RESOLUTION NO. 13-115

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY REAL PROPERTY LOCATED OFF WEST CHAPEL ROAD

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to transfer interest in real property to any other unit of government; and

WHEREAS, the City of Asheville owns certain property off West Chapel Road, being a 2.8 acre portion of PIN 9657-51-1778-00000; and

WHEREAS, Buncombe County has requested a transfer of said real property; and

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

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

Pursuant to North General Statute Sec. 160A-274 the Mayor is hereby directed to convey the a 2.8 acre portion of real property off West Chapel Road, PIN 9657-51-1778-00000 to Buncombe County. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 11th day of June 2013.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION NO. 13-116

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, Mr. Charlie Hume (south representative) has resigned as a member of the Citizens-Police Advisory Committee, 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. Grant Osborne, 82 Patton Avenue, Suite 300, Asheville, N.C., be and he is hereby appointed as the south area representative on the Citizens/Police Advisory Committee, to serve the unexpired term of Mr. Hume, term to expire June 30, 2014, or until his successor has been appointed.

Read, approved and adopted this 11th day of June, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 13 - 117

RESOLUTION AUTHORIZING REQUEST TO FAA FOR TRANSFER OF WNC AGRICULTURAL CENTER PROPERTY TO THE STATE OF NORTH CAROLINA

WHEREAS, the City of Asheville is the owner of real property near the Asheville Airport, and leases that property to the State of North Carolina for use as the WNC Agricultural Center; and

WHEREAS, the State has requested that said property be transferred to the State in fee, as provided in N.C. Sess. Law 2012-121; and

WHEREAS, the subject property was acquired by the City with assistance from the FAA, and FAA approval of the transfer is required;

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

That the Mayor be, and is hereby, authorized to make a request to the FAA for approval of the transfer of the WNC Agricultural Center property to the State of North Carolina, subject to compliance with applicable laws and regulations. The City Attorney and City Manager are directed to provide such assistance as necessary to give effect to this resolution.

Read, approved, and adopted this 11th day of June, 2013.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 13- 118

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5 WALNUT ANNIVERSARY BLOCK PARTY AT WALNUT STREET ON THE DATE OF WEDNESDAY, JUNE 19, 2013 FROM 4:00 PM – 11:00 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 5 Walnut Anniversary Block Party.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 5 Walnut Anniversary Block Party event area, as set forth on Exhibit A, attached.

   The 5 Walnut Anniversary Block party event area is within the boundaries of Walnut Street between the intersections of Biltmore Avenue and Carolina Lane.

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 5 Walnut Anniversary Party on Wednesday, June 19, 2013 from 4:00 p.m. – 11:00 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 5 Walnut Anniversary Block Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the 5 Walnut Anniversary Block Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the 5 Walnut Anniversary Block Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 11th day of June, 2013.

Magdalen Bullion
City Clerk

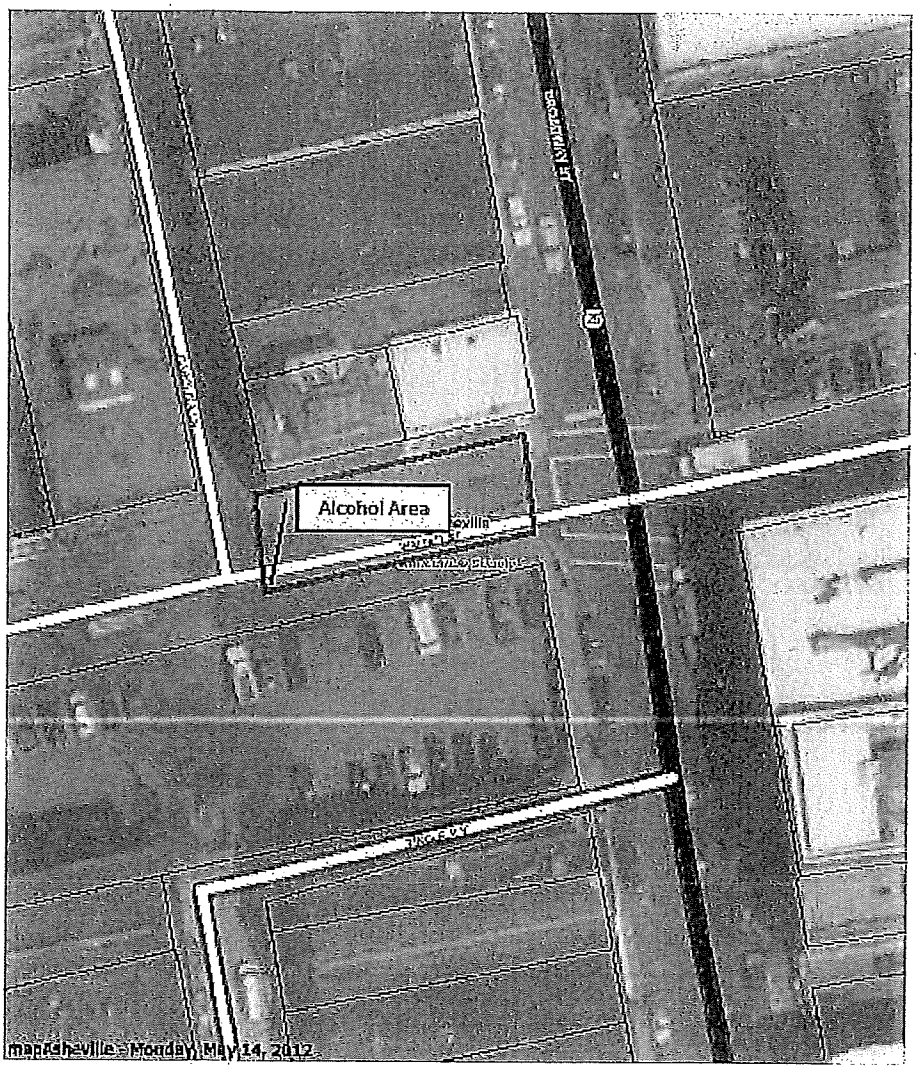
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

Exhibit A



RESOLUTION NO. 13-119

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, Ms. Jean Boyd (representing the 28801 zip code), resigned from the Neighborhood Advisory Committee thus leaving an unexpired term until July 1, 2015; and

WHEREAS, Ms. Peggy Dutton (representing the 28803 or 28704 zip code), resigned from the Neighborhood Advisory Committee thus leaving an unexpired term until July 1, 2015; and

WHEREAS, the initial one-year terms of DeWayne Barton (representing 28806 or 28728 zip code), Carmen Ramos-Kennedy (at-large representative) and Alan Escovitz (at-large representative) term expire July 1, 2013,

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

Mr. Joseph Fioccola, 34 Girdwood Street, Asheville, N.C., be and he is hereby appointed to serve the unexpired term of Ms. Boyd (representing the 28801 zip code), term to expire July 1, 2015, or until his successor has been appointed.

Pastor Spencer Hardaway, 82 Pebble Creek Drive, Asheville, N.C., be and he is hereby appointed to serve the unexpired term of Ms. Dutton (representing the 28803 or 28704 zip code), term to expire July 1, 2015, or until his successor has been appointed.

Mr. DeWayne Barton, 21 Mardel Circle, Asheville, N.C., be and he is hereby reappointed to serve a three-year term, as the 28806 or 28728 representative, term to expire July 1, 2016, or until his successor has been appointed.

Ms. Carmen Ramos-Kennedy, 24 Curve Street, Asheville, N.C., be and she is hereby reappointed to serve a three-year term, as an at-large representative, term to expire July 1, 2016, or until her successor has been appointed.

Dr. Alan Escovitz, 102 Macon Avenue, be and he is hereby reappointed to serve a three-year term, as an at-large representative, term to expire July 1, 2016, or until his successor has been appointed.

Read, approved and adopted this 11th day of June, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

321

RESOLUTION NO. 13--120

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR PROJECT X

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and,

WHEREAS, a Company known herein as Project X is proposing to significantly invest in operations within the City limits adding $126,620,000 in new capital investment in new machinery and equipment to the City's tax base; and,

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering performance based grants to qualifying businesses locating and expanding within the corporate limits;

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

1. City Council approves a performance based grant for Project X not to exceed $1,568,000, payable in seven (7) annual installments, subject to compliance with a Economic Development Agreement between the City and Project X; and

2. The City Manager is hereby authorized to engage in final negotiations and execute the Economic Development Agreement containing the terms and conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 11th day of June, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION 13-121

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE MULTIMODAL TRANSPORTATION COMMMISSION

WHEREAS, on the 14th day of May, 2013, the Asheville City Council enacted Ordinance No. 4190 creating the Asheville Multimodal Transportation Commission (Commission); and

WHEREAS, the Ordinance requires that Council appoint nine (9) members to the Commission pursuant to 3 recommendations from the Transit Commission; Greenway Commission; Bike and Pedestrian Task Force; and

WHEREAS, the Ordinance also requires one ex-officio non-voting member from the Planning and Zoning Commission, the Sustainable Advisory Committee on Energy & the Environment and the Neighborhood Advisory Committee; and

WHEREAS, the Transit Commission, Greenway Commission, Bike and Pedestrian Task Force, Planning and Zoning Commission Sustainable Advisory Committee on Energy & the Environment, and Neighborhood Advisory Committee have made recommendations to the Asheville City Council for appointments to the Commission as follows:

1. The Transit Commission hereby recommends the following three voting members to the Commission: Itiyopiya Ewart, Julie Mayfield and Bruce Emory.

2. The Greenway Commission hereby recommends the following three voting members to the Commission: Marcia Bromberg, Mary Weber and Jim Grode.

3. The Bike and Pedestrian Task Force hereby recommends the following three voting members to the Commission: Till Dhose, Don Kostelec and Terri March.

4. The Planning and Zoning Commission hereby recommends the following ex-officio non-voting member to the Commission: Kristy Carter.

5. The Neighborhood Advisory Board hereby recommends the following ex-officio non-voting member to the Commission: Robert Roepnack.

6. The Sustainable Advisory Committee on Energy & the Environment hereby recommends the following ex-officio non-voting member to the Multimodal Transportation Commission: Lael Gray.

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

The following persons are hereby appointed to the Asheville Multimodal Transportation Commission as follows:

1. Itiyopiya Ewart, be and is hereby appointed to serve an initial one-year term (representing the Transit Commission), term to begin July 1, 2013, and expire on July 1, 2014.

2. Julie Mayfield, be and is hereby appointed to serve an initial two-year term (representing the Transit Commission), term to begin July 1, 2013, and expire on July 1, 2015.
3. Bruce Emory be and is hereby appointed to serve a three-year term (representing the Transit Commission), term to begin July 1, 2013, and expire on July 1, 2016.

4. Marcia Bromberg, be and is hereby appointed to serve an initial one-year term (representing the Greenway Commission), term to begin July 1, 2013, and expire on July 1, 2014.

5. Mary Weber ,be and is hereby appointed to serve an initial two-year term (representing the Greenway Commission), term to begin July 1, 2013, and expire on July 1, 2015.

6. Jim Grode, be and is hereby appointed to serve a three-year term (representing the Greenway Commission), term to begin July 1, 2013, and expire on July 1, 2016.

7. Till Dhose, be and is hereby appointed to serve an initial one-year term (representing the Bike & Pedestrian Task Force), term to begin July 1, 2013, and expire on July 1, 2014.

8. Don Kostelec, be and is hereby appointed to serve an initial two-year term (representing the Bike & Pedestrian Task Force), term to begin July 1, 2013, and expire on July 1, 2015.

9. Terri March, be and is hereby appointed to serve a three-year term (representing the Bike & Pedestrian Task Force), term to begin July 1, 2013, and expire on July 1, 2016.

10. Robert Roepnack, be and is hereby appointed to serve a three-year term (ex-officio non-voting member representing the Neighborhood Advisory Committee), term to begin July 1, 2013, and expire on July 1, 2016.

11. Kristy Carter, be and is hereby appointed to serve a three-year term (ex-officio non-voting member representing the Planning & Zoning Commission), term to begin July 1, 2013, and expire on July 1, 2016.

12. Lael Gray, be and is hereby appointed to serve a three-year term (ex-officio non-voting member representing the Sustainable Advisory Committee on Energy & the Environment), term to begin July 1, 2013, and expire on July 1, 2016.

All terms are until their successors have been appointed.

Read, approved and adopted this 11th day of June, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 13-122

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CODE STUDIO FOR PROFESSIONAL PLANNING SERVICES TO CREATE A FORM-BASED CODE FOR THE HAYWOOD ROAD CORRIDOR IN WEST ASHEVILLE

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-20.1 and 160A-363 to enter into contracts with private entities to prepare plans related to land use within the City of Asheville; and

WHEREAS, the City of Asheville authorized a form based code planning study for the Haywood Road corridor in West Asheville as completion of this project requires professional planning services; and

WHEREAS, the identified budget for this project is $100,000; and the funds for this contract are available in the City of Asheville adopted budget for 2012-2013; and

WHEREAS, the City issued a Request for Proposals for professional planning services for this project, and formed a Selection Committee composed of City staff, Planning Commissioners, and West Asheville residents to select from the proposals submitted; and

WHEREAS, the Selection Committee has determined Code Studio to be the best qualified firm to perform this work;

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

The City Manager is authorized to execute a contract with Code Studio for professional planning services, not to exceed the budgeted amount; and subject to review and approval by the City Attorney.

Read, approved and adopted this 11th day of June, 2013

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 13-123

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH ASHEVILLE CITY BOARD OF EDUCATION ON A PORTION OF CITY-OWNED REAL PROPERTY AT 285 LIVINGSTON ST., ASHEVILLE NORTH CAROLINA KNOWN AS THE DR. WESLEY GRANT SR. SOUTHSIDE CENTER

WHEREAS, the City of Asheville is the owner of real property located at 285 Livingston St., Asheville NC, identified as PIN #964814039800000 and known as the Dr. Wesley Grant Sr., Southside Center; and

WHEREAS, the Asheville City Board of Education, a North Carolina body corporate, wishes to enter into a lease agreement in order to locate a modular unit with twelve (12) mobile classrooms on a portion (approximately 1 acre) of the property at 285 Livingston St. in order for the school district to provide space and school educational activities for students who are being relocated due to construction of two new schools; and

WHEREAS, N. C. Gen. Stat. sec. 160A-274 authorizes the City lease City property to another governmental unit upon such terms and conditions as it deems wise; and

WHEREAS, the term of the lease agreement will be for two (2) years; and

WHEREAS, as consideration for the lease, the Asheville City Schools shall pay a rental rate of one dollar per year ($1/yr) and also agrees to use its best efforts to work with the City to identify an appropriate and mutually agreeable location for a future greenway easement area on its Asheville Middle School property in connection with the City's planned Clingman Forest Greenway;

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

The City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and the Asheville City Board of Education for a portion of the real property at 285 Livingston St. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 11th day of June, 2013.

Magdalen Bullman — City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullman
City Clerk

RESOLUTION NO. 13-124

RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

WHEREAS, the term of Bill Jones, as a member on the Civic Center Commission, will expire on June 30, 2013;

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

Mr. Bill Jones, 339 Beaverdam Road, Asheville N.C., be and he is hereby reappointed to the Civic Center Commission, to serve an additional three year term, term to expire June 30, 2016, or until his successor has been appointed.

Read, approved and adopted this 11th day of June, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk