

RESOLUTION NO. 13-89

RESOLUTION AUTHORIZING THE CONVEYANCE OF THREE PARCELS OF CITY OWNED PROPERTY, KNOWN AS THE (1) SHORT STREET LOT, (2) S. BEAUMONT LOT, AND (3) HANSEL AVENUE LOT

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

WHEREAS, on March 26, 2013 the Asheville City Council authorized the City Clerk to publish a notice in the Asheville Citizen-Times for the sealed bid sale of three City owned parcels identified as Short Street lot (0.12 acres), S. Beaumont lot (0.204 acre), and Hansel Avenue lot (0.69 acres); and

WHEREAS, on May 3, 2013 the sealed bid sale concluded and the high bidders for each property were: Short Street – William Omark and Cheryl Harris for \$75,747; S. Beaumont Street – Jeffrey Black for \$41,000; Hansel Ave. – Tracy Britt Plemmons for \$22,000;

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

Pursuant to North General Statute Sec. 160A-268, the City Manager is hereby directed to convey: (1) Real property at Short Street, PIN 9649-11-8703-00000 to William Omark and Cheryl Harris for \$75,747; (2) Real property at S. Beaumont St., PIN 9648-69-7439-00000 to Jeffrey Black for \$41,000; and (3) Real property at Hansel Avenue, PINs 9638-49-6279-00000 and 9638-49-6460-00000, to Tracy Britt Plemmons for \$22,000. 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 and approved and adopted this 14th day of May, 2013.

Magdalen Burlison
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

Mike Jantz
CITY ATTORNEY

Magdalen Burlison
City Clerk

RESOLUTION NO. 13- 90

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUCHANAN AND SONS, INC. FOR THE SPRING 2013 WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECTS.

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

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 Spring 2013 Water System Neighborhood Enhancement Projects; and

WHEREAS, Buchanan and Sons, Inc. of Whittier, NC was the lowest responsible bidder for the Project, in the amount of \$770,712.50 with the bid tabulation attached hereto as Exhibit "A"; and

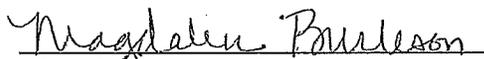
WHEREAS, the project involves construction and installation of approximately 5,500 linear feet of 8-inch and 6-inch ductile iron pipe and other work and materials required in order to complete the project; and

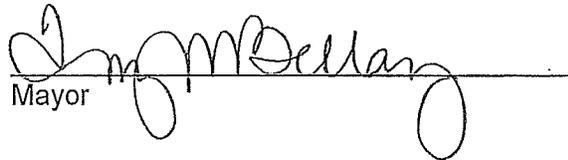
WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

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

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.
2. The City Manager is hereby authorized to execute the contract with Buchanan and Sons, Inc. for the bid amount of \$770,712.50. A contingency amount of \$115,606.50 is added to the project for a total project amount of \$886,319.00 for the Spring 2013 Water System Neighborhood Enhancement Projects; and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 14th day of May 2013.


City Clerk


Mayor

Approved as to form:


City Attorney

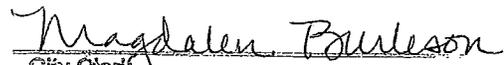

City Clerk

Exhibit A

Bid Tabulation for the Spring 2013 Water System Neighborhood Enhancement Projects

Buchanan and Sons, Inc
PO Box 123
Whittier, NC 28789
Total Bid: \$ 770,712.50

Buckeye Construction Company, Inc.
654 Buckeye Cove Rd,
Canton, NC 28716
Total Bid: \$ 969,031.00

Carolina Specialties Construction, LLC.
624 7th Avenue East
Hendersonville, NC 28792
Total Bid: \$ 815,321.40

Huntley Construction Company, Inc.
121 Charlotte Hwy
Asheville, NC 28803
Total Bid: \$ 889,952.60

T&K Utilities, Inc
204 Charlotte Hwy
Asheville, NC 28803
Total Bid: \$ 843,620.00

RESOLUTION NO. 13-91

RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR A GRANT TO PREPARE A COMPREHENSIVE MULTI-MODAL TRANSPORTATION PLAN FOR THE CITY OF ASHEVILLE

WHEREAS, the French Broad River Metropolitan Planning Organization has released a call for grant applications for transportation planning studies; and

WHEREAS, the City of Asheville is eligible to apply for these transportation planning funds; and

WHEREAS, the City of Asheville has identified the need to prepare a comprehensive multi-modal transportation plan;

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

City staff is hereby authorized to submit an application to the French Broad River Metropolitan Planning Organization for a grant in the amount of \$200,000 to prepare a comprehensive multi-modal transportation plan for the City of Asheville.

Read, approved and adopted this the 14th day of May, 2013.

Magdalen Boulson City Clerk Tom Bellamy Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 92RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT JOY RIDE ON THE DATE OF SUNDAY, MAY 19, 2013 FROM 1:00 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 Joy Ride.

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 Joy Ride event area, as set forth on Exhibit A, attached.

The Joy Ride event area is within the boundaries Carrier Park's interior track space.

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 Joy Ride on Sunday, May 19, 2013 from 1:00 PM – 6:00 PM.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Joy Ride 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 Joy Ride 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 Joy Ride, 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 14th day of May, 2013.

Magdalen Bouleson
City Clerk

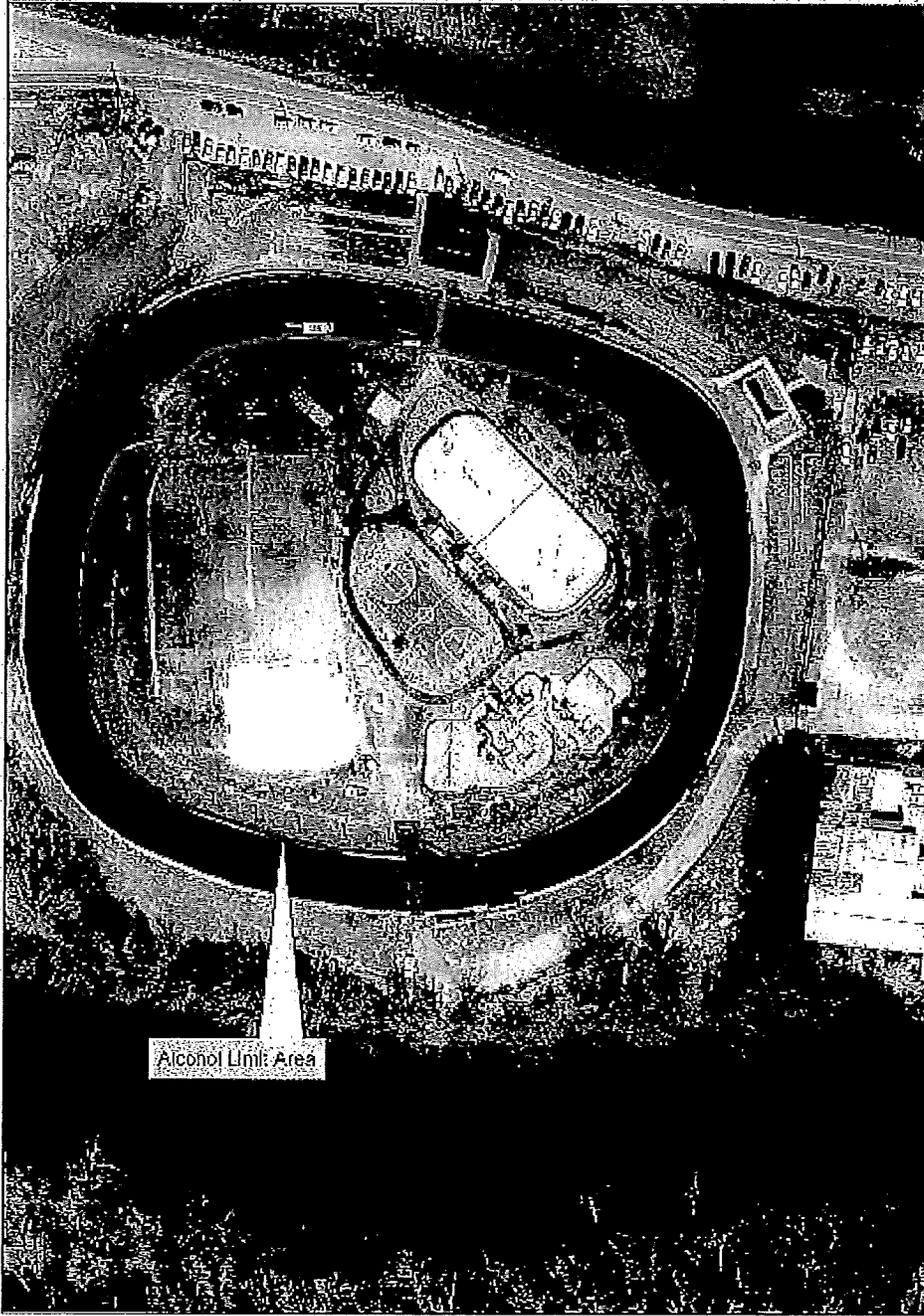
Jim McElamy
Mayor

Approved as to form:

Mr. Duke
City Attorney

Magdalen Bouleson
City Clerk

Exhibit A



Carrier Park

RESOLUTION NO. 13- 93

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL AT CARRIER PARK ON THE DATES OF FRIDAY, MAY 24, 2013 FROM 4:00 PM – 10:00 PM, SATURDAY, MAY 25, 2013 FROM 10:00 AM – 10:00 PM AND SUNDAY, MAY 26, 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 the Mountain Sports 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 Mountain Sports Festival event area, as set forth on Exhibit A, attached.

The Mountain Sports Festival event area is within the boundaries Carrier Park's interior track space.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Mountain Sports Festival on Friday, May 24, 2013 from 4:00 p.m. – 10:00 p.m., Saturday, May 25, 2013 from 10:00 a.m. – 10:00 p.m., and Sunday, May 26, 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 Mountain Sports 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 Mountain Sports 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 Mountain Sports 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 14th day of May, 2013.

Magdalen Baulson
City Clerk

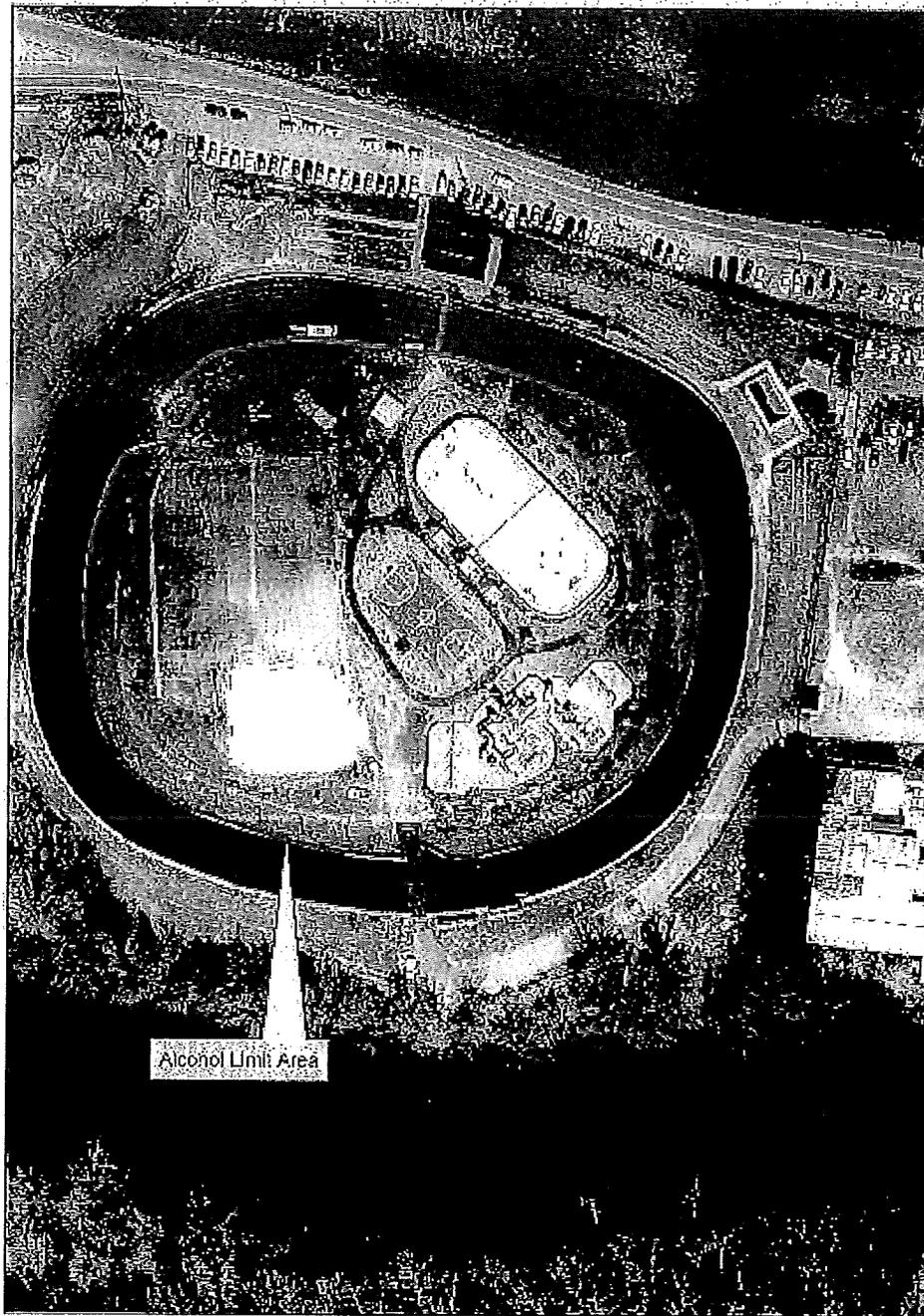
Tom Bellamy
Mayor

Approved as to form:

R. M. [Signature]
City Attorney

Magdalen Baulson
City Clerk

Exhibit A



Carrier Park

RESOLUTION NO. 13- 94

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RIVERFEST AT FRENCH BROAD RIVER PARK ON THE DATES OF SATURDAY, AUGUST 10, 2013 FROM 1:00 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 Riverfest.

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

5. 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 Riverfest event area, as set forth on Exhibit A, attached.

The Riverfest event area is within the boundaries of French Broad River Park.

6. 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 Riverfest on Saturday, August 10, 2013 from 1:00 p.m. – 7:00 p.m.
7. 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 Riverfest 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 Riverfest 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.

8. The location of the Riverfest, 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 14th day of May, 2013.

Magdalen Bullison
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bullison
City Clerk

Exhibit A



RESOLUTION NO. 13- 95

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT AVL CX ON THE DATE OF SEPTEMBER 21, 2013 FROM 3:00 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 AVL CX.

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 AVL CX event area, as set forth in Exhibit A, attached.

The AVL CX event area is within the boundaries Carrier Park's interior track space.

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 AVL CX on Saturday, September 21, 2013 from 3:00 PM – 8:00 PM.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the AVL CX 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 AVLXCX 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 AVLXCX, 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 14th day of May, 2013.

Magdalen Boulleson
 City Clerk

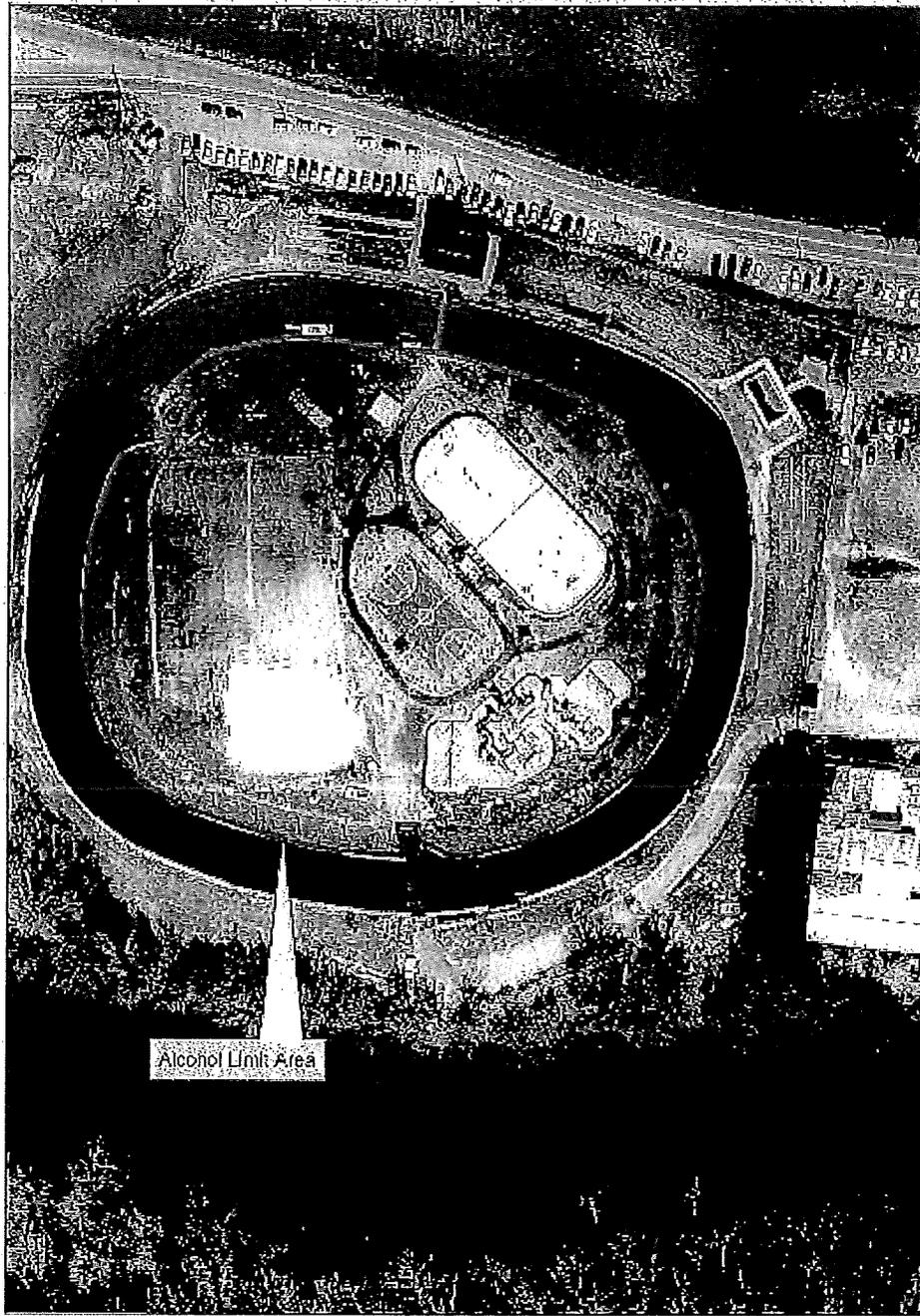
Sam Bellamy
 Mayor

Approved as to form:

Phil Davis
 City Attorney

Magdalen Boulleson
 City Clerk

Exhibit A



Carrier Park

RESOLUTION NO. 13- 96

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION
OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BLUE RIDGE PRIDE IN
PACK SQUARE PARK ON THE DATE OF SATURDAY, OCTOBER 5, 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 the Blue Ridge Pride.

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 Blue Ridge Pride event area, as set forth on Exhibit A, attached.

The Blue Ridge Pride event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, City-County Parking Lot, and Spruce Street between College Street and Court Plaza

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 Blue Ridge Pride on Saturday, October 5, 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 Blue Ridge Pride 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 Blue Ridge Pride 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 Blue Ridge Pride, 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 14th day of May, 2013.

Magdalen Buleson
City Clerk

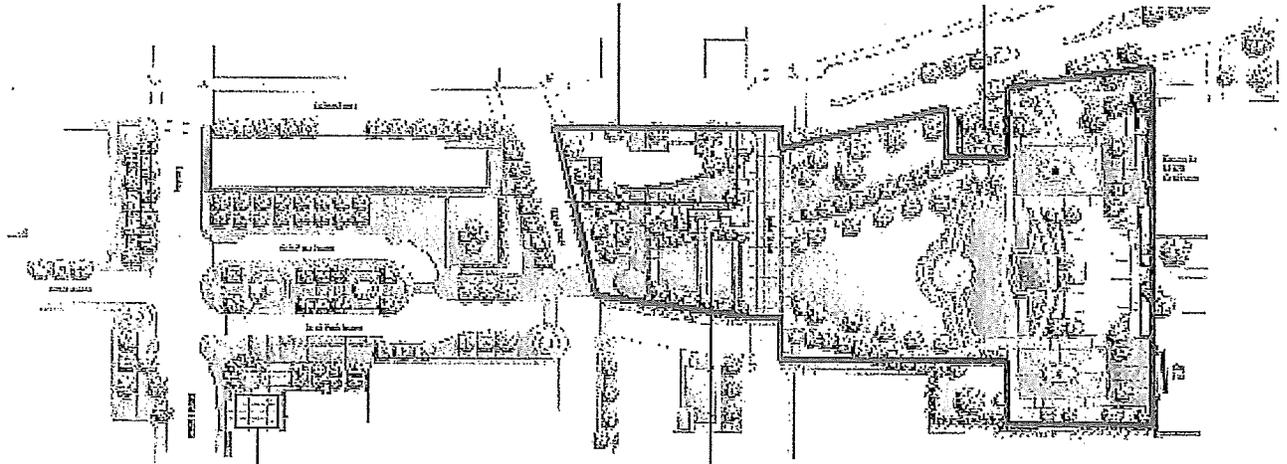
Tom Bellamy
Mayor

Approved as to form:

Andrew J. ...
City Attorney

Magdalen Buleson
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 13-97

RESOLUTION OF INTENT TO PERMANENTLY CLOSE SEVERAL PORTIONS OF
UNOPENED RIGHTS OF WAY AND CITY STREETS WITHIN THE MONTFORD COMMONS
DEVELOPMENT AREA

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right-of-way between Tarpon and Craggy Avenues; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close an unopened portion of Tarpon Avenue between the end of the opened portion of Tarpon Avenue and Craggy Avenue, adjacent to Property Identification Numbers: 9638-06-8792, 9638-06-9825, 9638-16-0811, 9638-06-9522, 9638-16-0622, and 9638-06-8524.
2. A public hearing on the question of permanently closing an unopened portion of right-of-way between Tarpon Avenue and Craggy Avenue, thereby called for on June 11, 2013, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on June 11, 2013.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Bourleson
City Clerk

Jim Bellan
Mayor

Approved as to form:

Ann Dick
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 13-98

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN A CONTRACT WITH TROTT COMMUNICATIONS GROUP INC FOR SERVICES SURROUNDING AN UPDATE OF THE CITY OF ASHEVILLE'S PUBLIC SAFETY RADIO SYSTEM

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

WHEREAS, services surrounding an end-of-life radio system update are needed by the City's public safety agencies; and

WHEREAS, the amount of the contract is not to exceed \$142,600 and these monies have been budgeted in the City of Asheville's CIP Budget for FY 2013-14;

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Trott Communications Group, for services related to the City of Asheville's public safety radio system update, and further authorized to execute any change orders to said contract or documents which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 14th day of May 2013.

Magdalen Paulson
City Clerk

Tom Bellamy
Mayor

Approved as to form:

David J. ...
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 13- 99RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ARMEN CONSTRUCTION, LLC. FOR THE PROJECT KNOWN AS VANCE CRESCENT STREET – OLNEY ROAD SIDEWALK IMPROVEMENTS

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 Vance Crescent St.–Olney Rd. Sidewalk Improvements, City of Asheville Project # ENG-11-12-010; and

WHEREAS, Armen Construction, LLC. Of Charlotte, NC was the lowest responsible bidder for the project, in the amount of \$159,647, and

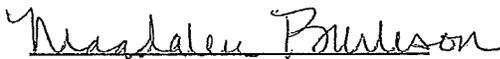
WHEREAS, the project involves the furnishing of labor, material, equipment and incidentals for the installation of curb and gutter, sidewalks, drive aprons, ADA ramps, retaining walls, and utility adjustment; and

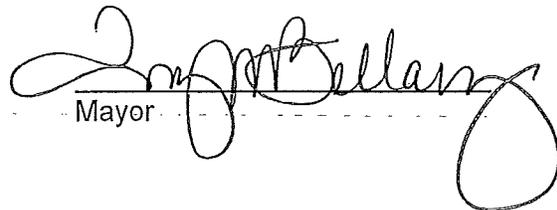
WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

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

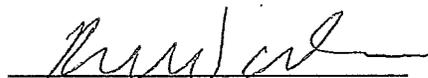
The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$159,647 plus a contingency of 20% (\$32,000) with Armen Construction, LLC. for the project known as Vance Crescent St.–Olney Rd. Sidewalk Improvements, City of Asheville Project # ENG-11-12-010.

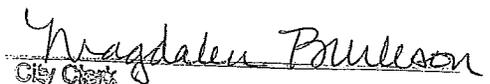
Read, approved and adopted this the 14th day of May, 2013.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 13- 100

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MULTI-YEAR AGREEMENT AND ISSUE PURCHASE ORDERS FOR A PERIOD OF FIVE YEARS WITH THREE POSSIBLE ONE YEAR CONTRACT EXTENSIONS, CONTINGENT UPON FUNDING, FOR THE EQUIPMENT LEASE, INSTALLATION, MAINTENANCE, AND PRODUCT PURCHASE OF LIQUID OXYGEN FROM AIR PRODUCTS & CHEMICAL FOR USE AT THE MILLS RIVER WATER TREATMENT PLANT.

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, the Water Resources Department has the need for Liquid Oxygen in order to produce ozone needed for the treatment process at the Mills River facility; and

WHEREAS, the City advertised a Request for Proposals for the equipment lease, installation, maintenance, and product purchase of Liquid Oxygen; and

WHEREAS, Air Products & Chemicals was selected by City Staff for the equipment lease, installation, maintenance, and product purchase of Liquid Oxygen at the Mills River Water Treatment Plant; and

WHEREAS, the project will be funded from the Water Resources Operating Fund;

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

The City is hereby authorized to enter into a multi-year agreement and issue Purchase Orders for a period of five (5) years with three (3) possible one (1) year contract extensions, contingent upon funding, for the equipment lease, installation, maintenance, and product purchase of Liquid Oxygen from Air Products & Chemical for use at the Mills River Water Treatment Plant.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Bouderson
City Clerk

Angie Bellamy
Mayor

Approved as to form:

Russ Dantz
City Attorney

Magdalen Bouderson
City Clerk

RESOLUTION NO. 13-101

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR THE FAIRVIEW SERVICE AREA WATER SYSTEM IMPROVEMENTS PHASE I PROJECT

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, the Water Resources Department has the need for a professional services contract for the Fairview Service Area Water System Improvements Phase I Project; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, Hazen and Sawyer was selected by City Staff via a Request for Qualifications process to perform professional engineering services for the Fairview Service Area Water System Improvements Phase I in the amount of \$95,700.00; and

WHEREAS, the project will be funded from the Water Resources Capital Projects Fund.

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 enter into a professional services agreement with Hazen and Sawyer for the proposed amount of \$95,700.00. The department has also set aside a contingency amount of \$9,570.00 for a total budget amount of \$105,270.00 for the Fairview Service Area Water System Improvements Phase I; and the City Manager is further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 14th day of May, 2013.

Magdalena Brulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

R. W. Jones
City Attorney

Magdalena Brulson
City Clerk

RESOLUTION NO. 13- 102

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CONSTRUCTION OF A LEFT TURN LANE AND INSTALLATION OF A NEW TRAFFIC SIGNAL ON NC 81 (SWANNANOA RIVER ROAD) AT AZALEA ROAD)

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, the City of Asheville is currently designing improvements along Azalea Road as part of a larger construction project which is anticipated to begin this construction season ; and

WHEREAS, The North Carolina Department of Transportation and the City of Asheville will share equally in the cost of the project which is estimated to be \$150,000. The project will be constructed by the North Carolina Department of Transportation; and

WHEREAS, The City of Asheville supports the construction of this project by NCDOT of this much needed safety project;

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 construction agreement on behalf of the City of Asheville with the North Carolina Department of Transportation for a project estimated to cost \$150,000, of which the total cash match from the City of Asheville will be half the construction cost estimated to be \$75,000 further authorized to execute any change orders to said agreement or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 14th day of May, 2013.

Magdalen Paulson
City Clerk

Imogen Bellamy
Mayor

Approved as to form:

Bruce Smith
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION 13- 103RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA,
APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND
EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED
MATTERS

WHEREAS, the City of Asheville, North Carolina (the "City") is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the "City Council") has determined that it is in the best interest of the City to enter into an installment financing agreement (the "Contract") with TD Bank, NA (the "Bank") in order to pay the capital costs of the acquisition and installation of computer equipment, vehicles and general governmental equipment (collectively, the "Projects"), and to put a security interest in the Projects in favor of the Bank in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed \$1,150,000;

WHEREAS, there have been made available to the City Council the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

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

Section 1. **Ratification of Prior Actions.** All actions of the City, the City Manager, the City Attorney, the City Purchasing Director, the Deputy Finance Director and the Fiscal Services Manager of the City and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. **Approval, Authorization and Execution of Contract.** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with their terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed \$1,150,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Deputy

Finance Director and the Fiscal Services Manager of the City and the City Clerk or their respective designees (each a "Designated Representative") are each authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. **Further Actions.** Each Designated Representative is hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Contract, and the City Manager, the City Purchasing Director, the Deputy Finance Director and the Fiscal Services Manager of the City are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. **Effective Date.** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Boulson
CITY CLERK

Jim Bellamy
MAYOR

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 104

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE WATER RESOURCES DEPARTMENT TO PARTNER WITH THE MILLS RIVER PARTNERSHIP TO IDENTIFY PROJECTS DIRECTLY RELATED TO WATER QUALITY PROTECTION OR IMPROVEMENT IN THE MILLS RIVER WATERSHED WITH THE UNDERSTANDING THAT ANY FUTURE ALLOCATIONS AND EXECUTED CONTRACT WOULD NEED CITY COUNCIL APPROVAL.

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

WHEREAS, the Water Resources Department desires to partner with the Mills River Partnership (MRP) to identify projects directly related to water quality protection or improvement in the Mills River Watershed; and

WHEREAS, this partnership does not involve a contractual or financial commitment at this time; and

WHEREAS, if approval is granted to move forward with this project, Water Resources would seek City Council approval for a budget amendment and execution of a general services contract after projects have been identified.

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

The City of Asheville Water Resources Department is hereby authorized to partner with the Mills River Partnership to identify projects directly related to water quality protection or improvement in the Mills River Watershed with the understanding that any future allocations and executed contract would need City Council approval.

Read, approved, and adopted this 14th day of May, 2013.

Magdalen Bruleson

CITY CLERK

Jim Bellamy

MAYOR

Approved as to form:

[Signature]

CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION 13- 105RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA,
APPROVING AN INSTALLMENT FINANCING AGREEMENT FOR ENERGY SAVINGS
PROJECTS AND A DEED OF TRUST WITH RESPECT THERETO AND DELIVERY THEREOF
AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the "City") is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the "City Council") has determined that it is in the best interest of the City to (1) enter into an installment financing agreement (the "Contract") with TD Bank, NA (the "Bank") in order to pay the capital costs of the acquisition and installation of energy savings projects to City facilities, including LED streetlight upgrades, boiler replacement at the Stephens-Lee Recreation Center and window replacements at Fire Station #7 (collectively, the "Projects"), and (2) in order to provide security for the City's obligations under the Contract, grant to the Bank a lien on the site of Fire Station #7 and the improvements thereon under a deed of trust, security agreement and fixture filing (the "Deed of Trust");

WHEREAS, the City Council adopted a resolution on April 23, 2013 making certain findings with respect to the Projects and the proposed financing therefor;

WHEREAS, the City Council conducted a public hearing on May 14, 2013 to receive public comments on the Project, the proposed financing and the Contract;

WHEREAS, the City has filed an application with the LGC for approval of the LGC with respect to the City entering into the Contract in an aggregate principal amount of not to exceed \$1,100,000;

WHEREAS, there have been made available to the City Council the form of the Contract and the Deed of Trust (collectively, the "Instruments") which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

WHEREAS, it appears that the Instruments are in appropriate form and are an appropriate instruments for the purposes intended;

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

Section 1. **Ratification of Prior Actions.** All actions of the City, the City Manager, the City Attorney, the City Purchasing Director, the Deputy Finance Director and the Fiscal Services Manager of the City and the City Clerk and their respective designees in effectuating

the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. **Approval, Authorization and Execution of Instruments.** The City hereby approves the Projects in accordance with the terms of the Instruments, which will be valid, legal and binding obligations of the City in accordance with their terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed \$1,100,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Instruments are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Deputy Finance Director and the Fiscal Services Manager of the City and the City Clerk or their respective designees (each a "*Designated Representative*") are each authorized, empowered and directed to execute and deliver the Instruments for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Instruments, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Instruments as executed.

Section 3. **Further Actions.** Each Designated Representative is hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Instruments, and the City Manager, the City Purchasing Director, the Deputy Finance Director and the Fiscal Services Manager of the City are authorized and directed to proceed with the Projects in accordance with the terms of the Instruments, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Instruments. The Designated Representatives are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. **Effective Date.** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Beulson
CITY CLERK

Jim Bellamy
MAYOR

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

Magdalen Beulson
City Clerk

RESOLUTION NO. 13-106

RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AND TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, Mayor Bellamy was appointed as a member of the Asheville Regional Airport Authority on June 26, 2012; however, House Bill 552 ratified on June 26, 2012, states that no person holding any elected public office may be a member of the Authority;

WHEREAS, because the the Authority does not recognize the appointment of Mayor Bellamy, there exists a vacancy until June 30, 2016;

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

Mr. Douglas Tate, 81 Dogwood Grove, Asheville, N.C., be and is hereby appointed as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority to serve the unexpired term of Mayor Bellamy, term to expire June 30, 2016, or until his successor has been appointed.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Bruleson
CITY CLERK

Shirley Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION NO. 13-107

RESOLUTION SUPPORTING DOG PARK IN NORTH ASHEVILLE

WHEREAS, the City of Asheville is authorized pursuant to Article 18 of Chapter 160A of the N.C. General Statutes to provide for programs and facilities for recreation; and

WHEREAS, citizens in the North Asheville area have been working to establish a dog park in North Asheville; and

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

1. The City Council supports and endorses efforts to establish a dog park in North Asheville;
2. Subject to budgetary and administrative limitations, the City will cooperate with citizens in the establishment of a dog park in North Asheville, including the designation by the Manager of a staff liaison to assist in the process.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Bouleson
City Clerk

Jim Ballamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT VENTURE ASHEVILLE IN PACK SQUARE PARK AND NORTH PACK SQUARE ON THE DATE OF MONDAY, MAY 20, 2013 FROM 11:00 AM – 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 Venture Asheville.

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

5. 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 Venture Asheville event area, as set forth on Exhibit A, attached.

The Venture Asheville event area is within the boundaries of Pack Square Park's Raised Lawn, Vance Median, and North Pack Square.

6. 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 Venture Asheville on Monday, May 20, 2013 from 11:00 a.m. – 6:00 p.m.
7. 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 Venture Asheville 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

Venture Asheville 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.

- 8. The location of Venture Asheville, 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 14th day of May, 2013.

Magdalen Boulson
City Clerk

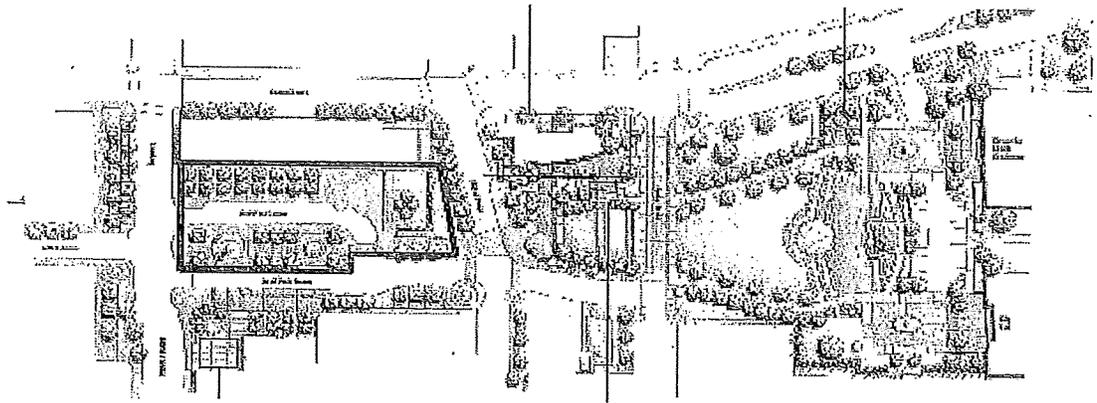
Jimmy Bellamy
Mayor

Approved as to form:

Russ Dale
City Attorney

Magdalen Boulson
City Clerk

Exhibit A



Alcohol Area