

Resolution No. 13-125

RESOLUTION OF APPRECIATION TO ROBERT W. OAST JR.

WHEREAS, Bob Oast has served the citizens of the City of Asheville as City Attorney since November 18, 1996; and

WHEREAS, on February 12, 2013, Bob announced his resignation to be effective July 1, 2013; and

WHEREAS, Bob entered public service in 1983 and worked for the last 25 years exclusively within local governments in North Carolina; and

WHEREAS, Bob has served many different Councils, including four different mayors, with dedication, loyalty, energy, and professionalism; and

WHEREAS, Bob has a strong relationship with the UNC School of Government and the NC League of Municipalities, both of which see him as a strong resource for both legal and planning matters; and

WHEREAS, Bob holds both a law degree and a master's degree in regional planning from UNC-Chapel Hill and is a member of the American Institute of Certified Planners; and

WHEREAS, Bob has a long history of involvement in professional organizations and is a past chair of the Zoning, Planning and Land Use Law Section of the North Carolina Bar Association; and

WHEREAS, Bob is current President of the North Carolina Municipal Attorneys Association; and

WHEREAS, Bob has distinguished himself and the City of Asheville by reason of his outstanding service as City Attorney; and

WHEREAS, this City Council will miss the high level of professional competence provided to the City Council by Bob, and also his integrity, charm, wit, advice, dependability, and friendship; and

WHEREAS, this City Council and prior City Councils have had the utmost respect and confidence in Bob; and

WHEREAS, Bob has also provided outstanding service to City of Asheville departments, boards and commissions;

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

That the members of the Asheville City Council do hereby express their appreciation of and respect for Robert W. Oast Jr. for the years of outstanding legal service he has rendered to the City of Asheville as City Attorney.

Read, approved and adopted this 25th day of June, 2013.

Terry M. Bellamy
Mayor

Esther Manheimer
Vice-Mayor

Jan Davis
Councilman

Cecil Bothwell
Councilman

Marc Hunt
Councilman

Chris Pelly
Councilman

Gordon Smith
Councilman

Gary W. Jackson
City Manager

Magdalen Burleson
City Clerk

Magdalen Burleson

City Clerk

RESOLUTION NO. 13- 126RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH ROGERS GROUP, INC. FOR THE PROJECT KNOWN AS ASPHALT PAVING IMPROVEMENTS – PHASE 1

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 Asphalt Paving Improvements – Phase 1, City of Asheville Project # ENG-12-13-017; and

WHEREAS, Rogers Group, Inc. of Nashville, TN was the lowest responsible bidder for the project, in the amount of \$1,061,272, and

WHEREAS, the project involves the Installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, and Full Depth Pavement Repair; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative 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 City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$1,061,272 plus a contingency of 3.6% (\$38,728) with Rogers Group, Inc. for the project known as Asphalt Paving Improvements – Phase 1, City of Asheville Project # ENG-12-13-017.

2. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.

Read, approved and adopted this the 25th day of June, 2013.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

ASPHALT PAVING IMPROVEMENTS
 PHASE 1
 BID TABS

LINE	DESCRIPTION	QTY.	UNIT	ROGERS UNIT PRICE	ROGERS AMOUNT	HARRISON UNIT PRICE	HARRISON AMOUNT
1	Mobilization	1	L.S.	\$9,475.00	\$9,475.00	\$14,750.00	\$14,750.00
2	Traffic Control	1	L.S.	\$21,400.00	\$21,400.00	\$110,000.00	\$110,000.00
3	Asphalt Pavement S9.5B (Surface Course)	6,355	Tons	\$78.50	\$498,867.50	\$83.00	\$527,465.00
4	Shoulder Reconstruction	4,250	L.F.	\$3.25	\$13,812.50	\$3.30	\$14,025.00
5	ABC	90	Tons	\$40.00	\$3,600.00	\$85.00	\$7,650.00
6	Incidental Stone	30	Tons	\$40.00	\$1,200.00	\$85.00	\$2,550.00
7	Asphalt Plant Mix Pavement Repair (Full Depth Patching)	4,415	Tons	\$91.75	\$405,076.25	\$169.00	\$746,135.00
8	Wedge Milling	7,685	S.Y.	\$3.55	\$27,281.75	\$4.00	\$30,740.00
9	4" x 4" Asphalt Curb	600	L.F.	\$11.00	\$6,600.00	\$8.50	\$5,100.00
10	12" x 6" Concrete Stand-Up Curb	300	L.F.	\$25.00	\$7,500.00	\$33.00	\$9,900.00
11	Adjust Manholes	58	EA.	\$414.00	\$24,012.00	\$425.00	\$24,650.00
12	Adjust Catch Basins/Curb Inlets	3	EA.	\$950.00	\$2,850.00	\$975.00	\$2,925.00
13	Adjust Meter/Valve Boxes	27	EA.	\$385.00	\$10,395.00	\$250.00	\$6,750.00
14	Install 24" White Stripe (90 mils)	314	L.F.	\$8.00	\$2,512.00	\$8.00	\$2,512.00
15	Install 12" White Stripe (90 mils)	200	L.F.	\$3.50	\$700.00	\$3.50	\$700.00
16	Install 8" White Stripe (90 mils)	450	L.F.	\$2.00	\$900.00	\$2.00	\$900.00
17	Install 4" White Stripe (90 mils)	11,800	L.F.	\$0.50	\$5,900.00	\$0.50	\$5,900.00
18	Install 4" Yellow Stripe (90 mils)	16,505	L.F.	\$0.50	\$8,252.50	\$0.50	\$8,252.50
19	Install 4" Red Stripe (90 mils)	65	L.F.	\$2.50	\$162.50	\$2.50	\$162.50
20	Install 12" Yield Line Symbol (90 mils)	15	L.F.	\$45.00	\$675.00	\$45.00	\$675.00
21	Install Pavement Symbols (120 mils)	101	EA.	\$100.00	\$10,100.00	\$100.00	\$10,100.00

\$1,061,272.00 \$1,531,842.00

RESOLUTION NO. 13-127

RESOLUTION AWARDING THE CONTRACT FOR RENOVATIONS TO THE HVAC SYSTEM IN THE MUNICIPAL BUILDING (POLICE DEPARTMENT EVIDENCE ROOMS) TO R & W INCORPORATED

WHEREAS, NCGS §143-131, authorizes local municipal governments to bid construction contracts costing \$30,000 or more but less than \$500,000 on an informal basis; and

WHEREAS, informal bids were solicited for renovations to the HVAC System in the Municipal Building that house the Asheville Police Department Evidence Rooms; and

WHEREAS, R&W Incorporated was the lowest responsible, responsive bidder; and

WHEREAS, staff recommend that the contract for renovations to the HVAC System as reference above be awarded to R&W Incorporated;

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

The contract to renovate the HVAC System in the Municipal Building housing the City of Asheville Police Department Evidence Rooms is hereby awarded to R & W Incorporated; and the City Manager is hereby authorized to execute a contract with R&W Inc., including any and all change order up to the budgeted amount.

Read, approved and adopted this the 25th day of June 2013.

Magdalen Boulson
City Clerk

Don Miller
Mayor

Approved as to form:

David
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 128

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT CONTRACT WITH THE CLEAN WATER MANAGEMENT TRUST FUND AND ENTER INTO A MEMORANDUM OF UNDERSTANDING TO RECEIVE CLEAN WATER MANAGEMENT TRUST FUNDS THROUGH RIVERLINK, INC.

WHEREAS, Riverlink, Inc. has applied for grant funding through the North Carolina Clean Water Management Trust Fund for the construction of stormwater retention and water quality features along the Craven Street project area; and

WHEREAS, the North Carolina Clean Water Management Trust Fund (CWMTF) has approved funding of the project as described in the grant application and the CWMTF has prepared and executed a Grant Contract with RiverLink Inc.; and

WHEREAS, the Grant Contract will specify the terms and conditions under which the Trust Fund will provide grant funding; and

WHEREAS, the Grant Contract will require RiverLink, Inc. to perform certain functions and obligations in order to carry out the work described in the grant contract; and

WHEREAS, the City of Asheville intends to perform the work associated with said project as part of the improvements to Craven Street and in accordance with the approved plans, specifications and contract requirements of the CWMTF contract with RiverLink, Inc.;

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

The City of Asheville does hereby give assurance to the North Carolina Clean Water Management Trust Fund that it understands the functions and obligations to which the City is committing itself in order to carry out the work described in this grant contract, and further agrees that the City of Asheville will proceed with diligence to perform those functions and obligations to accomplish the work described in any grant contract that may result from the original application.

The City Manager is hereby authorized to enter into a Memorandum of Understanding with RiverLink, Inc. on behalf of the City of Asheville for the work associated with this project and also is authorized to sign all other application or contract documents required to carry out the City's obligations.

Read, approved and adopted this the 25th day of June, 2013.

Magdalen Boulson
City Clerk

Sam Bell
Mayor

Approved as to form:

Russ Dahl
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 129

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE GRIZZLIES HOME FOOTBALL GAMES ON THE DATES OF SATURDAY, JULY 20, 2013 AND SATURDAY, AUGUST 3, 2013 FROM 5:00 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 Grizzlies Home Football Games.

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 Grizzlies Home Football Games event area, as set forth on Exhibit A, attached.

The Asheville Grizzlies Home Football Games event area is within the boundaries of Memorial Stadium.

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 Grizzlies Home Football Games on Saturday, July 20, 2013 and Saturday, August 3, 2013 from 5:00 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 Grizzlies Home Football Games 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 Grizzlies Home Football Games 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 Grizzlies Home Football Games, 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 25th day of June, 2013.

Magdalen Bouleson
City Clerk

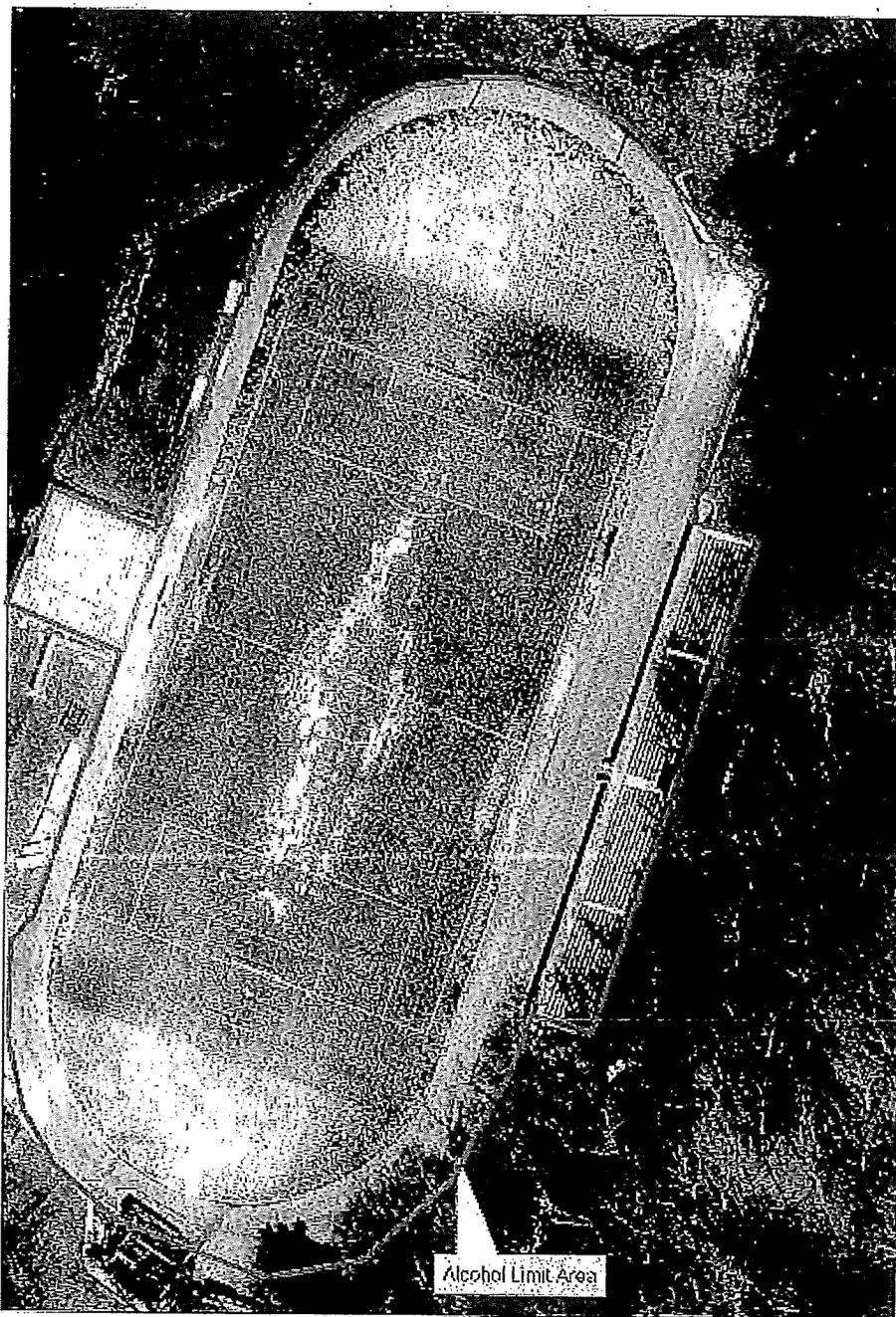
Imogen Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouleson
City Clerk

Exhibit A



Memorial Stadium

RESOLUTION NO. 13- 130

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FRENCH BROAD CYCLING CLASSIC MID-RACE MIXER ON THE DATE OF SATURDAY, JULY 20, 2013 FROM 6:00 PM – 9:00 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 French Broad Cycling Classic Mid-Race Mixer.

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 Mid-Race Mixer event area, as set forth on Exhibit A, attached.

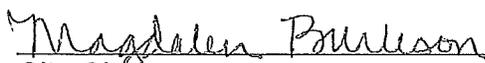
The French Broad Cycling Classic Mid-Race Mixer event area is within the boundaries of Town Square Blvd. between Schenck Parkway and Barnack Way.

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 Mid-Race Mixer on Saturday, July 20, 2013 from 6:00 p.m. – 9:00 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

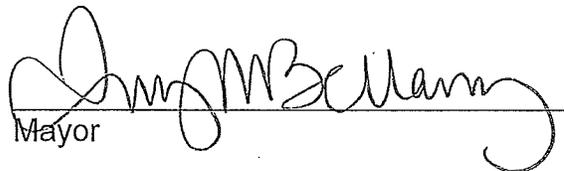
and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the French Broad Cycling Classic Mid-Race Mixer event area. No other possession of open containers 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 Mid-Race Mixer 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 Mid-Race Mixer, 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 25th day of June, 2013.

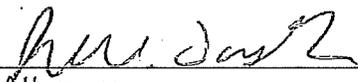


City Clerk



Mayor

Approved as to form:

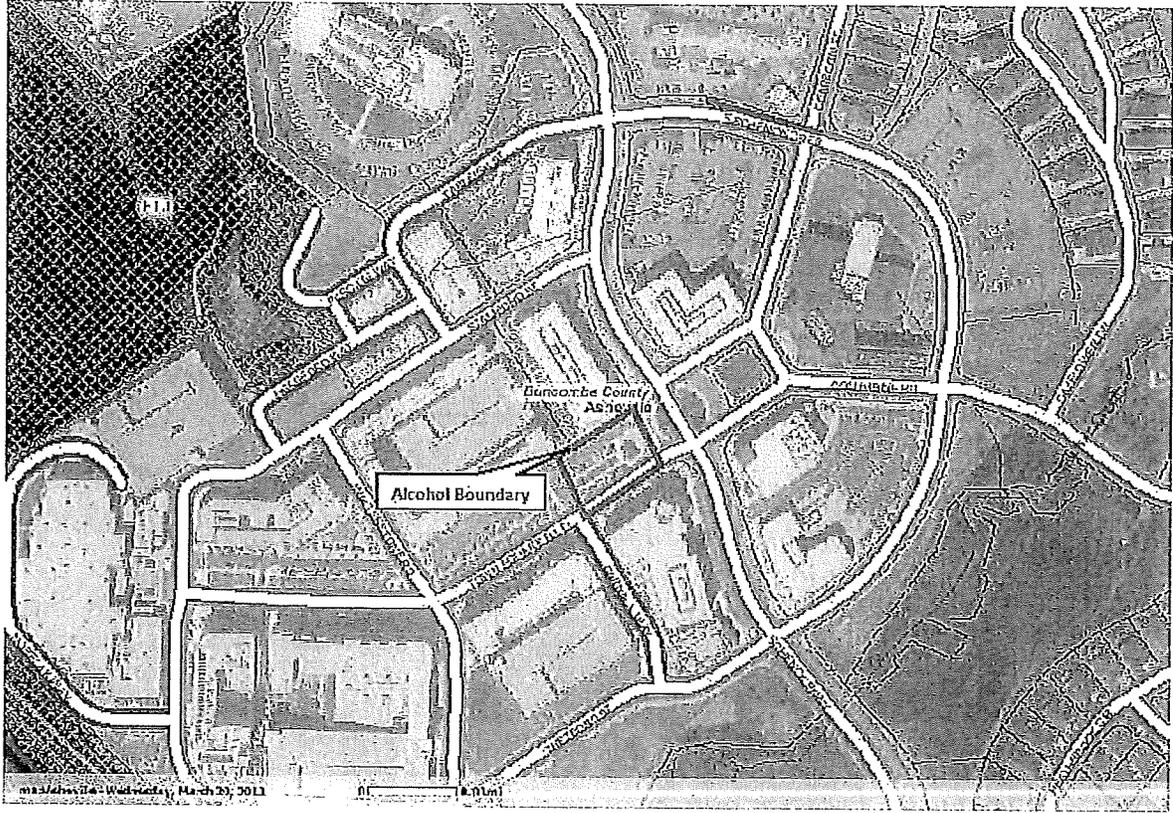


City Attorney



City Clerk

Exhibit A



RESOLUTION NO. 13- 131

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE NEW BELGIUM CLIPS BEER & FILM TOUR ON THE DATE OF FRIDAY, SEPTEMBER 6, 2013 FROM 7:00 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 New Belgium Clips Beer & Film Tour.

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 New Belgium Clips Beer & Film Tour event area, as set forth on Exhibit A, attached.

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

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 New Belgium Clips Beer & Film Tour on Friday, September 6, 2013 from 7:00 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 New Belgium Clips Beer & Film Tour 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 New Belgium Clips Beer & Film Tour 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 New Belgium Clips Beer & Film Tour, 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 25th day of June, 2013.

Magdalen Boulson
City Clerk

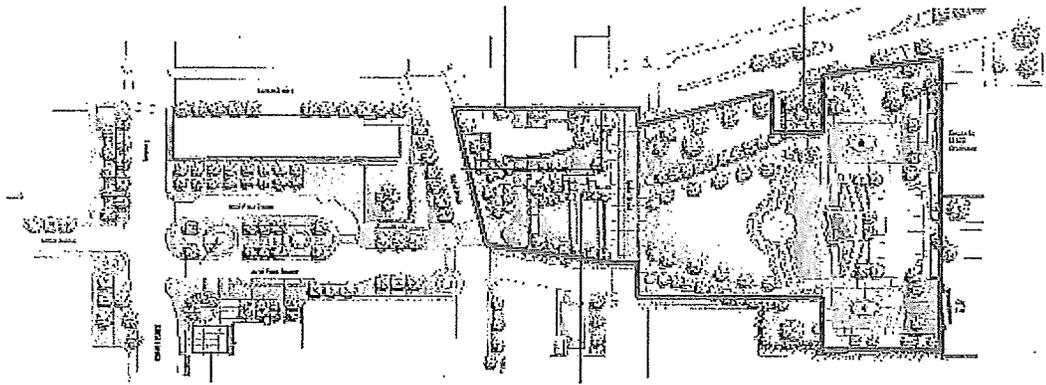
Jim Bellamy
Mayor

Approved as to form:

Robert Jacob
City Attorney

Magdalen Boulson
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 13- 132

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, SEPTEMBER 15, 2013 FROM 12:00 PM – 8:00 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 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 September 15, 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 25th day of June, 2013.

Magdalen Bouslon
City Clerk

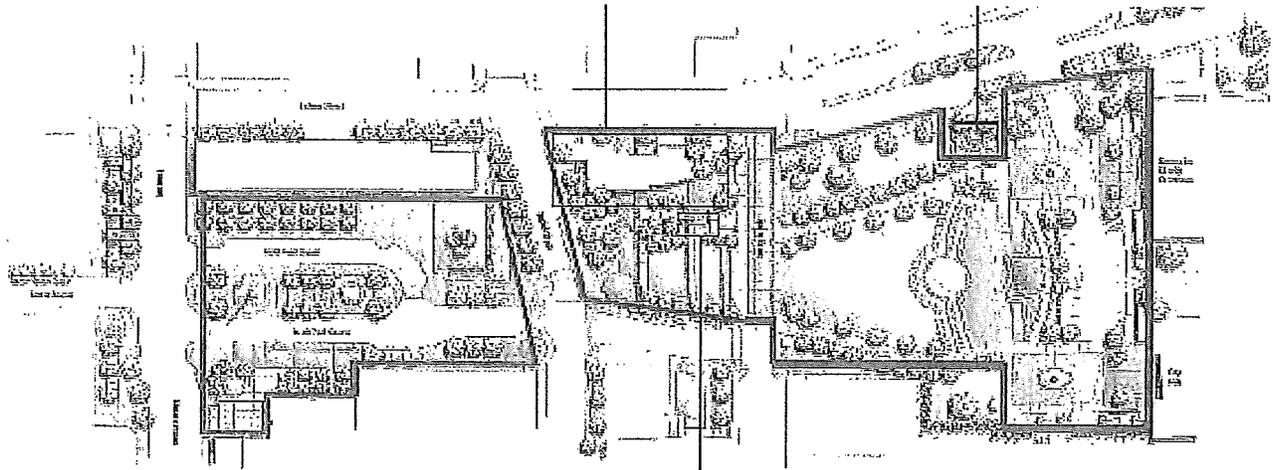
Jim Bellan
Mayor

Approved as to form:

Paul Herb
City Attorney

Magdalen Bouslon
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 13- 133

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOG DAY AFTERNOON ON THE DATE OF SUNDAY, SEPTEMBER 22, 2013 FROM 12:00 PM – 4:00 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 Dog Day Afternoon.

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

The Dog Day Afternoon event area is within the boundaries of Carrier Park located at 220 Amboy Road.

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 Dog Day Afternoon on Sunday, September 22, 2013 from 12:00 p.m. – 4:00 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 Dog Day Afternoon 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 Dog Day Afternoon 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 Dog Day Afternoon, 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 25th day of June, 2013.

Magdalen Boulson
City Clerk

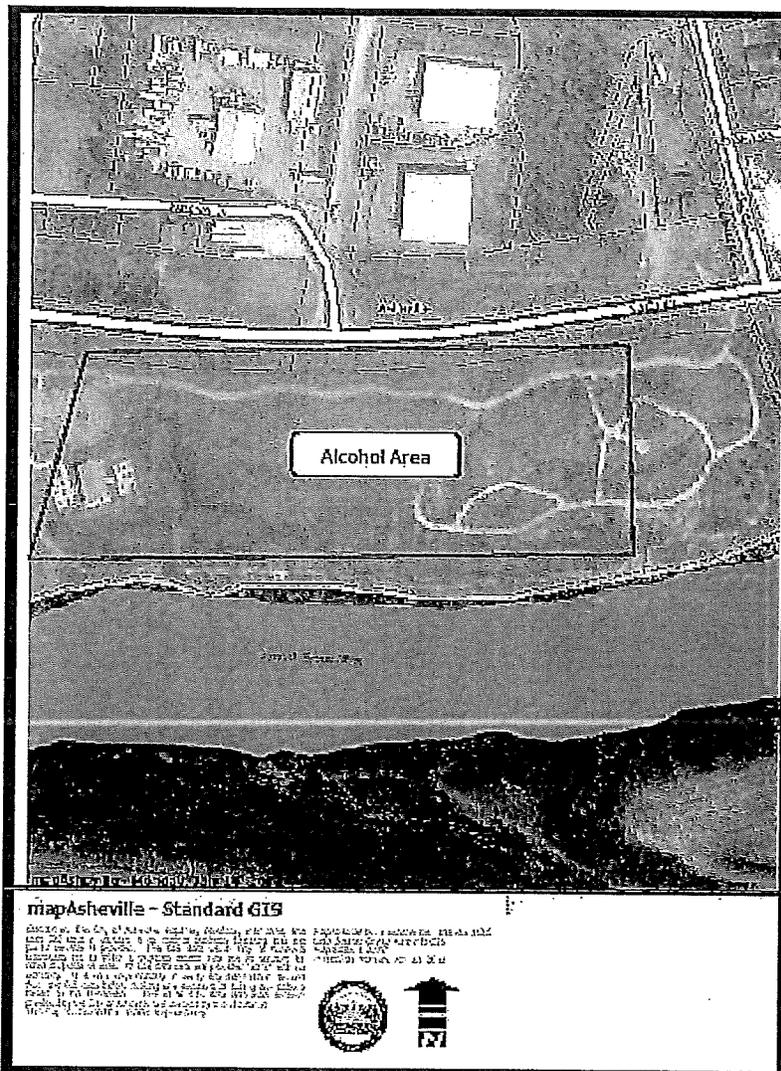
Jimmy Bellamy
Mayor

Approved as to form:

Russ Cook
City Attorney

Magdalen Boulson
City Clerk

Exhibit A



RESOLUTION NO. 13-134

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A TRANSFER OF 0.23 ACRES OF REAL PROPERTY ALONG CRAVEN STREET FROM DUKE ENERGY PROGRESS FOR THE PURPOSE OF IMPLEMENTING THE CRAVEN STREET IMPROVEMENT PROJECT

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method;

WHEREAS, Duke Energy Progress (f.k.a. Progress Energy of the Carolinas and Carolina Power & Light) has offered to convey approximately 0.23 acres of land located off of Craven Street (described as a 0.16 acre portion of Deed Book 818 pg. 627 and a 0.07 acre portion of Deed Book 602 pg. 345) to the City of Asheville;

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

The Mayor be and is hereby authorized to execute documents and accept the conveyance from Duke Energy Progress the real property located off of Craven Street and execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney.

Read, approved and adopted this 25th day of June, 2013.

Magdalen Baulson
City Clerk

Ingobert Sullars
Mayor

Approved as to form:

Randall
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 13-135RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT ALL LEGAL INTEREST IN REAL PROPERTY AS NEEDED FOR THE IMPLEMENTATION OF THE CRAVEN STREET IMPROVEMENT PROJECT

WHEREAS, the City of Asheville (City) is authorized pursuant to G.S. 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, in order to implement the Craven Street Improvement Project, the City may need to acquire various interests in real property from private property owners;

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 implementation of the Craven Street Improvement Project that falls within the meaning and intent of this authorization.
2. 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 25th day of June, 2013.

Magdalen Paulson
City Clerk

Angela Bellamy
Mayor

Approved as to form:

Mark Davis
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 13- 136RESOLUTION APPROVING THE DONATION OF A CITY OF ASHEVILLE
MAGNESIUM CHLORIDE TANK AND RESIDUAL MATERIALS TO THE TOWN OF
BLACK MOUNTAIN

WHEREAS, pursuant to N.C.G.S. § 160A-280, a City may donate equipment or materials to another governmental unit; and

WHEREAS, the City has an obsolete Magnesium Chloride Tank and residual materials that the Town Black of Mountain has requested and that the City desires to donate to the Town of Black Mountain; and

WHEREAS, the Town of Black Mountain will cover all costs associated with the transfer and transportation of the equipment; and

WHEREAS, the magnesium chloride tank and residual materials are no longer being used by the City;

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

1. The Magnesium Chloride Tank and residual materials are obsolete and unused.
2. The donation of the Chloride Tank and residual materials to the Town of Black Mountain is hereby approved.

Read, approved and adopted this the 25th day of June, 2013.

Magdalen Baulson
City Clerk

Angela Bellamy
Mayor

Approved as to form:

Kevin Dask
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 13- 137

RESOLUTION TO REPLACE THE CITY'S SELF-INSURED MEDICAL PLAN FOR RETIREES WITH ACCESS AND/OR ENROLLED IN MEDICARE TO A FULLY INSURED MEDICARE CARVE OUT PLAN

WHEREAS, pursuant to N.C.G.S. 160A-162(b), the City has authority to provide health insurance to employees; and

WHEREAS, the City is self insured for health benefits for eligible employees, retirees and dependents; and

WHEREAS, the City Council of the City of Asheville has previously acted to establish the basis for continuing benefits after retirement for employees and their families in Resolutions 93-74, 00-8, and 06-19; and

WHEREAS, the City desires at the present time to amend prior resolutions to replace the City's self-insured medical plan for retirees with access and/or enrolled in Medicare to a fully insured Medicare carve out plan; and

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

1. City Council Resolution 93-74, as amended by resolutions 00-8 and 06-190, and Resolution 00-08, as amended by Resolution 06-190, and Resolution 06-190, are hereby amended effective July 1, 2013, pursuant to the attached Exhibit "A" and Exhibit "B".
2. Except as specifically provided herein, no provision in City Council Resolutions 93-74, 00-08, 06-190 and 11-245 is repealed or abrogated.

Read, approved and adopted this the 25th day of June, 2013.

Magdalen Baulson
City Clerk

Jim McCallam
Mayor

Approved as to form:

R. A. Jast
City Attorney

Magdalen Baulson
City Clerk

Exhibit "A"

FOR EMPLOYEES WITH A DATE OF HIRE OF OR BEFORE DECEMBER 31, 2006:

- (a) No cost coverage for employees who retire at any age based upon disability with more than five years of creditable service.
- (b) No cost coverage for employees who retire from active service within 24 months of attaining eligibility for unreduced retirement benefits through LGERS based upon 60 years of age with 25 or more years of service.
- (c) No cost coverage for employees who retire from active service within 24 months of attaining eligibility for unreduced retirement benefits through LGERS based upon 30 years of service for all employees and 20 years of service for police officers who have reached at least the age of 55; provided, however, the retirement must occur after July 1, 1993.
- (d) Provided, however, that any employee not retiring within 24 months of eligibility as defined in sections (b) and (c) above, shall be allowed to remain on the City's group plan after retirement but shall upon retirement be required to pay to the City 5% per year of the full cost of an individual certificate under the City's group plan for each year beyond 24 months of first eligibility worked, adjusted annually in 5% increments upon the anniversary date of the first unreduced retirement eligibility, to a maximum of 50% of premium. In no case shall an employee retire due to service with an unreduced benefit from LGERS whose contribution for an individual certificate under the City's group plan exceeds 50% of that cost annually.
- (e) Employees retiring on "early retirement" as defined by the North Carolina Local Governmental Employees Retirement System (LGERS) will be eligible for continuation of health coverage as otherwise provided for, and according to the same terms and conditions in this resolution.
- (f) Current employees who as of July 1, 1993 will have reached unreduced retirement eligibility on or before July 1, 1991 shall have until January 1, 1994 to retire through LGERS and become eligible for no-cost continuation of coverage. Any such employee choosing to continue employment after January 1, 1994 shall fall under the reduction in benefit provisions in Paragraph (d) above effective January 1, 1994.
- (g) Spouses and legal dependents of retirees shall be eligible for coverage under the City's group plan following retirement from active service of any employee, but shall pay to the City the full cost of a family certificate under the City's group plan.
- (h) Employees, spouses, and legal dependents shall remain eligible for coverage under the terms of this resolution until:
 - (1) Going to work where coverage is otherwise available, or
 - (2) Being eligible for coverage through a spouse's or parent's employment, or
 - (3) Becoming eligible for Medicaid, or

(4) Becoming eligible for Medicare.

Nothing in this section shall be construed to limit in any way a retiring employee's eligibility for benefits under this Exhibit including, but not limited to marriage or other family relation to an employee of the City of Asheville.

Notwithstanding the terms of this provision, employees, spouses, and legal dependents may remain on the plan by paying the full, unsubsidized cost of coverage, if they lose eligibility for coverage because of going to work where coverage is otherwise available or becoming eligible for Medicaid.

Retirees, spouses and legal dependents that become eligible for Medicare due to age or disability may enroll in the City of Asheville's fully insured Medicare Retiree carve out plan. They are not eligible to remain on the City of Asheville's self insured retiree medical plan. See also paragraph J for special provisions regarding Medicare.

Notwithstanding the terms of this provision, employees, spouses and legal dependents who, upon retirement on or after January 1, 2007, lose eligibility for coverage under the terms of provision (h)(2) because they are eligible for coverage through a spouse's employment, shall be eligible to remain on the plan at a semi-subsidized rate; they shall receive a subsidy toward their coverage based on the amount of the subsidy provided to a retiring employee who does not have access to other coverage of any kind, the retiring employee's years of service to the City of Asheville, and this sliding scale:

<u>Years of City of Asheville Service</u>	<u>Percent of Subsidy Amount to be Subsidized</u>
25 or more years	100% of subsidy amount
20 or more but less than 25 years	80% of subsidy amount
15 or more but less than 20 years	65% of subsidy amount
10 or more but less than 15 years	55% of subsidy amount
5 or more but less than 10 years	50% of subsidy amount
Fewer than 5 years	No subsidy

- (i) No retiree of the City of Asheville shall be eligible for cost-free continuation of coverage in any amount under any circumstances beyond the age of 65 years.
- (j) Any retiree, retiree's spouse or legal dependent, once eligible for Medicare through age or disability may enroll in the City of Asheville's fully insured Medicare Retiree carve out plan by paying the full cost of the monthly premium charged by the Insurance carrier so long as the retiree, spouse or dependent is enrolled under Medicare Parts A, B and D. Retirees, retiree spouses or retiree dependents eligible for Medicare are not eligible to remain on the City of Asheville's self insured retiree medical plan.
- (k) This Resolution is intended to provide basic health care benefits to retirees and their families in addition to any legal rights under COBRA. Conflict between this Resolution and COBRA or any other applicable federal or state law shall be resolved on the basis of that law or this Resolution yielding the higher benefit to employees and their families.
- (l) The City of Asheville hereby reserves the right to set rates for employee medical coverage, establish eligibility requirements for coverage under its group plan, and the right to terminate benefits to retirees at any time in the future.
- (m) As a condition of enrollment, retirees must be current in payment of premiums. Therefore, any retiree who fails to keep their premiums current will be dropped from the City of Asheville's group coverage in accordance with the City's billing policy or the City of Asheville's fully insured Medicare Retiree carve out plan, in accordance with the provider's internal billing policy.
- (n) Resolution 93-74, as amended, and resolution 00-8, as amended, shall not apply to employees with a hire date or after January 1, 2007.

Exhibit "B"

The City of Asheville will provide medical coverage to retirees and their dependents as follows:

FOR EMPLOYEES WITH A DATE OF HIRE OF OR AFTER JANUARY 1, 2007:

- (1) Upon retirement under the Local Governmental Employees Retirement System, employees hired on or after January 1, 2007, will be eligible to continue the coverage they currently have or to select a lower level of coverage. New dependents may not be added at any time; however, currently covered dependents may continue to be covered as long as they are eligible.
- (2) Any covered person who discontinues coverage for any reason will not be permitted to re-enroll.
- (3) The City will set subsidy amounts based on costs of the coverage computed by underwriting principles for each plan year and other pertinent factors.
- (4) The City will subsidize coverage for retirees under age 65 who do not have access to other coverage through Medicare, Medicaid, or their own subsequent employment on the following sliding scale based on years of service with the City of Asheville:

<u>Years of City of Asheville Service</u>	<u>Percent of Subsidy Amount to be Subsidized</u>
25 or more years	100% of subsidy amount
20 or more but less than 25 years	80% of subsidy amount
15 or more but less than 20 years	65% of subsidy amount
10 or more but less than 15 years	55% of subsidy amount
5 or more but less than 10 years	50% of subsidy amount
Fewer than 5 years	No subsidy

- (5) The City will not subsidize coverage for dependents; however they may remain covered on a full cost basis.
- (6) The City will not subsidize retirees or dependents who are eligible for coverage through Medicaid or their own subsequent employment; however they may remain on the City's plan on a full cost basis, provided that they shall have demonstrated coverage under Medicaid or their new employer's plan, and so long as the City's group plan shall be deemed to be secondary payor and subordinate to Medicaid or the new employer's plan, whichever applies.

Any retiree, retiree's spouse or legal dependent, once eligible for Medicare through age or disability may enroll in the City of Asheville's fully insured Medicare Retiree carve out plan by paying the full cost of the monthly premium charged by the Insurance carrier so long as the retiree, spouse or dependent is enrolled under Medicare Parts A, B and D. Retirees, retiree spouses or retiree dependents eligible

for Medicare are not eligible to remain on the City of Asheville's self insured retiree medical plan.

- (7) As a condition of enrolment, retirees must be current in payment of premiums. Therefore, any retiree who fails to keep their premiums current will be dropped from the City of Asheville's group coverage in accordance with the City's billing policy or the City of Asheville's fully insured Medicare Retiree carve out plan, in accordance with the provider's internal billing policy.
- (8) This Resolution is intended to provide basic health care benefits to retirees and their families in addition to any legal rights under COBRA. Conflict between this Resolution and COBRA or any other applicable federal or state law shall be resolved on the basis of that law or this Resolution yielding the higher benefit to employees and their families.
- (9) The City of Asheville hereby reserves the right to set rates for employee medical coverage, establish eligibility requirements for coverage under its group plan, and the right to terminate benefits to retirees at any time in the future.

RESOLUTION NO. 13- 138

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE FISCAL YEAR 2011 HOMELAND SECURITY GRANT PROGRAM ADMINISTERED BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the City has authority pursuant to N.C.G.S 160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the Department of Homeland Security has issued guidelines for the FY2011 Homeland Security Grant Program, and

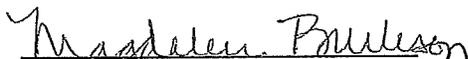
WHEREAS, storm damage from Hurricane Sandy on October 30, 2012 caused catastrophic damage to a regional communications tower located on High Windy Mountain in Eastern Buncombe County, and

WHEREAS, the Asheville Fire Department wishes to receive non-matching grant in the amount of \$47,355 available from the FY2011 Homeland Security Grant Program to rebuild and strengthen the communications tower,

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

The City Manager is hereby authorized to receive a non-matching grant in the amount of \$47,355 to rebuild the wireless communications tower located on High Windy Mountain.

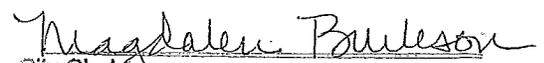
Read, approved, and adopted this 25th day of June, 2013


CITY CLERK


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY


City Clerk

RESOLUTION NO. 13-139

RESOLUTION PROVIDING FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2013 INGLES 4TH OF JULY CELEBRATION

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

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

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

WHEREAS, the City Council of the City of Asheville hereby determines that it is appropriate to make other provisions for the possession and consumption of malt beverages at the Ingles 4th of July Celebration;

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

The possession of open containers of malt beverages and the consumption of malt beverages shall be allowed within the 2013 Ingles 4th of July Celebration festival area within the boundaries of Pack Square Park, as set forth on Exhibit "A" attached.

Read, approved and adopted this 25th day of June 2013.

Magdalen Boulton
City Clerk

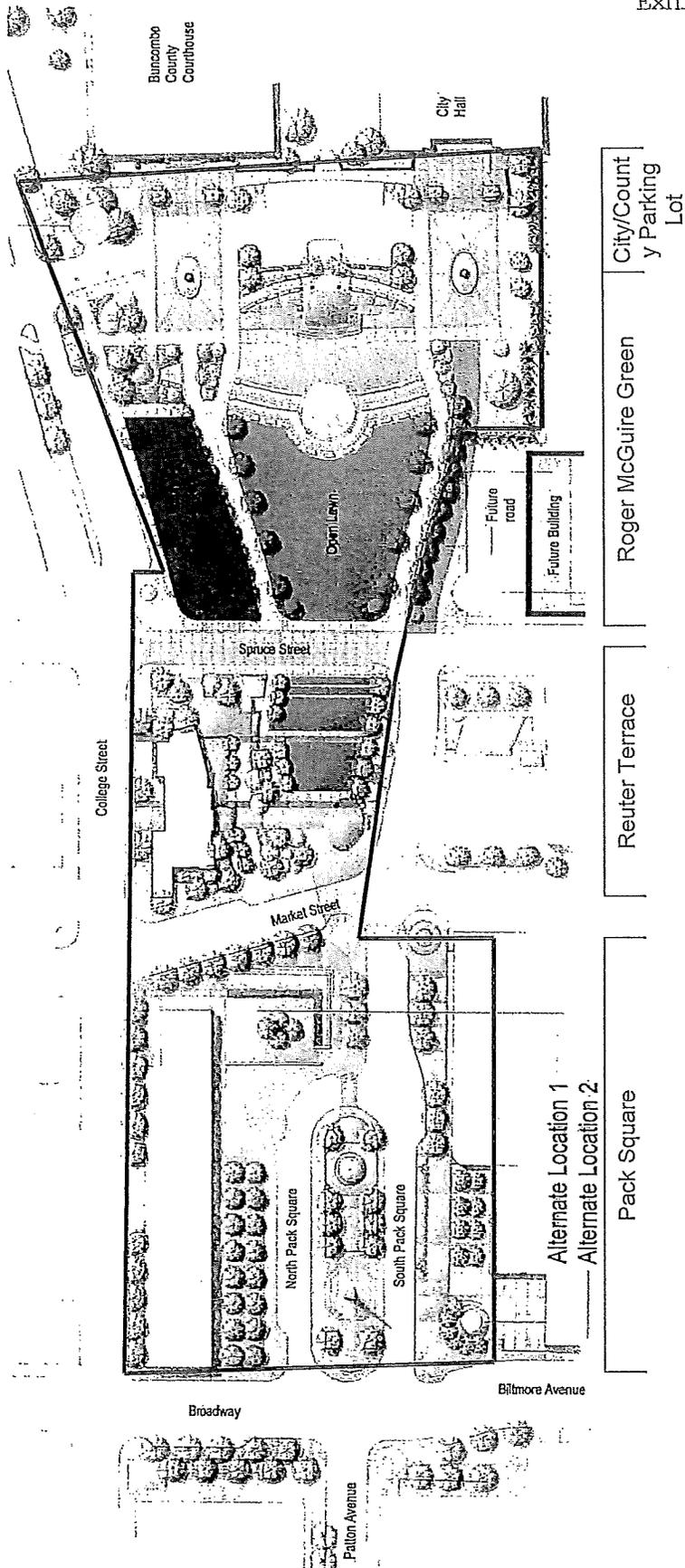
Angie Bellam
Mayor

Approved as to form:

Robert J. [Signature]
City Attorney

Magdalen Boulton
City Clerk

PACK SQUARE PARK ALCOHOL BOUNDARY MAP - JULY 4TH, 2013



RESOLUTION NO. 13-140

RESOLUTION PROVIDING FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2013 BELE CHERE FESTIVAL

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

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

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

WHEREAS, the City Council of the City of Asheville hereby determines that it is appropriate to make other provisions for the possession and consumption of malt beverages and/or unfortified wine at the 2013 Bele Chere Festival;

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

The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 2013 Bele Chere Festival area, except for at the locations set forth hereinafter.

1. The 2013 Bele Chere Festival area is described as follows (and as set forth on Exhibit "A" attached):

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

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

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

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

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

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

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

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

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

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

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

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

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

thence easterly with said extension and continuing with the northern margin of the sidewalk on the northern side of Battery Park Avenue, crossing Otis Street and the sidewalks on both sides of it, O'Henry Avenue and the sidewalks on both sides of it and Page Avenue and the sidewalks on both sides of it, to its intersection with the western margin of the sidewalk on the western side of

Haywood Street;

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

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

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

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

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

2. The possession of and consumption from open containers of malt beverages and unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in unbreakable plastic cups and/or aluminum cans. Possession of and/or consumption from glass or can containers of malt beverages and/or unfortified wine are not allowed anywhere in the 2013 Bele Chere Festival area and no other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the 2013 Bele Chere Festival area or elsewhere in the City of Asheville as prohibited by Section 11-11 of the Code of Ordinances of the City of Asheville.
3. The possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall only be allowed in the 2013 Bele Chere Festival area, as described hereinabove, during the following hours of the 2013 Bele Chere Festival:

Friday, July 26, 2013, from 12:00 Noon to 11:00 p.m.

Saturday, July 27, 2013, from 10:00 a.m. to 11:00 p.m.

There will be no sales and/or consumption of malt beverages and/or unfortified wine permitted on Sunday, July 28, 2013.

4. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed in the 2013 Bele Chere Festival area, as described hereinabove only for those individuals who have purchased a wristband from the 2013 Bele Chere Festival at designated 2013 Bele Chere Festival booths. Proper identification shall be required to show that the individual purchasing the wristband is of lawful age to possess malt beverages and/or unfortified wine within the 2013 Bele Chere

Festival area. Purchase and display of a different colored wristband is required for each day of the 2013 Bele Chere Festival.

5. The possession of personal coolers of any shape, size or form shall not be allowed in the 2013 Bele Chere Festival area, as described hereinabove.
6. The areas in the 2013 Bele Chere Festival area where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed or prohibited and where possession of personal coolers are prohibited as set forth herein shall be designated by the posting of signs in the 2013 Bele Chere Festival area.

Read, approved and adopted this 25th day of June 2013.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Bill Dask
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13-141

RESOLUTION AUTHORIZING A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE 2013-2014 CDBG AND HOME ANNUAL ACTION PLAN FOR THE EAGLE MARKET PLACE PROJECT

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;

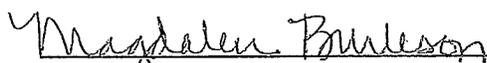
WHEREAS, on April 23, 2013 City Council approved an Annual Action Plan for the use of these funds in 2013-2014; and

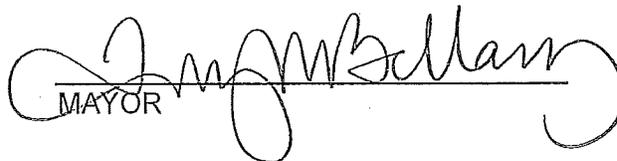
WHEREAS, the Eagle Market Streets Development Corporation is proposing to borrow \$718,000 of HUD Section 108 funds from the City of Asheville; and this action constitutes a substantial amendment to the Annual Action Plan;

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

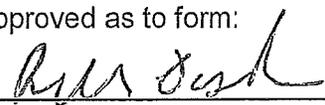
A public hearing be held on July 23, 2013 to consider a substantial amendment to the 2013-2014 Annual Action Plan for a HUD Section 108 Loan to the Eagle Market Streets Development Corporation;

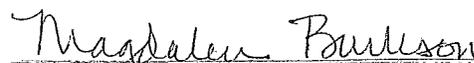
Read and approved and adopted this 25th day of June, 2013.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


City Clerk

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANTS FUNDS VIA THE NORTH CAROLINA DEPARTMENT OF COMMERCE SMART GRID PROGRAM

WHEREAS, the City has the authority pursuant to N.C.S.G. 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 Department of Commerce has awarded the City of Asheville up to \$10,000 to implement smart grid fuel monitoring;

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 North Carolina Department of Commerce for a grant in not to exceed \$10,000.

Read, approved, and adopted this 25th day of June, 2013.

Magdalen Baulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Paul Smith
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 13- 143

**RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN
TARPON AND CRAGGY AVENUES**

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

WHEREAS a Petition has been filed by all adjacent property owners (Bob and Caryn Hanna, Jody Guokas, Isaac Savage, Jim and Nancy Herrig, James and Martha Roberson, and Michael Kohnle and Deidre Duffy) along said right-of-way, asking that said right-of-way from its intersection with Tarpon Avenue in a northerly direction to its intersection with Craggy Avenue, be permanently closed to public use; and

WHEREAS, City Council on the 14th day of May, 2013, adopted a resolution of intent to permanently close the unopened right-of-way between Tarpon and Craggy Avenues, and ordered a public hearing on the question of this closing for the 25th day of June, 2013, at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

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

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

WHEREAS, at said public hearing no objections were made that the proposed closing said streets would deprive any individual owning property in the vicinity in which said streets are located of reasonable mean of ingress and egress to their property.

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

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Pursuant to North Carolina General Statute Section 160A-299, the unopened right-of-way between Tarpon and Craggy Avenues is permanently closed to public use.

Beginning at the intersection where the open and unopened portion of Tarpon Avenue merge, then proceeding in an easterly direction, then in a southerly direction to its intersection with Craggy Avenue; property owners adjoining the unopened portion of Tarpon Avenue are: PIN Nos. 9638.06-8792, 9638.06.9825; 9638.16-0811; 9638.06.9522; 9638.16.0622; and 9638.06-8524.

The closing is subject to the retention by the Metropolitan Sewage District of Buncombe County, its successors and assigns, of a 20 foot wide permanent easement, for the operation and maintenance of a public sewer line, lying 10 feet on each side of said sewer line located and existing within a portion of the unopened right-of-way between Tarpon and Craggy Avenues proposed to be permanently closed.

That a certified copy of this resolution and ordered be filed in the Buncombe County Register of Deeds.

Read, approved and adopted this 25th day of June, 2013.

Magdalen Paulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

R. W. Dast
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 13-144

RESOLUTION ADOPTING A LIVING WAGE FOR FULL- AND PART-TIME CITY EMPLOYEES AND GENERAL SERVICE CONTRACTS \$30,000 AND ABOVE

WHEREAS, the Asheville City Council has adopted a strategic plan that includes a goal to make Asheville affordable for people of all incomes, life stages and abilities;

WHEREAS, a living wage is the amount that a worker must earn to afford his or her basic necessities without public or private assistance;

WHEREAS, on May 22, 2007, the Asheville City Council adopted a living wage for full- and part-time City employees;

WHEREAS, on March 22, 2011, the Asheville City Council adopted a purchasing and contracting policy that includes a living wage provision for employees working on General Services contracts between \$30,000 and \$90,000 in value;

WHEREAS, in April 2011 and March 2012, the Asheville City Council adopted a resolution setting the living wage at \$11.35/hour without employer provided health insurance and \$9.85/hour with employer provided health insurance; and

WHEREAS, Council deemed it advisable to revisit the amount of the living wage each year during the annual budget process to ensure it remains consistent with inflation and appropriately applied to General Service contracts;

WHEREAS, based on data provided by Just Economics, the living wage rate has increased since March 2012; and

WHEREAS, City Council desires to increase the applicability of the living wage to additional General Service contracts; and

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

The Living Wage for Fiscal Year 2013-2014 be set at \$11.85/hour without employer provided health insurance and \$10.35/hour with employer provided health insurance, and that the living wage provision apply to employees working on General Services contracts between \$30,000 and above in value as well as City of Asheville full- and part-time employees; and that the living wage be reviewed annually as part of the City of Asheville's budget process.

Read, approved and adopted this 25th day of June, 2013.

Magdalena Baulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:
Ben Jacob
City Attorney

Magdalena Baulson
City Clerk

RESOLUTION AUTHORIZING SUBSTANTIAL AMENDMENT #3 OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2012-2013

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;

WHEREAS, on April 24, 2012 City Council approved an Annual Action Plan for the use of these funds in 2012-2013; and

WHEREAS, the Asheville Regional Housing Consortium has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2012-2013;

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

1. The Consolidated Annual Action Plan 2012-2013 be amended as follows:
 - a. Allocation of \$35,139 from Contingency to Mountain Housing Opportunities for the Residences at Glen Rock Affordable Housing development.

Read, approved and adopted this 25th day of June, 2013.

Magdalena Boulson
CITY CLERK

Jim Bellamy
MAYOR

Approved As To Form:

Mark Jark
CITY ATTORNEY

Magdalena Boulson
City Clerk

RESOLUTION NO. 13-146

RESOLUTION APPOINTING MEMBERS AND CHAIR TO THE CIVIL SERVICE BOARD

WHEREAS, the terms of Larry C. Harris Jr. and Jacquelyn Hallum, as members on the Civil Service Board, expire on May 21, 2013;

WHEREAS, it is the responsibility of City Council to appoint the Chair of the Civil Service Board; and

WHEREAS, the Chair of the Civil Service Board shall be appointed annually by City Council; and

WHEREAS, Mr. Larry C. Harris Jr. is current Chair of the Civil Service Board, however, Mr. Harris is not eligible to serve another term;

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

Ms. Carolyn Worthington, 21 Battery Park Avenue, Asheville, North Carolina, be and she is hereby appointed to the Civil Service Board, to serve a two-year term, term to expire May 21, 2015, or until her successor has been appointed.

Ms. Lynn Moffa, 33 Pebble Creek, Asheville, North Carolina, be and she is hereby appointed to the Civil Service Board, to serve a two-year term; term to expire May 21, 2015, or until her successor has been appointed.

Mr. Marvin Rosen, 6 Graystone Road, Asheville, N.C., be and he is hereby appointed as Chairman of the Civil Service Board until his successor is duly and annually appointed by the City Council, as provided by law.

Read, approved and adopted this 25th day of June , 2013.

Magdalen Bouleson
CITY CLERK

AmgM Bullay
MAYOR

Approved as to form:

Kevin J. M.
CITY ATTORNEY

Magdalen Bouleson
City Clerk