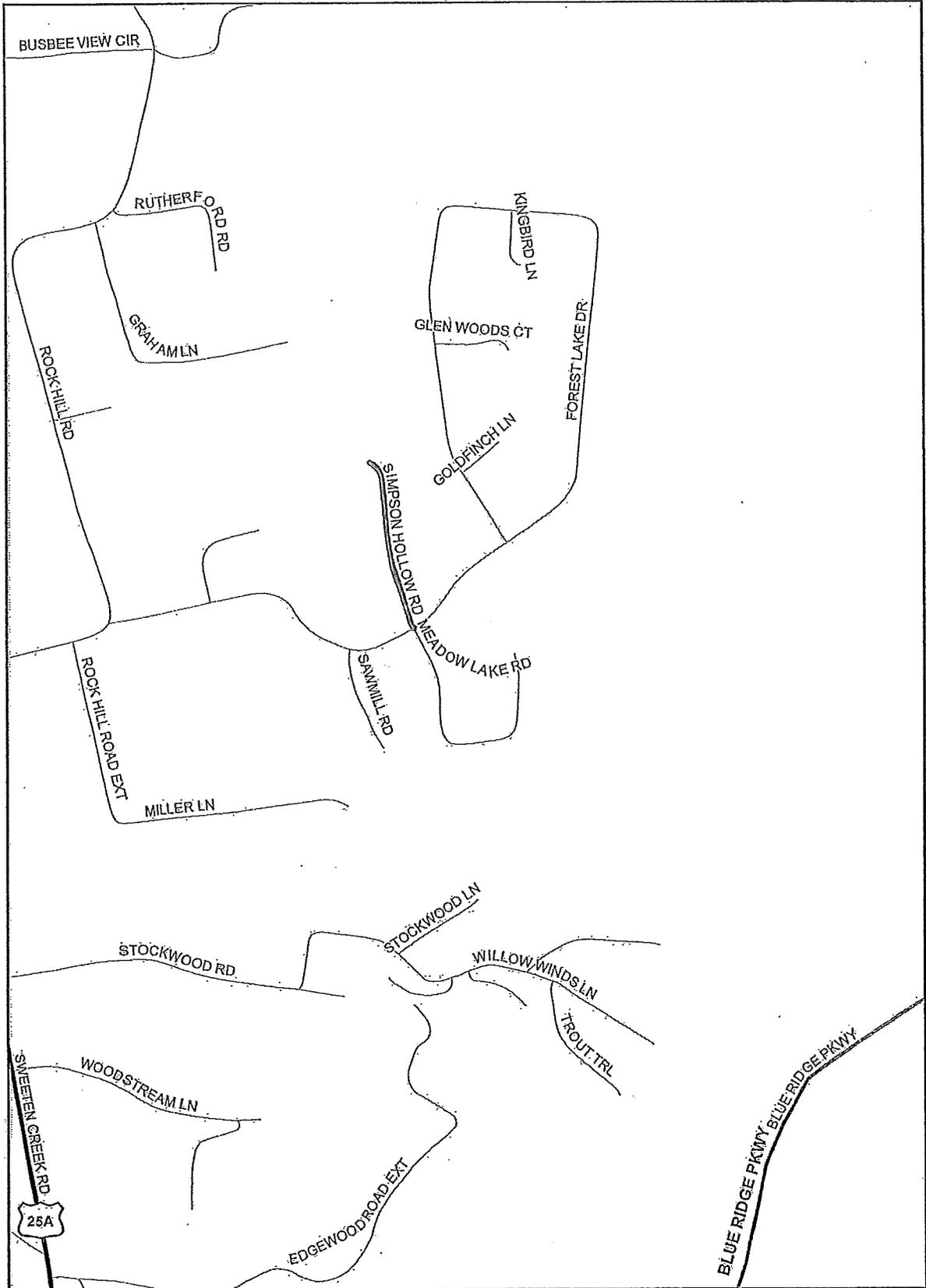


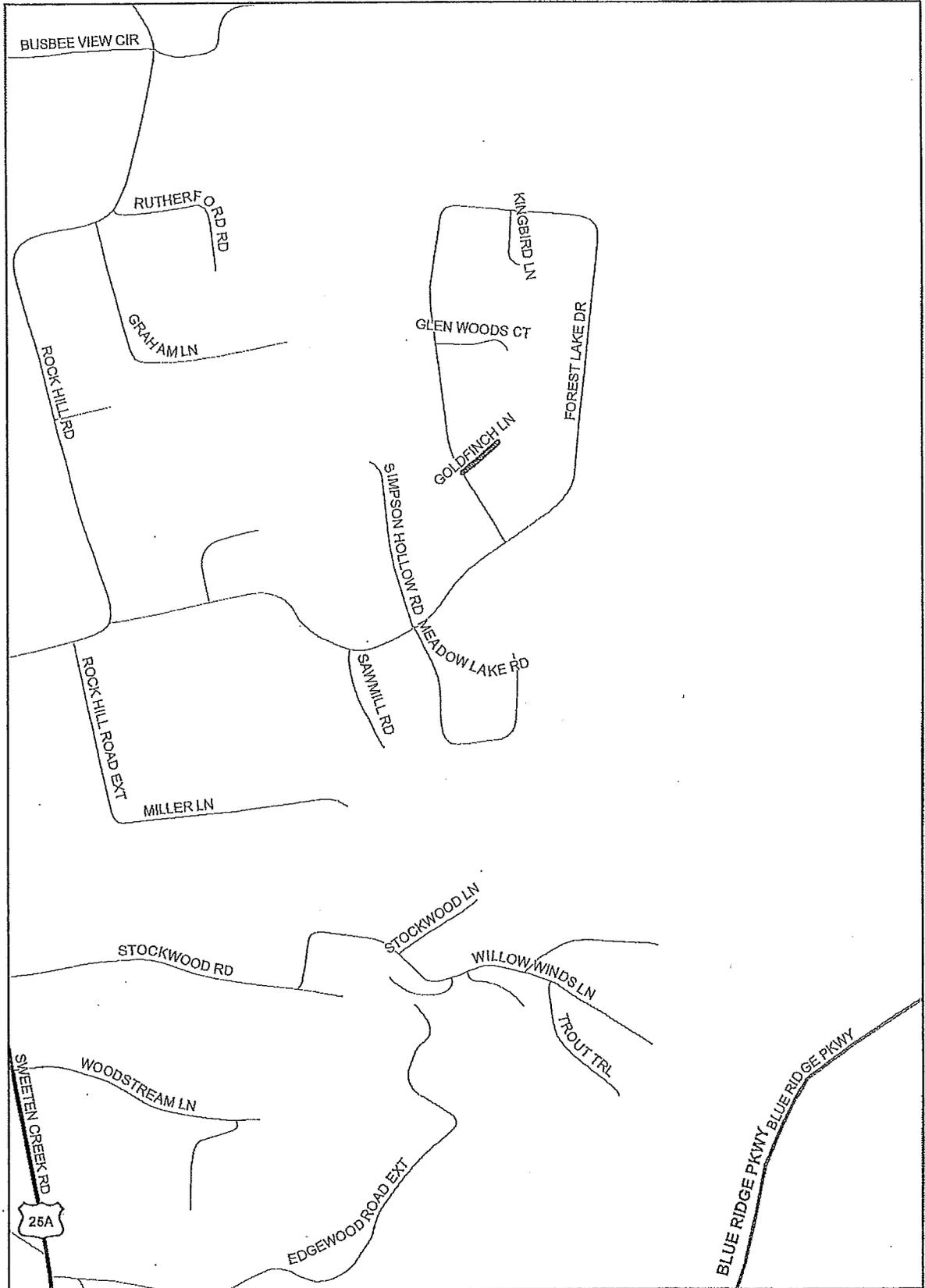
ATTACHMENT 3



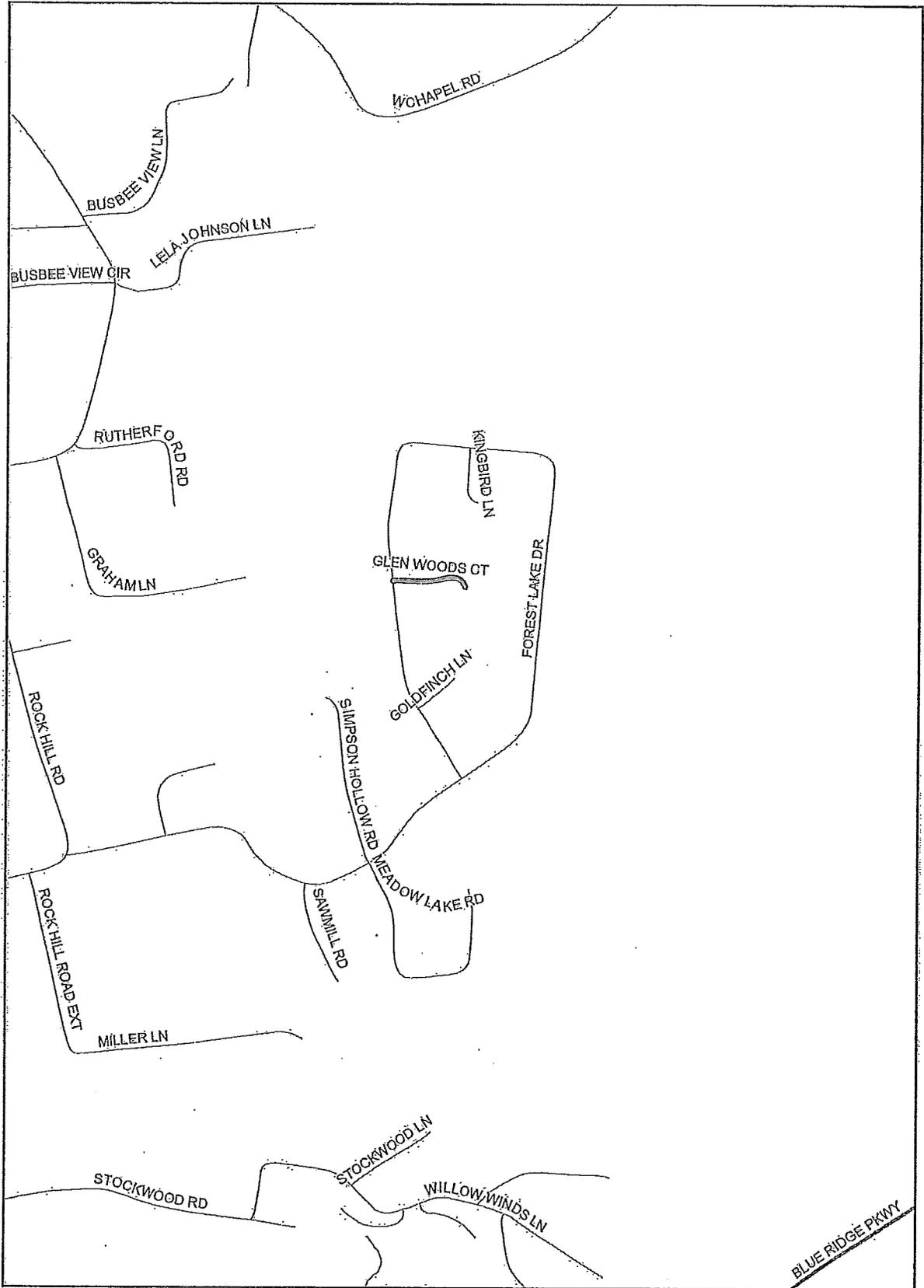


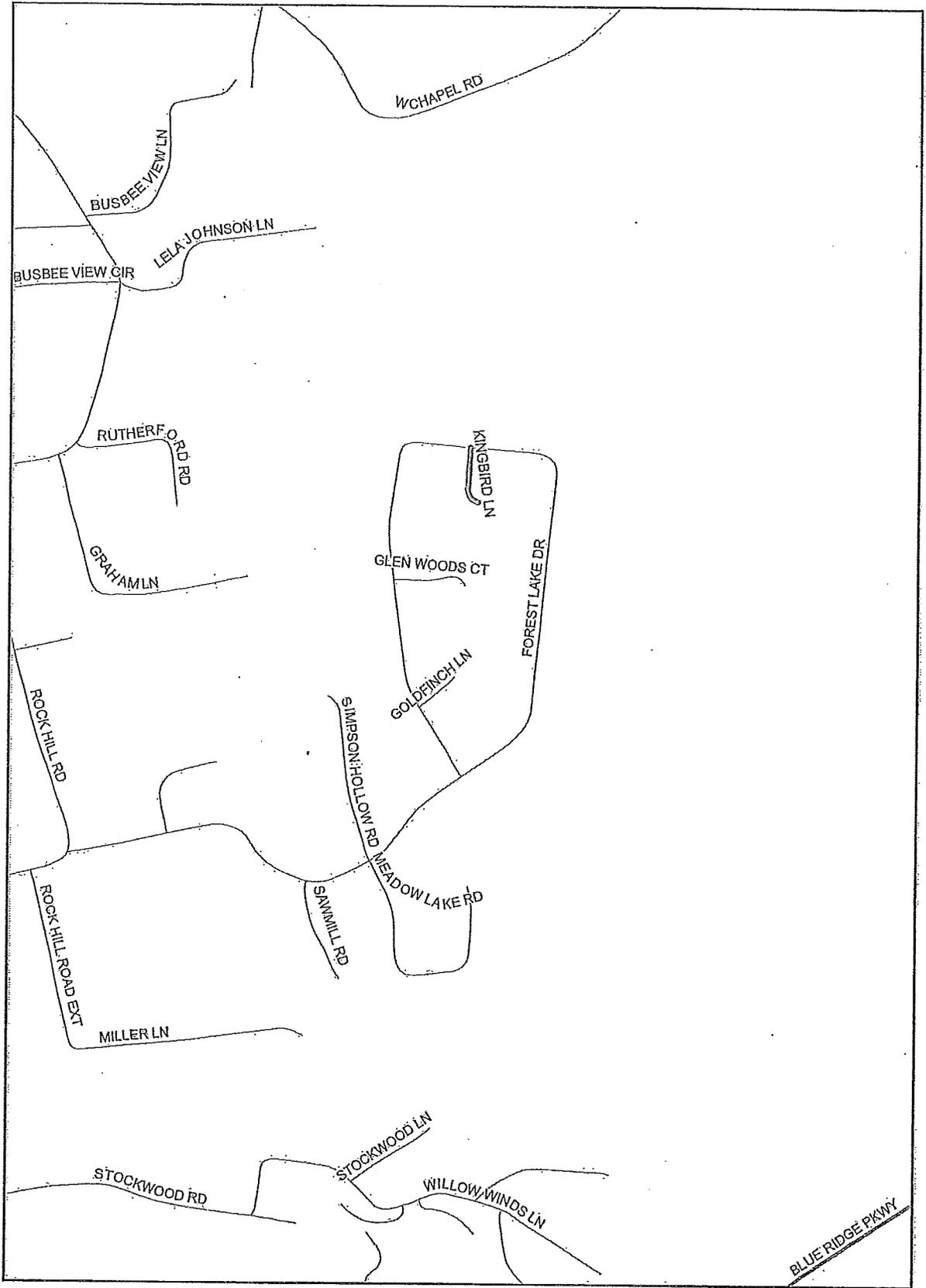
ATTACHMENT 5





ATTACHMENT 7





RESOLUTION NO. 13-177

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DECLARING THE INTENT OF THE CITY OF ASHEVILLE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CAPITAL IMPROVEMENT PROJECTS FROM THE PROCEEDS OF AN INSTALLMENT FINANCING CONTRACT TO BE EXECUTED AND DELIVERED IN THE FISCAL YEAR 2014

WHEREAS, the City Council of the City of Asheville, North Carolina ("*City*") has determined that it is in the best interests of City to finance various capital improvements as part of its capital improvement plan in Fiscal Year 2014, including the construction and improvement of streets, bridges, sidewalks and multimodal facilities, the renovations and improvements to City Hall, art museum and park/athletic facilities, the acquisition and construction of park facilities and greenways computers, the acquisition, construction and improvement of workforce housing, the acquisition of vehicles and equipment and utility improvements (the "*Projects*");

WHEREAS, the City presently intends, at one time or from time to time, to finance all or a portion of the costs of the Projects with proceeds of an installment financing contract and reasonably expects to execute and deliver an installment financing contract, the portion of the installment payments designated and paid as interest under which will be tax-exempt (the "*Contract*"), to finance, or to reimburse itself for, all or a portion of the costs of the Projects; and

WHEREAS, the City desires to proceed with the Projects and will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Contract (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Contract, and the City intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Contract to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

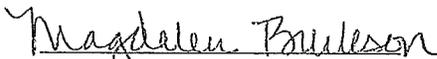
Section 1. *Official Declaration of Intent.* The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Contract. The City reasonably expects to execute and deliver the Contract to finance all or a portion of the costs of the Projects and the maximum principal amount of Contract expected to be executed and delivered by City to pay for all or a portion of the costs of the Projects is \$19,000,000.

Section 2. *Compliance with Regulations.* The City adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse itself for the Original Expenditures from proceeds of the Contract.

Section 3. *Itemization of Capital Expenditures.* The Chief Financial Officer of the City, the Deputy Finance Director, the Budget Manager and their respective designees, with advice from special counsel, are each hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Contract.

Section 4. *Effective Date.* This Resolution shall become effective immediately upon the date of its adoption.

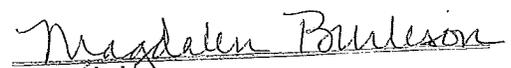
Read, approved and adopted this 27th day of August, 2013.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 13-178

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUNCOMBE COUNTY TO SHARE THE COSTS OF A COMPOSTING FEASIBILITY STUDY

WHEREAS, pursuant to § NCGS 160A-461, the City may enter into an interlocal agreement with another unit of local government for any undertaking; and

WHEREAS, Buncombe County is currently undertaking a composting feasibility study, and the City has the opportunity to participate in that study; and

WHEREAS, City Council deems it is in the public interest for the City to participate in the study;

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

The City Manager be and is hereby authorized to enter into an agreement with Buncombe County to share the costs of a composting feasibility study. The cost of the City's portion of the study is not to exceed \$50,000.

Read, approved, and adopted this 27TH day of August, 2013.

Magdalen Boulison
City Clerk

Angie Bellamy
Mayor

Approved as to form:

Matthew W. McKelton
City Attorney

Magdalen Boulison
City Clerk

RESOLUTION NO. 13-~~179~~

RESOLUTION AMENDING RESOLUTION NO. 13-146, REGARDING APPOINTMENT OF THE CIVIL SERVICE BOARD CHAIR.

WHEREAS, the term of Marvin Rosen (an appointed member), expired in March, 2013; however, the Civil Service Board extended his term until the employee election in September, 2013; and

WHEREAS, on June 25, 2013, City Council adopted Resolution No. 13-146 appointing: (1) Carolyn Worthington and Lynn Moffa as members to the Civil Service Board; and (2) Marvin Rosen as Chair to serve a full year, or until his successor is appointed by City Council; and

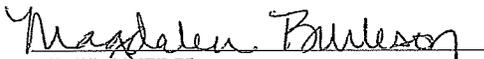
WHEREAS, on July 12, 2013, Civil Service Board members expressed concern that City Council appointed Marvin Rosen to serve as Chair beyond his current term of office; and

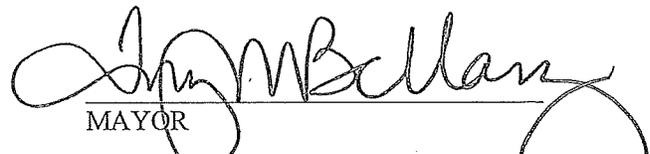
WHEREAS, it is the intent of Council in adopting this Resolution to clarify that in accordance with the provisions of the Civil Service Law, Marvin Rosen may not be reappointed as a member of the Civil Service Board, nor may his replacement be appointed by the Civil Service Board, until after the 2013 Employee Civil Service Board Elections;

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

1. The terms of Carolyn Worthington and Lynn Moffa, are hereby restated to each serve a two-year term, terms to expire May 21, 2015, or until their successors have been appointed.
2. Marvin Rosen, 6 Graystone Road, Asheville, N.C., be and he is hereby appointed (effective June 25, 2013) as Chair of the Civil Service Board to serve a one year term or until his successor is duly appointed by the City Council, whichever occurs first.

Read, approved and adopted this 27th day of August, 2013.


CITY CLERK


MAYOR


CITY ATTORNEY


CITY CLERK

RESOLUTION NO. 13- 180

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER ENGINEERING, INC., FOR ENGINEERING SERVICES FOR THE INNSBROOK / MAPLEWOOD ROAD AND MOUNTAIN CREST / PATTON CEMETERY ROAD WATER LINE REPLACEMENTS PROJECT.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Michael Baker Engineering, Inc. was selected by City staff via a Request for Qualifications process to perform engineering services related to the Innsbrook / Maplewood Road and Mountain Crest / Patton Cemetery Road Water Line Replacements Project in the amount of \$180,000.00; and

WHEREAS, the use of Michael Baker Engineering, Inc. will ensure timely completion and full compliance with the City of Asheville's Design Standards of the Innsbrook / Maplewood Road and Mountain Crest / Patton Cemetery Road Water Line Replacements Project.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional services agreement with Michael Baker Engineering, Inc., for engineering services in the amount of \$180,000.00 for the Innsbrook / Maplewood Road and Mountain Crest / Patton Cemetery Road Water Line Replacements 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 27th day of August, 2013.

Magdalen Boulton
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Matthew W. McElroy
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 13 - 181

RESOLUTION ACCEPTING FAULKNER AVENUE, SAMUEL ASHE DRIVE, LA GRANGE DRIVE, LOWER BEND ROAD, WELLEN WAY, AND DUBOIS DRIVE AS CITY-MAINTAINED STREETS

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Faulkner Avenue, Samuel Ashe Drive, La Grange Drive, Lower Bend Road, Wellen Way, and Dubois Drive are located in the corporate limits of the City of Asheville; and

WHEREAS, Faulkner Avenue, Samuel Ashe Drive, La Grange Drive, Lower Bend Road, Wellen Way, and Dubois Drive were constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Faulkner Avenue, Samuel Ashe Drive, La Grange Drive, Lower Bend Road, Wellen Way, and Dubois Drive including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the 50-foot right-of-way for Faulkner Avenue has been recorded in Plat Book 112 Page 41; and

WHEREAS, dedication of the 50-foot right-of-way for Samuel Ashe Drive has been recorded in Plat Book 112 Page 39; and

WHEREAS, dedication of the 50-foot right-of-way for La Grange Drive has been recorded in Plat Book 112 Page 41; and

WHEREAS, dedication of the 50-foot right-of-way for Lower Bend Road has been recorded in Plat Book 112 Page 41; and

WHEREAS, dedication of the 50-foot right-of-way for Wellen Way has been recorded in Plat Book 112 Page 42; and

WHEREAS, dedication of the 50-foot right-of-way for Dubois Drive has been recorded in Plat Book 112 Page 38; and

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

Faulkner Avenue, Samuel Ashe Drive, La Grange Drive, Lower Bend Road, Wellen Way, and Dubois Drive are accepted by the City of Asheville for maintenance as indicated on the attached maps.

Read, approved and adopted this 27th day of August, 2013.

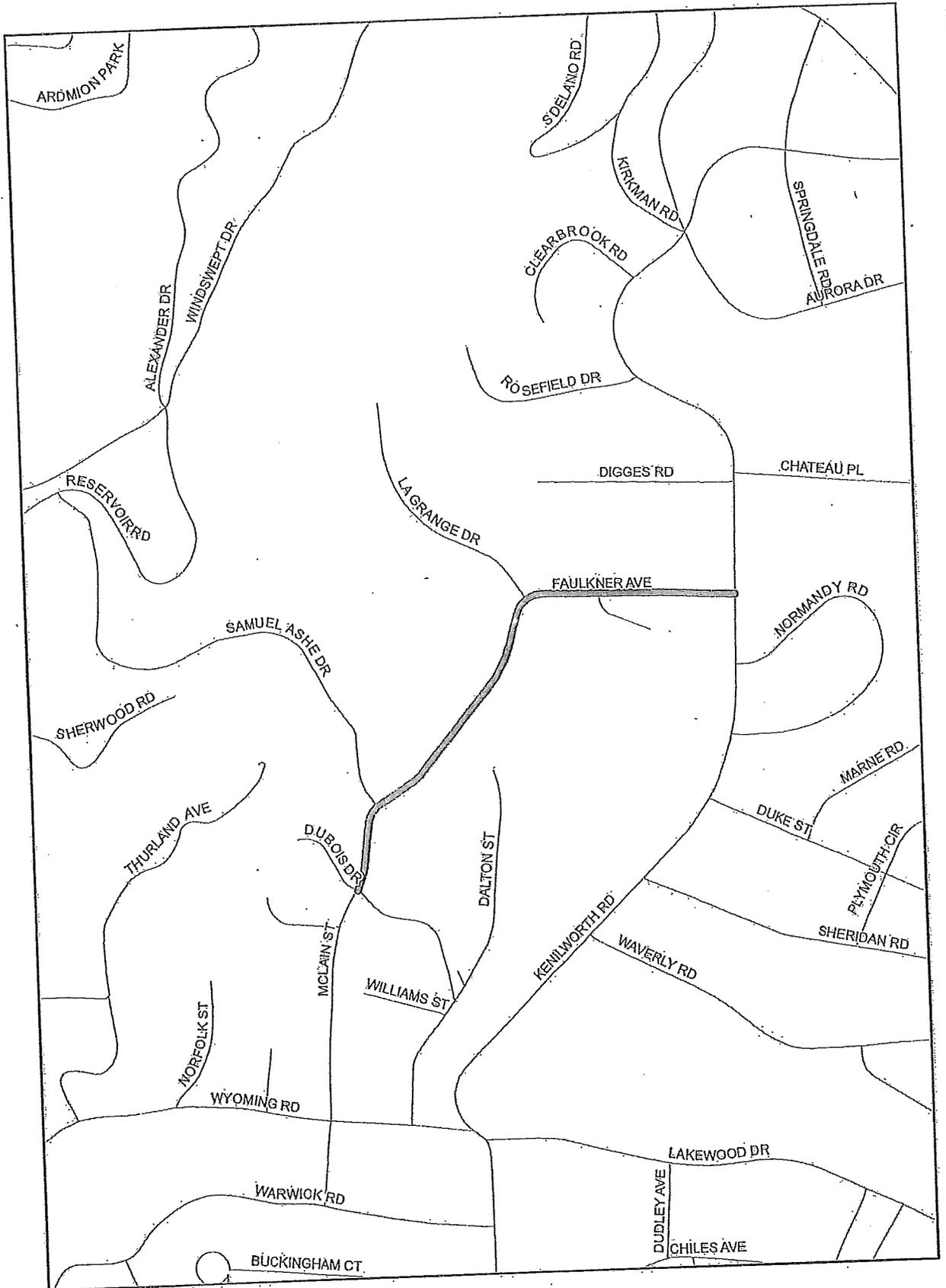
Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

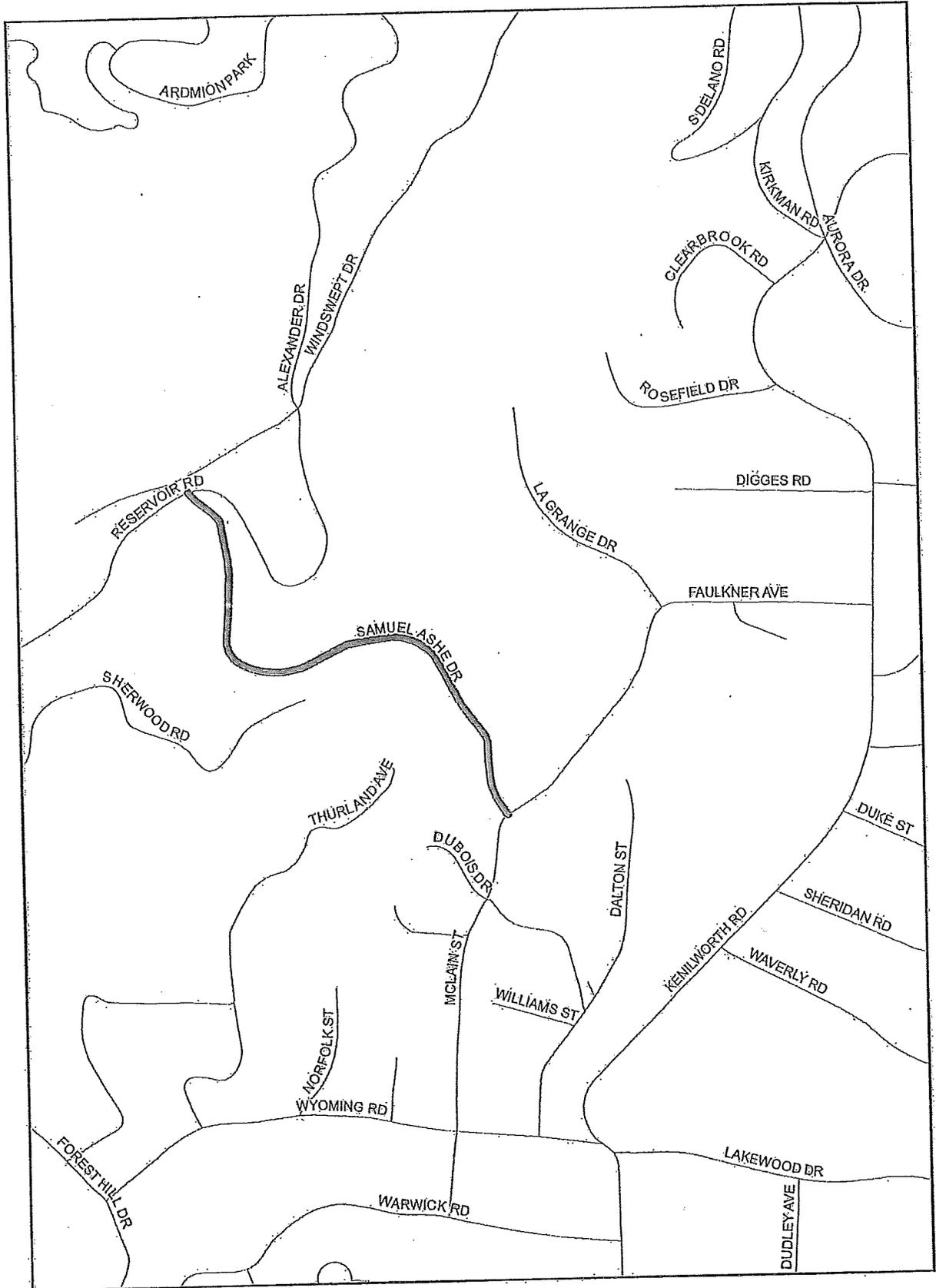
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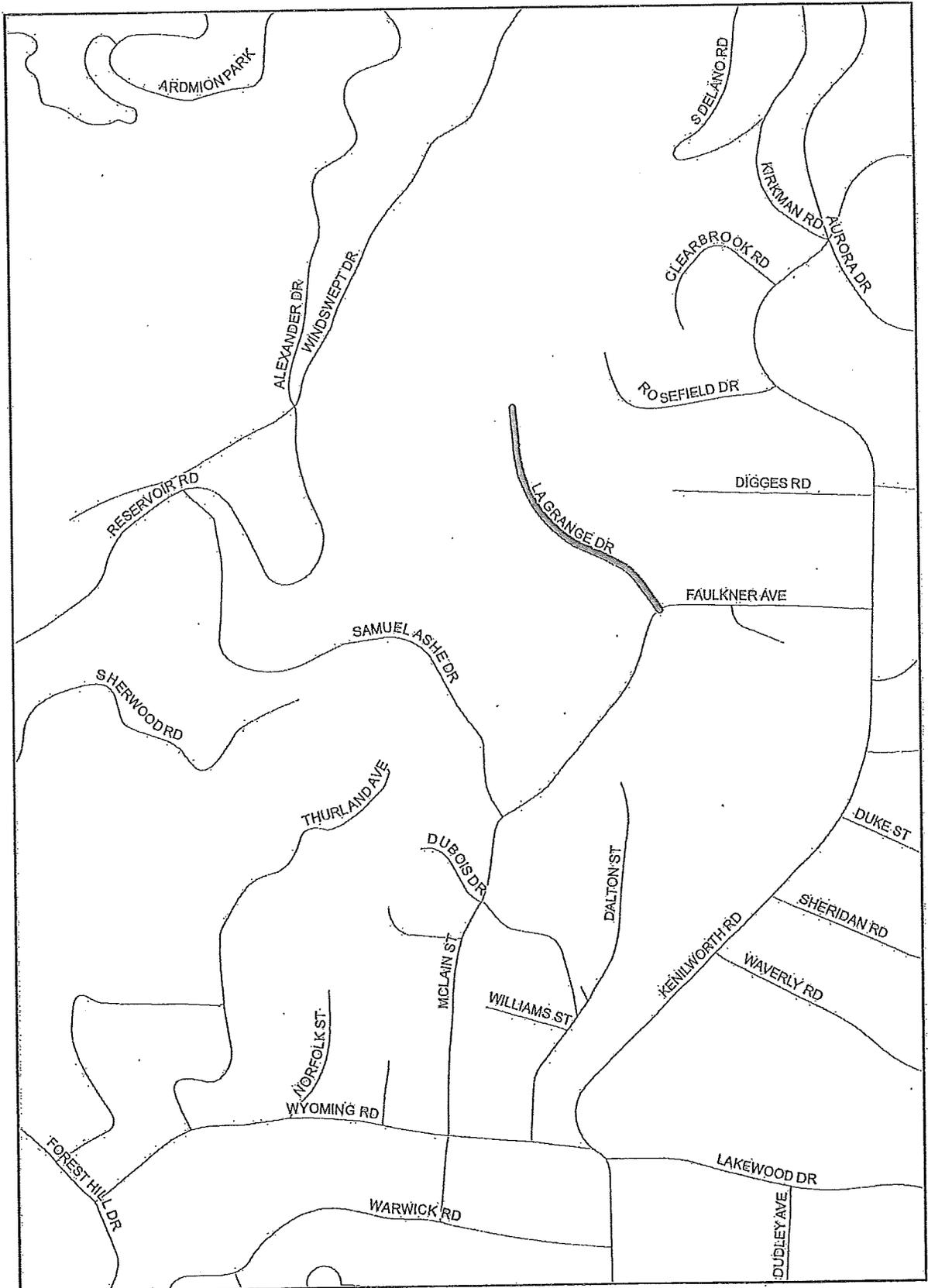
Martha W. McKeon
City Attorney

Magdalen Boulson
City Clerk

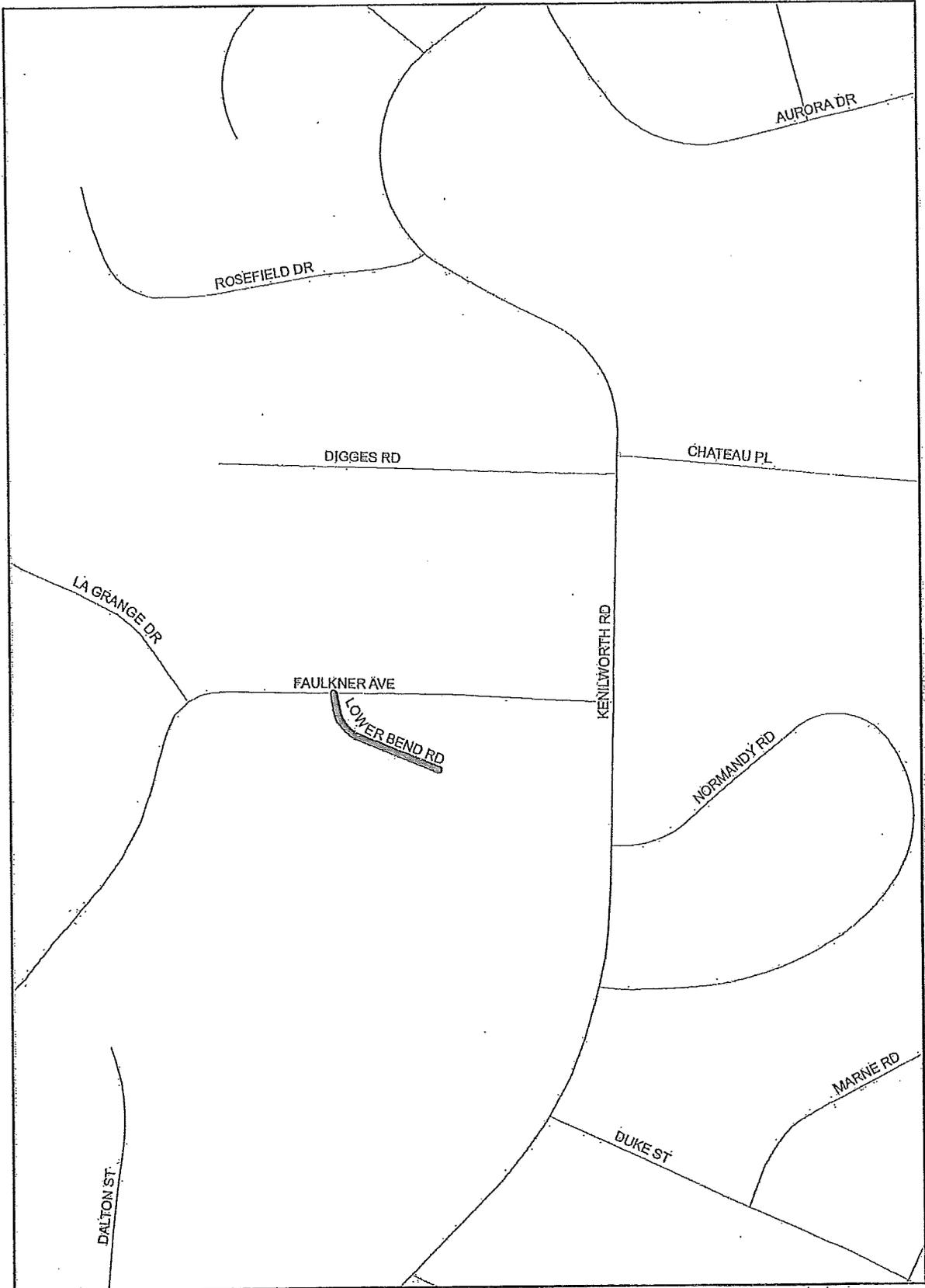


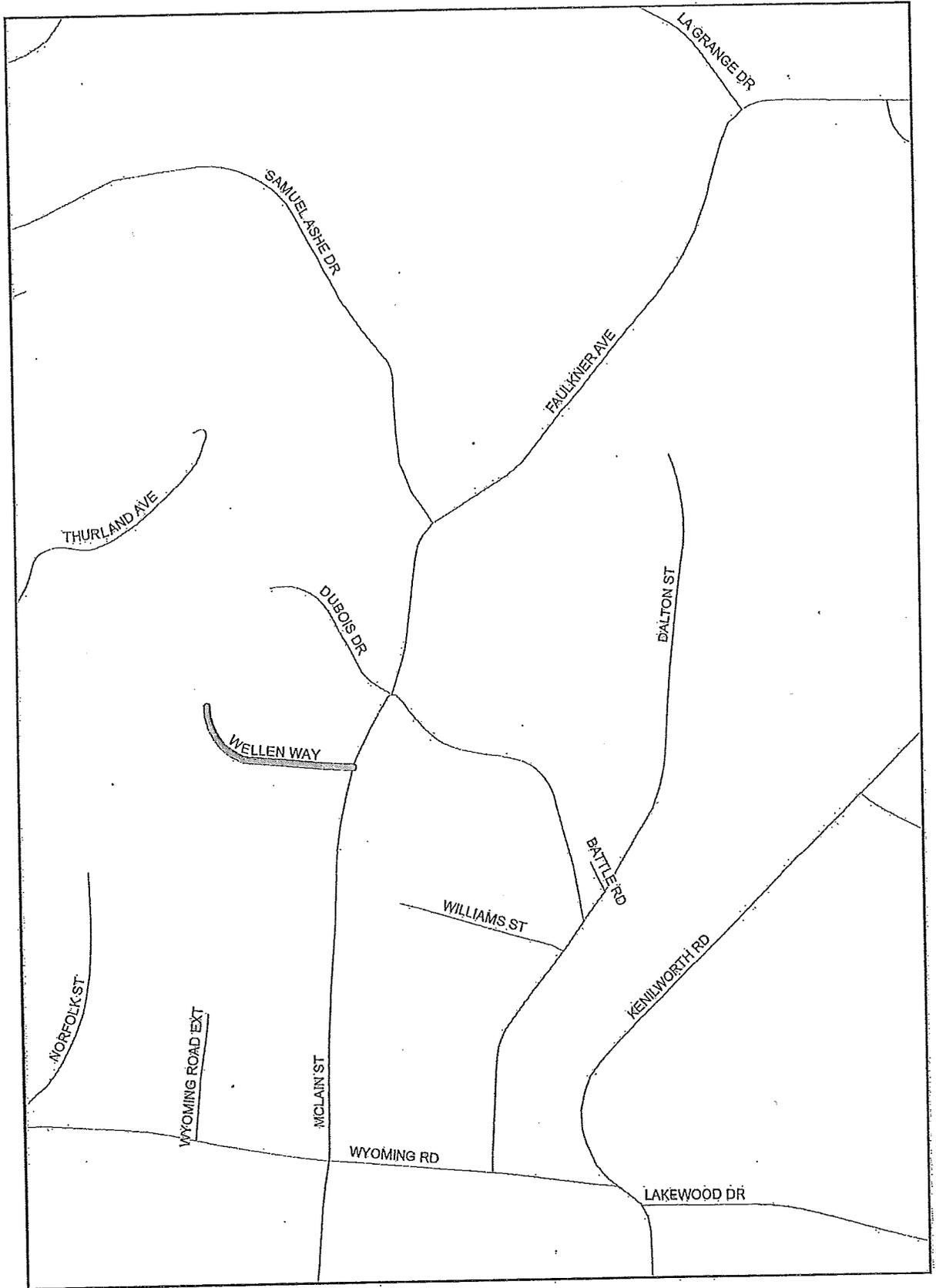
ATTACHMENT 3



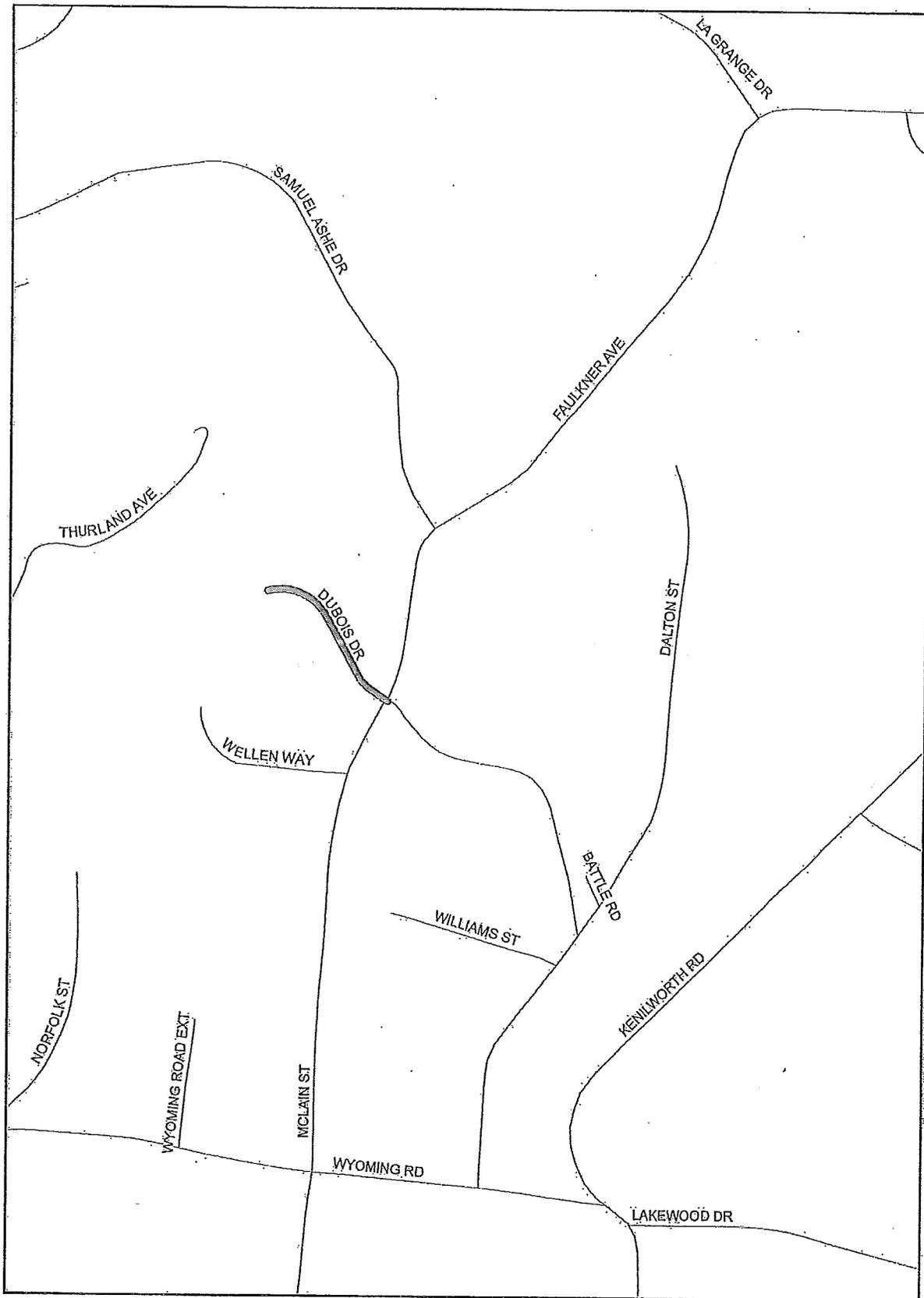


ATTACHMENT 5





ATTACHMENT 7



RESOLUTION NO. 13- 182

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL AT MARTIN LUTHER KING JR PARK ON THE DATE OF SATURDAY, SEPTEMBER 21, 2013 FROM 12:00 PM – 7:00 PM.

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

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

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

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

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

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

The Brewgrass Festival event area is within the boundaries of Martin Luther King Jr. Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Brewgrass Festival on Saturday, September 21, 2013 from 12:00 p.m. – 7:00 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 Brewgrass Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brewgrass Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 27th day of August, 2013.

Margaret Boulton
 City Clerk

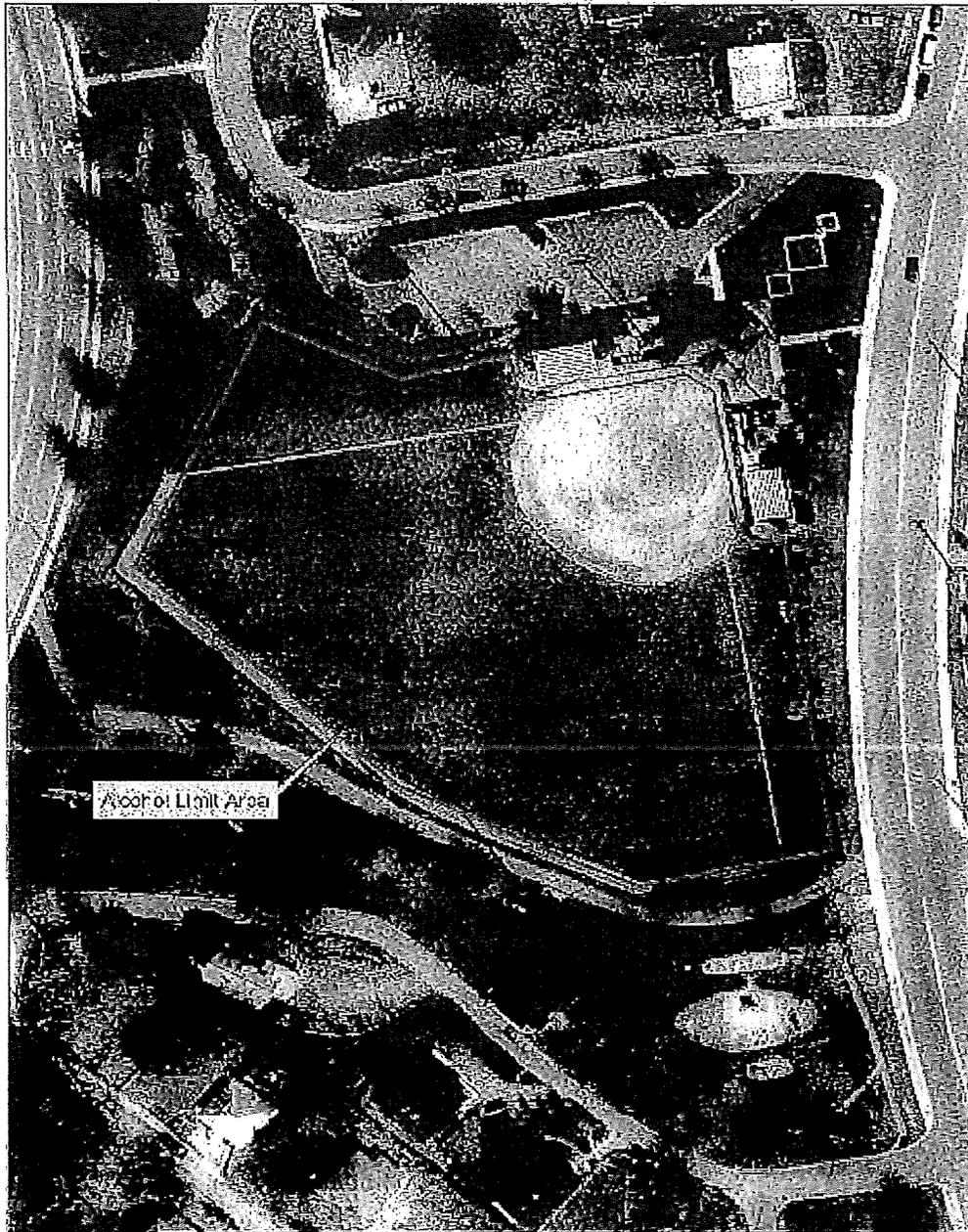
Greg Bellamy
 Mayor

Approved as to form:

Matthew W. McElroy
 City Attorney

Margaret Boulton
 City Clerk

Exhibit A



Martin Luther King, Jr. Park

RESOLUTION NO. 13- 183

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITIZEN-TIMES CITY MARATHON 5K RACE IN DOWNTOWN ASHEVILLE ON THE DATE OF FRIDAY, SEPTEMBER 27, 2013 FROM 6:00 PM – 10:00 PM.

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

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

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

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Citizen-Times City Marathon 5K Race.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Citizen-Times City Marathon 5K Race event area, as set forth on Exhibit A, attached.

The Asheville Citizen-Times City Marathon 5K Race event area is within a designated portion of Otis Street between the intersections of Battery Park Avenue and North French Broad Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Citizen-Times City Marathon 5K Race on Friday, September 27, 2013 from 6:00 p.m. – 10:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or

aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Citizen-Times City Marathon 5K Race event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Citizen-Times City Marathon 5K Race event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Asheville Citizen-Times City Marathon 5K Race, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of August, 2013.

Magdalena Buller
City Clerk

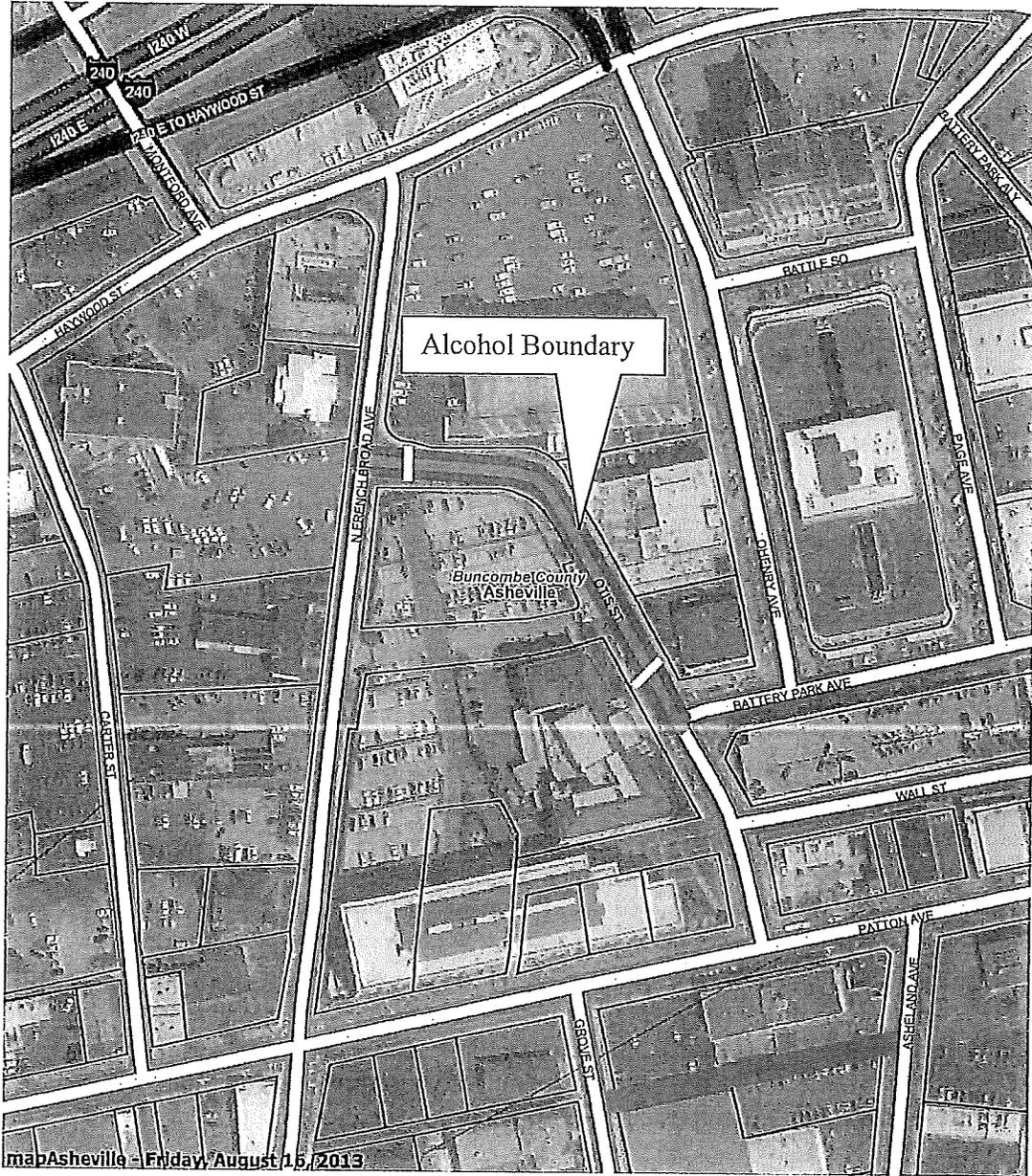
Ingvald Bellan
Mayor

Approved as to form:

Martha W. McAllister
City Attorney

Magdalena Buller
City Clerk

Exhibit A



RESOLUTION NO. 13- 184

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST ON BANKS AND COXE AVENUES ON THE DATE OF SATURDAY, OCTOBER 12, 2013 FROM 12:00 PM – 6:00 PM.

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

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

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

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

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

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

The Oktoberfest event area is within the boundaries of Banks Avenue between Collier Avenue and Coxe Avenue, and on Coxe Avenue between 135 Coxe Avenue and the intersection of Buxton Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Oktoberfest on Saturday, October 12, 2013 from 12:00 p.m. – 6:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the

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

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

Read, approved and adopted this 27th day of August, 2013.

Magdalen Baulson
 City Clerk

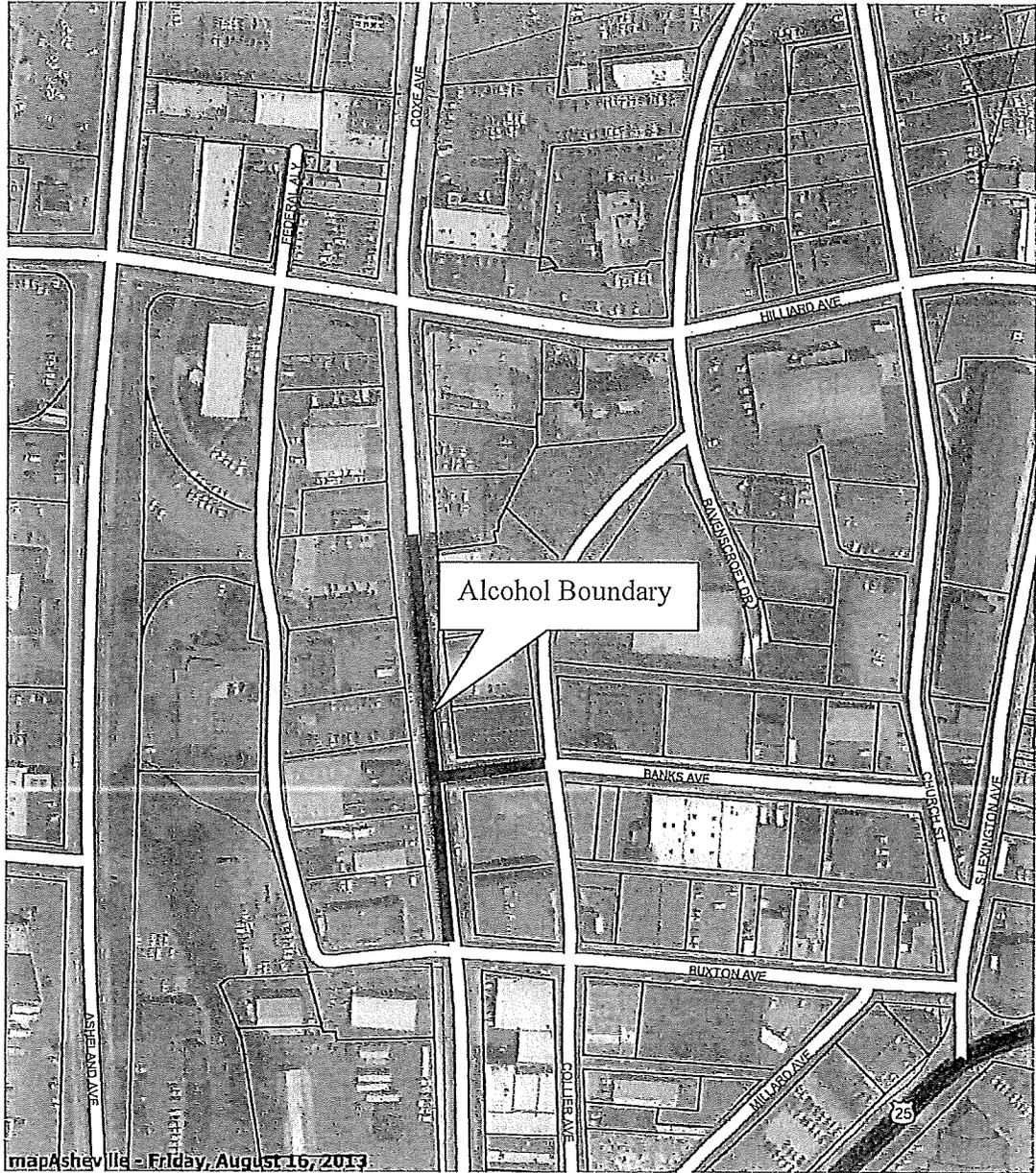
Jimmy Bellamy
 Mayor

Approved as to form:

Matthew W. McHaha
 City Attorney

Magdalen Baulson
 City Clerk

Exhibit A



RESOLUTION NO. 13-185

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE A SEALED BID SALE OF THREE PARCELS OF CITY OWNED PROPERTY, KNOWN AS THE (1) CURVE STREET LOT, (2) DEAVER STREET, AND (3) MILLBROOK ROAD LOT

WHEREAS, North Carolina General Statutes Section 160A-268 provides for the sale of real property by advertisement and sealed bid; and

WHEREAS, the City of Asheville owns certain properties identified as the Curve Street lot (0.25 acres, PIN 9648-68-0689-00000), Deaver Street lot (0.19 acre, PIN 9638-76-4002-00000) and Millbrook Road lot (0.25 acres, PIN 9638-66-3884-00000);

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

1. The Asheville City Council hereby authorizes the sale of the following described vacant lots by sealed bid: Curve Street lot (0.25 acres, PIN 9648-68-0689-00000), Deaver Street lot (0.19 acre, PIN 9638-76-4002-00000) and Millbrook Road lot (0.25 acres, PIN 9638-66-3884-00000).
2. The City will accept sealed bids for the properties until 3:30 p.m., Thursday October 10th, 2013. Bids shall be delivered to the office of the Real Estate Manager, Room 508, fifth floor of Asheville City Hall, 70 Court Plaza, Asheville N.C.
3. At 3:30 p.m., Thursday October 10th, 2013, all bids received shall be open in public and the amount of each bid recorded. The record of bids shall be reported to the Asheville City Council at their regular meeting on Tuesday, October 22, 2013 at 5 p.m.
4. The Asheville City Council will determine the highest qualifying bid for each property and award the bid(s).
5. To qualify, a bid must be accompanied by a bid deposit of five percent (5%) of the amount of the bid, in the form of cash, cashier's check, or certified check. The deposit of the highest bidder(s) will be held until the sale of property is closed; and if the bidder refuses to close, then the bid shall be forfeited to the City. The deposits of other bidders will be returned at the time of the award.
6. The City reserves the right to withdraw any or all of the properties from sale at any time and the right to reject all bids.

Read and approved and adopted this 27th day of August 2013.

Magdalen Boulson
CITY CLERK

Jim Bellan
MAYOR

Approved as to form:
Matthew W. McElroy
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 13-186

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TEMPORARY SERVICES AGREEMENT WITH THE CITY OF ASHEVILLE AND FORSYTH INITIATIVE FOR RESIDENTIAL SELF-HELP TREATMENT, INC.

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with other entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the City has a need for temporary laborers based on certain short term needs of various City departments including but not limited to leaf pickup, civic center events, and general maintenance; and

WHEREAS, the amount of the Agreement is not to exceed \$155,000 and the monies have been appropriated in the City of Asheville's FY 2014 operations budget.

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

The City Manager is hereby authorized to enter into a multi-year contract on behalf of the City of Asheville with Forsyth Initiative For Residential Self-Help Treatment, Inc. to provide temporary workers on an as needed basis for an initial term of two (2) years, with the option of continuation for two (2) additional terms each equivalent to a single calendar year; with the final form of said contract to be subject to the approval of the City Attorney.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Boulson
City Clerk

John Bellan
Mayor

Approved as to form:

M. W. Mc Mahon
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13-187

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND CONVEY CERTAIN EASEMENTS RELATED TO THE HUNT HILL APARTMENTS PROJECT

WHEREAS, the City of Asheville, hereinafter the City, is authorized pursuant to N. C. Gen. Stat. sec. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City is authorized pursuant to N. C. Gen. Stat. sec. 160A-273 to convey easements across city property or right-of-way; and

WHEREAS, the City has requested a permanent access easement across land located off of Hunt Hill Place identified as PIN# 9648-57-9895-00000 owned by Biltmore Avenue, LLC; and

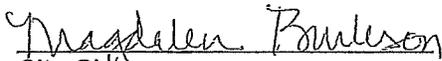
WHEREAS, Biltmore Avenue, LLC has requested a Temporary Grading Easement over City owned property identified as PINs # 964857683100000 and 964856680600000 known as Mountainside Park; and

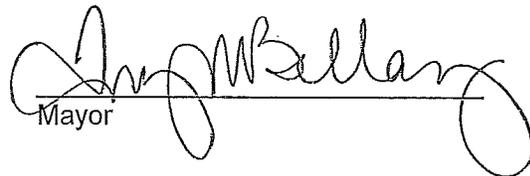
WHEREAS, Biltmore Avenue, LLC has requested a Temporary Stormwater Easement over City owned property identified as PIN # 964857683100000 known as Mountainside Park;

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

1. The City Manager be and is hereby authorized to execute any and all documents to acquire by gift, grant, devise, exchange, or otherwise, any and all interest in private real property as needed for the permanent access easement for Mountainside Park.
2. The City Manager be and is hereby authorized to execute any and all documents to convey a temporary grading easement and a temporary stormwater easement to Biltmore Avenue, LLC as related to the development of Hunt Hill Apartments.
3. The City Manager is further authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney.

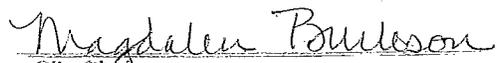
Read, approved and adopted this 27th day of August, 2013.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 13-188

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

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

WHEREAS, the North Carolina Governor's Highway Safety Program has invited the City of Asheville to submit a full grant application in the amount of \$724,861 for the implementation of a DWI Task Force that would enforce DWI laws and provide community education on traffic safety issues in Asheville and Buncombe County;

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

The City Manager is hereby authorized to apply for and enter into an agreement with the North Carolina Governor's Highway Safety Program, for a grant in the amount of \$724,861 to initiate a DWI Task Force in Asheville and Buncombe County.

Read, approved, and adopted this 27th day of August, 2013

Magdalen Boulson
CITY CLERK

Jim Bellamy
MAYOR

APPROVED AS TO FORM:

Matthew W. McMillon
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 189

RESOLUTION TO APPLY FOR FY 2013 EMERGENCY SOLUTIONS GRANT PROGRAM

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2013 from the US Department of Housing and Urban Development; and

WHEREAS, the State has made these funds available to Continuum of Cares in the State, and requires that each Continuum of Care submit one regional application for ESG funds; and

WHEREAS, the State has recommended that Continuums of Care also designate a fiscal agent to serve as the contracting entity with the State, and that the fiscal agent further subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the Asheville Buncombe Homeless Initiative Advisory Committee has requested that the City of Asheville act as lead agency and fiscal agent for the Asheville Buncombe Continuum of Care for ESG funds; and

WHEREAS, the Asheville Buncombe Homeless Initiative Advisory Committee has also made recommendations for agency funding, which have been reviewed by the Housing and Community Development Committee;

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

1. The City of Asheville serve as lead agency for the Asheville Buncombe Continuum of Care and submit the Emergency Solutions Grant application to the State of North Carolina;
2. The City of Asheville serve as fiscal agent for the program, and if approved for funding enter into a contract with the State of North Carolina for ESG funds; and further subcontract with individual agencies for approved ESG programs in amounts authorized by the State;
3. Council authorizes the City Manager to sign all necessary contract documents with the State of North Carolina and subgrant agreements with funded agencies, after approval by the City Attorney.

Read, approved and adopted this 27th day of August, 2013.

Magdalena Bouleson
CITY CLERK

Jim Belton
MAYOR

Approved As To Form:

Martha W. McKeon
CITY ATTORNEY

Magdalena Bouleson
City Clerk

442

RESOLUTION NO. 13-190

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER FOR AN EXISTING CONTRACT WITH COLEJENEST & STONE FOR THE PURPOSE OF COMPLETING PROFESSIONAL DESIGN SERVICES FOR THE CRAVEN STREET IMPROVEMENT PROJECT

WHEREAS, on June 12, 2012, City Council approved the City Manager to enter into a professional services contract agreement with ColeJenest & Stone for the design of the Craven Street Improvement project.

WHEREAS, the City wishes to finalize the design efforts and perform construction inspection during the construction of the project

WHEREAS, the City has received funding partners and is required to perform reporting to these agencies

WHEREAS, the City wishes to obtain rights-of-way and easements as necessary within the project limits.

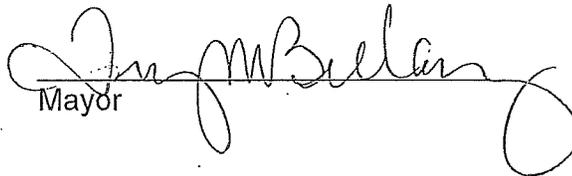
WHEREAS, the City wishes to complete major construction in advance of the New Belgium Brewery opening;

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

The City Manager is hereby authorized to execute a change order with ColeJenest & Stone for the additional professional services associated with the Craven Street Improvement project. The total professional services contract is not to exceed \$852,604.

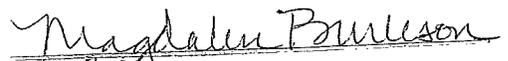
Read, approved and adopted this the 27th day of August, 2013.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

Resolution No. 13-191

RESOLUTION AUTHORIZING A SUBSTANTIAL AMENDMENT OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLANS FOR 2013-2014 FOR USE OF SECTION 108 FUNDS FOR THE EAGLE MARKET PLACE COMMERCIAL DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015; and

WHEREAS, City Council has approved an Annual Action Plan for the use of these funds in 2013-2014; and

WHEREAS, the Asheville City Council has received a request from Mountain Housing Opportunities and the Eagle Market Streets Development Corporation to amend the Action Plan to include the allocation of \$718,000 in HUD Section 108 funds for the Eagle Market Place commercial development project;

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

1. The Consolidated Annual Action Plan 2013-2014 be amended as follows:
 - a. \$718,000 of HUD Section 108 funds be loaned to Mountain Housing Opportunities for use in the construction of the Eagle Market Place commercial development;
 - b. That the City Manager is authorized to submit to HUD all documents required by HUD necessary to obtain HUD's approval for this use.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Burlington
CITY CLERK

Jim Bellamy
MAYOR

Approved As To Form:

Matthew W. McElhannon
CITY ATTORNEY

Magdalen Burlington
City Clerk

RESOLUTION NO. 13-192

RESOLUTION TO APPROVE HOUSING TRUST FUND LOAN FOR EAGLE MARKET PLACE PROJECT

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, Mountain Housing Opportunities, Inc. has applied for a Housing Trust Fund loan for the Eagle Market Place development; and

WHEREAS, the City Council of the City of Asheville has approved, and the City has funded a prior loans to Mountain Housing Opportunities, Inc. in the amount of \$300,000 at the terms recorded in RESOLUTION NO. 12-235 dated October 23, 2012 for the project known as Eagle Market Place; and

WHEREAS, the City Council of the City of Asheville desires to provide an additional \$500,000 Housing Trust Fund loan for the development of Eagle Market Place;

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

1. The loan terms recorded in Resolution No. 12-235 dated October 23, 2012 are hereby amended as follows:
 - a. A loan of \$800,000 at 2.00% interest-only with principal deferred 20 years to Mountain Housing Opportunities, Inc. for the development of Sixty-two (62) multifamily units at Eagle Market Place located on Eagle and Market Streets.
 - b. The Sixty-two (62) units shall be restricted to families earning 60% or less of the area median income.
2. The \$800,000 loan is subject to the following conditions
 - a. The City of Asheville to have a second lien security interest in the project;
 - b. Project completion unconditionally guaranteed by Mountain Housing Opportunities;
 - c. City funds shall be the last funds disbursed to the project;
 - d. The funding approved at this time represents the final and full funding commitment of the City to the project;
 - e. City staff participates in all monthly progress meetings. Full documentation of project expenses to City; all change orders affecting project financing to be disclosed at least two weeks before presentation for approval. Additionally, the city review all change order requests and approve change orders, over \$25,000.
 - f. Any inspection reports from MHO/EMSDC/TD Bank's representatives be provided to the City within two weeks of the inspections.
 - g. The City commitment is conditional on MHO meeting the requirements for full delivery of the federal Low Income Housing Tax Credits pledged to the project.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Boulson
CITY CLERK

Jim Bellamy
MAYOR

Approved As To Form:

Mathew W. McEllen
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 13-193

RESOLUTION AUTHORIZING CAPITAL INVESTMENT LOAN FOR THE EAGLE MARKET PLACE AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, the Asheville City Council has adopted a strategic plan that includes an objective to complete the Eagle Market Street redevelopment project as part of its overall community development strategy; and

WHEREAS, Mountain Housing Opportunities has indicated that the residential project comprised of 62 affordable rental units needs additional local funding to meet project development costs, without which the project is not viable; and

WHEREAS, by Resolution Number 12-122, dated May 22, 2012, the City committed to loan Mountain Housing Opportunities One Million Dollars (\$1,000,000) in permanent financing to support the project; and

WHEREAS, Mountain Housing Opportunities has requested that the City provide additional permanent financing in the amount not to exceed Two Million eight-hundred sixty-seven, six hundred eighteen Dollars (\$2,867,618); and

WHEREAS, the combined requested loan of Three million eight-hundred sixty-seven, six hundred eighteen Dollars (\$3,867,618) shall have a term of at least 20 years at a fixed rate of interest of 2% or less, and will be deferred with no payments of principles or interest; and

WHEREAS, the City anticipates having a security interest in a second lien hold position in the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE LOAN COMMITMENT RECORDED IN RESOLUTION NO. 12-122 DATED MAY 22, 2012 IS HEREBY AMENDED AS FOLLOWS:

1. The City of Asheville commit permanent financing in the amount of Three million eight-hundred sixty-seven, six hundred eighteen Dollars (\$3,867,618) to the Eagle Market Place residential development, for a term of 20 years, at a fixed rate of 2% interest, and with all payments of principal and interest deferred to the end of the term;
2. That the loan is authorized with the following conditions
 - a. The City of Asheville to have a second lien security interest in the project;
 - b. Project completion unconditionally guaranteed by Mountain Housing Opportunities;
 - c. City funds shall be the last funds disbursed to the project;
 - d. The funding approved at this time represents the final and full funding commitment of the City to the project;
 - e. City staff participates in all monthly progress meetings. Full documentation of project expenses to City; all change orders affecting project financing to be disclosed at least two weeks before presentation for approval.

Additionally, the city review all change order requests and approve change orders, over \$25,000.

- f. Any inspection reports from MHO/EMSDC/TD Bank's representatives be provided to the City within two weeks of the inspections.
- g. The City commitment is conditional on MHO meeting the requirements for full delivery of the federal Low Income Housing Tax Credits pledged to the project.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Boulson
CITY CLERK

Sam Bellamy
MAYOR

Approved As To Form:

Matthew M. Kellan
CITY ATTORNEY

Magdalen Boulson
City Clerk

Resolution No. 13-194

RESOLUTION AUTHORIZING APPROVAL OF THE 2014 OUTSIDE AGENCY GRANTS

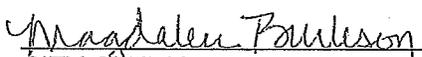
WHEREAS, NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

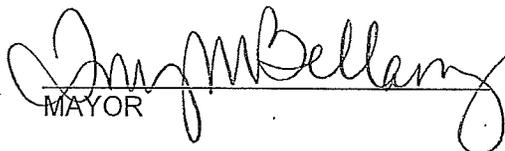
1. Council approves the award of Outside Agency Grants, as recommended by the Housing and Community Development Committee as follows:

Agency	Funding
Agency	
Asheville Buncombe Community Relations Council	35,000.00
Asheville Design Center	4,000.00
Asheville Green Works	8,000.00
Child Abuse Prevention Services	5,000.00
Children First/Communities in Schools of Buncombe County	20,000.00
Green Opportunities	25,000.00
Homeward Bound of Western North Carolina	25,900.00
United Way of Asheville and Buncombe County	2,500.00
YWCA of Asheville and Western North Carolina	8,000.00
TOTAL	\$133,400.00

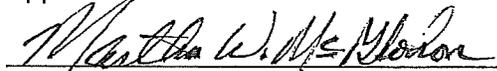
2. Council authorizes the City Manager to sign all contracts and grant agreements, after approval by the City Attorney, with designated agencies for the implementation of the Outside Agency Grants.

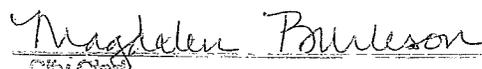
Read, approved and adopted this 27th day of August, 2013.


CITY CLERK


MAYOR

Approved As To Form:


CITY ATTORNEY


CITY CLERK

RESOLUTION NO. 13-195

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, the terms of Barber Melton, Scott Dedman, Lindsey Simerly and David Dills, as members on the Affordable Housing Advisory Committee, expire on September 1, 2013;

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

(1) Ms. Barber Melton, 15 Melton Drive, Asheville, N.C., be and she is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2016, or until her successor has been appointed.

(6) Mr. Scott Dedman, 209 Cumberland Avenue, Asheville, N.C., be and he is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2016, or until her successor has been appointed.

(3) Ms. Lindsey Simerly, 108 Hillside Street, Asheville, N.C., be and she is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2016, or until her successor has been appointed.

(4) Ms. Robin Raines, 65 Furman Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2016, or until her successor has been appointed.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Burlison
CITY CLERK

Andy Bellary
MAYOR

Approved as to form:

Nialla W. McMillan
CITY ATTORNEY

Magdalen Burlison
City Clerk

RESOLUTION NO. 13-196

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE CRIME STOPPERS BOARD

WHEREAS, David Herbert has resigned as a member of the Asheville-Buncombe Crime Stoppers Board, thus leaving an unexpired term until June 30, 2014;

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

Mr. Anthony Mitchell, 606 River Ridge Drive, Asheville, North Carolina, be and he is hereby appointed as a City Council representative on the Crime Stoppers Board of Directors, to serve the unexpired term of Mr. Herbert, term to expire June 30, 2014, or until his successor has been appointed.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Paulson
CITY CLERK

Jimmy Bellan
MAYOR

Approved as to form:

Matthew W. McElhonor
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 13- 197

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:

The Asheville City Council will hold a worksession in the First Floor North Conference Room of City Hall, located at 70 Court Plaza, Asheville, North Carolina, on Tuesday, September 10, 2013, at 4:00 p.m. to obtain an update from City staff on the proposed North Asheville Dog Park.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Boulson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

Martha McKeon
CITY ATTORNEY

Magdalen Boulson
City Clerk