RESOLUTION NO. 12- 69

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE EARTH DAY ON THE DATE OF SATURDAY, APRIL 21, 2012 FROM 12:00 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 Asheville Earth Day.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Earth Day event area.

   The Asheville Earth Day event area is within the boundaries of the 100 block of Lexington Avenue, as set forth on Exhibit A, attached.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville Earth Day on Saturday, April 21, 2012 from 12:00 PM – 10:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Earth Day event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Earth Day event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 10th day of April, 2012.

Magdalen Burleson
City Clerk

Mayor

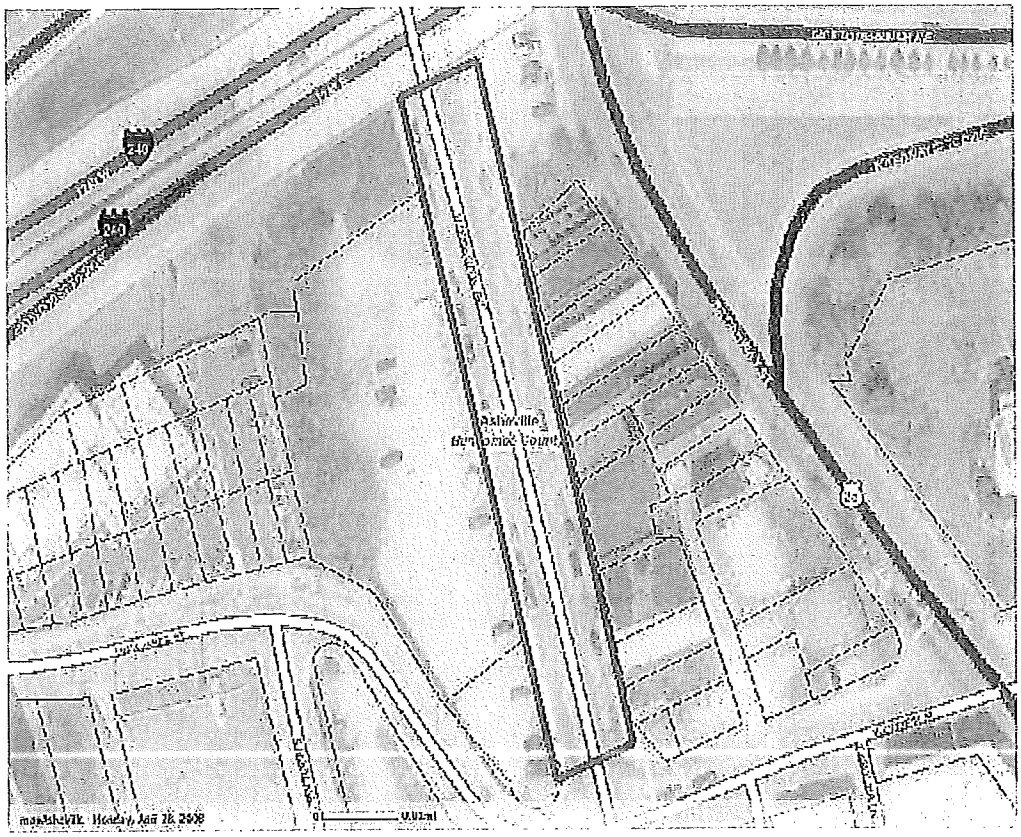
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

310

Exhibit A



Lexington Avenue (100 Block)

RESOLUTION NO. 12- 70

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG LOVE FEST ON THE DATE OF SUNDAY, MAY 6, 2012 FROM 2:00 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 on Exhibit A, attached.

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

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Big Love Fest on Sunday May 6, 2012 from 2:00 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 10th day of April, 2012.

Magdalen Burleson
City Clerk

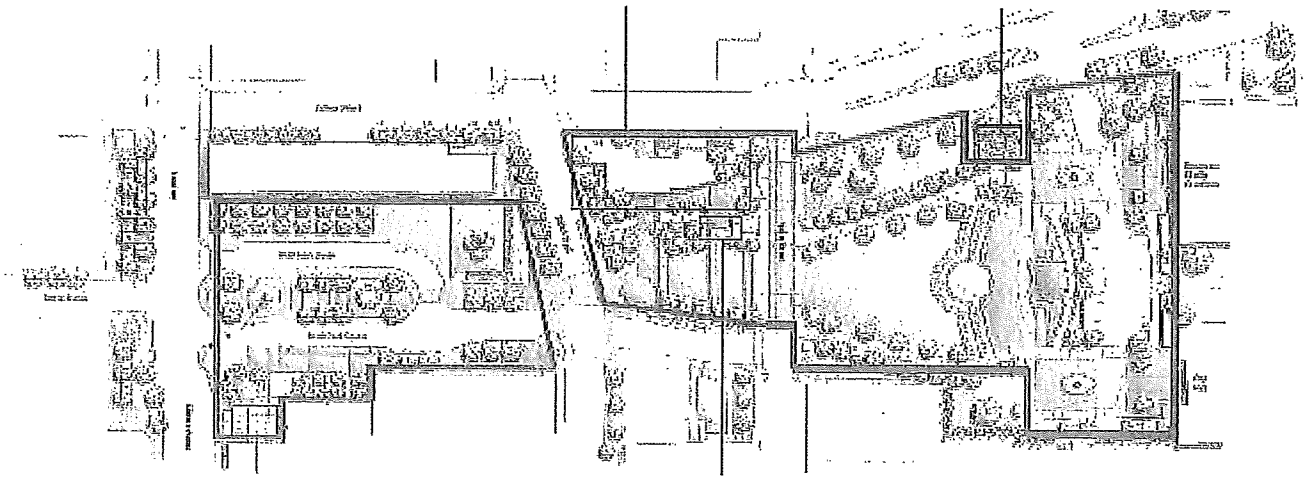
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 12- 71

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MONTFORD PARK PLAYERS 2012 OUTDOOR SEASON ON THE DATES OF MAY 10, MAY 11, MAY 12, MAY 13, MAY 17, MAY 18, MAY 19, MAY 20, MAY 24, MAY 25, MAY 26, MAY 27, JUNE 1, JUNE 2, JUNE 3, JUNE 8, JUNE 9, JUNE 10, JUNE 15, JUNE 16, JUNE 17, JUNE 22, JUNE 23, JUNE 29, JUNE 30, JULY 1, JULY 6, JULY 7, JULY 8, JULY 13, JULY 14, JULY 15, JULY 20, JULY 21, JULY 27, JULY 28, JULY 29, AUGUST 3, AUGUST 4, AUGUST 5, AUGUST 10, AUGUST 11, AUGUST 12, AUGUST 17, AUGUST 18, AUGUST 24, AUGUST 25, AUGUST 26, AUGUST 31, SEPTEMBER 1, SEPTEMBER 2, SEPTEMBER 7, SEPTEMBER 8, SEPTEMBER 9, SEPTEMBER 14, SEPTEMBER 15, SEPTEMBER 16, 2012 FROM 7:30 PM – 10:30 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 Cit 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 Montford Park Players 2012 Outdoor Season.

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 Montford Park Players 2012 Outdoor Season event area, as set forth on Exhibit A, attached.

   The Montford Park Players 2012 Outdoor Season event area is within the boundaries of the Hazel Robinson Amphitheatre located off of Gay Street performance 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 Montford Park Players 2012 Outdoor Season on May 10, May 11, May 12, May 13, May 17, May 18, May 19, May 20, May 24, May 25, May 26, May 27, June 1, June 2, June 3,

June 8, June 9, June 10, June 15, June 16, June 17, June 22, June 23, June 29, June 30, July 1, July 6, July 7, July 8, July 13, July 14, July 15, July 20, July 21, July 27, July 28, July 29, August 3, August 4, August 5, August 10, August 11, August 12, August 17, August 18, August 24, August 25, August 26, August 31, September 1, September 2, September 7, September 8, September 9, September 14, September 15, September 16, 2012 from 7:30 PM – 10:30 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Montford Park Players 2012 Outdoor Season 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 Montford Park Players 2012 Outdoor Season 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 Montford Park Players 2012 Outdoor Season, 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 10th day of April, 2012.

Magdalen Burleson
City Clerk

Mayor

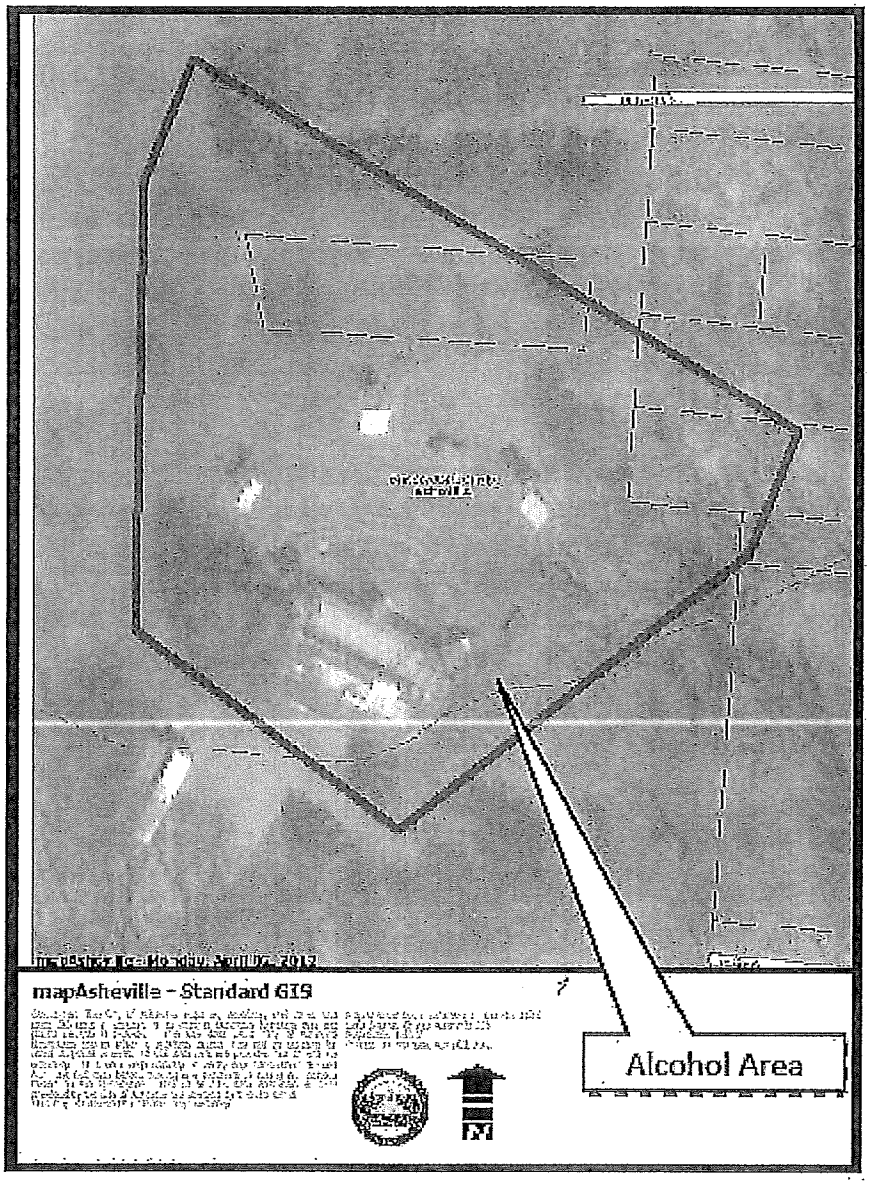
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

316

Exhibit A



RESOLUTION NO. 12- 72

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAY, MAY 18, JUNE 17, JULY 20, AUGUST 17 & SEPTEMBER 21, 2012 FROM 5:00 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 Downtown After 5.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Downtown After 5 event area.

   The Downtown After 5 event area is within the boundaries of the 100 block of Lexington Avenue, as set forth on Exhibit A, attached.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Downtown After 5 on Friday, May 18, June 15, July 20, August 17 & September 21, 2012 from 5:00 PM – 9:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Downtown After 5 event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 10th day of April, 2012.

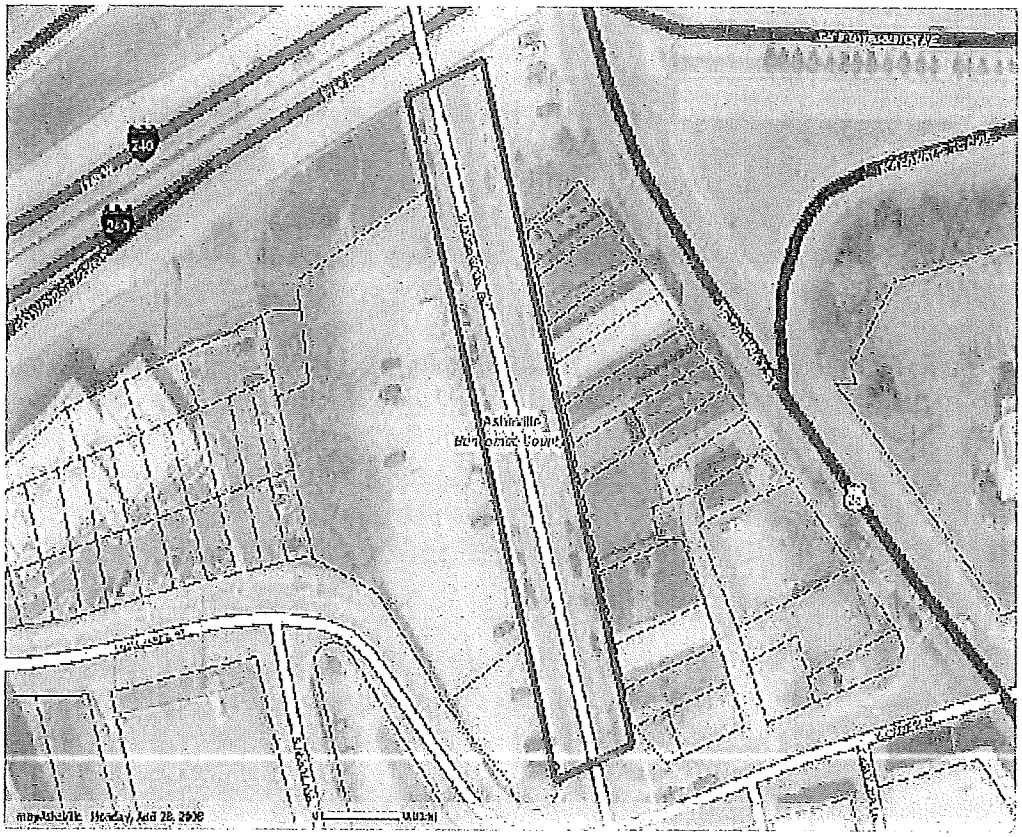
Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk



Lexington Avenue (100 Block)

320

RESOLUTION NO. 12- 73

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SAFARI ON THE DATE OF THURSDAY, MAY 31, 2012 FROM 5:30 PM – 9:30 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 Safari.

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

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

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

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Mountain Safari on Thursday, May 31, 2012 from 5:30 p.m. – 9:30 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 Safari event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Safari event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 10th day of April, 2012.

Magdalen Burleson
City Clerk

Mayor

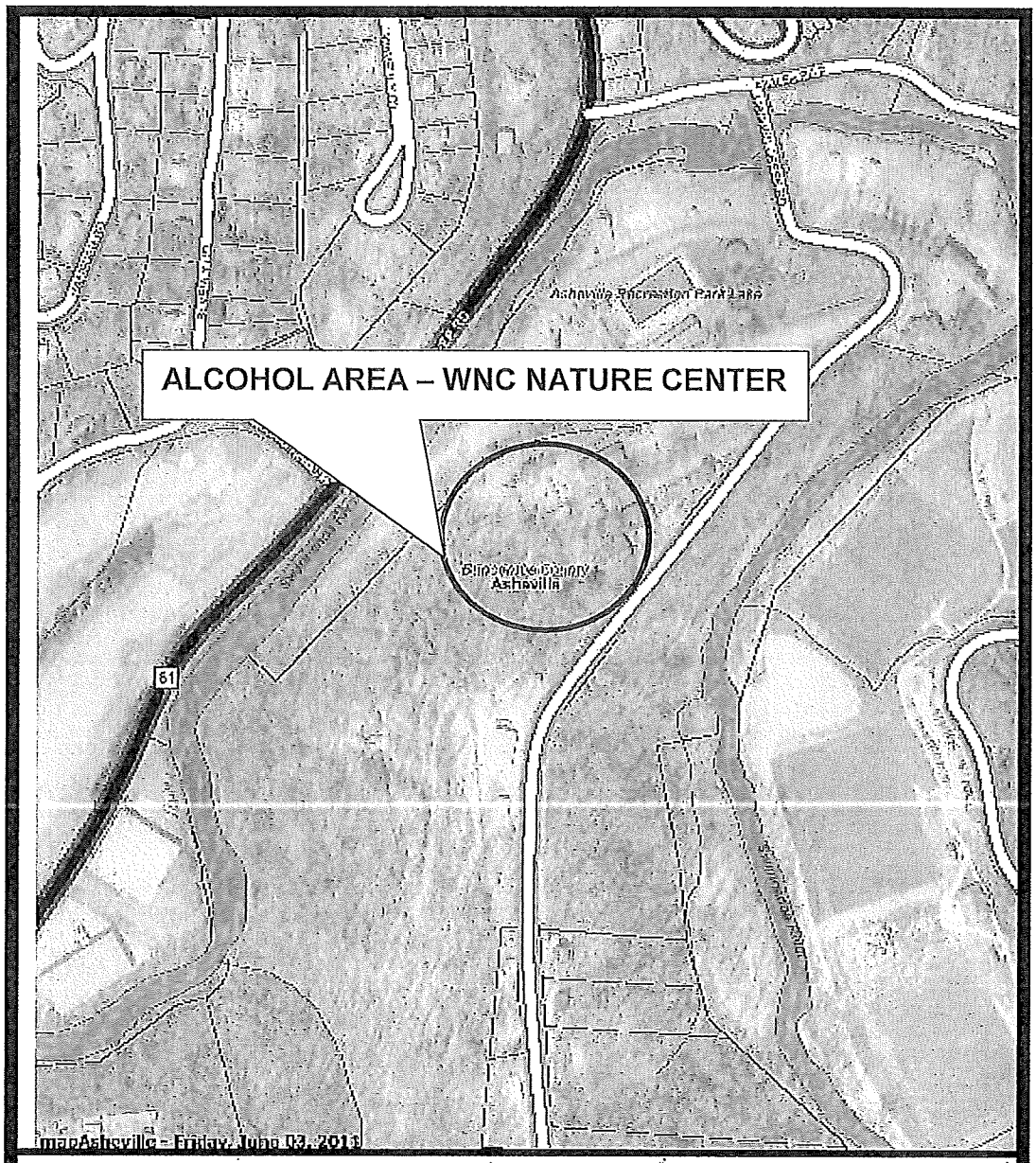
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

322

Exhibit A



mapAsheville - Standard GIS

RESOLUTION NO. 12- 74

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON THE DATE OF JUNE 2, 2012 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 Beer City Festival.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Festival event area.

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

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Festival on Saturday, June 2, 2012 from 12:00 PM – 6:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 10th day of April, 2012.

Magdalen Bourleson
City Clerk

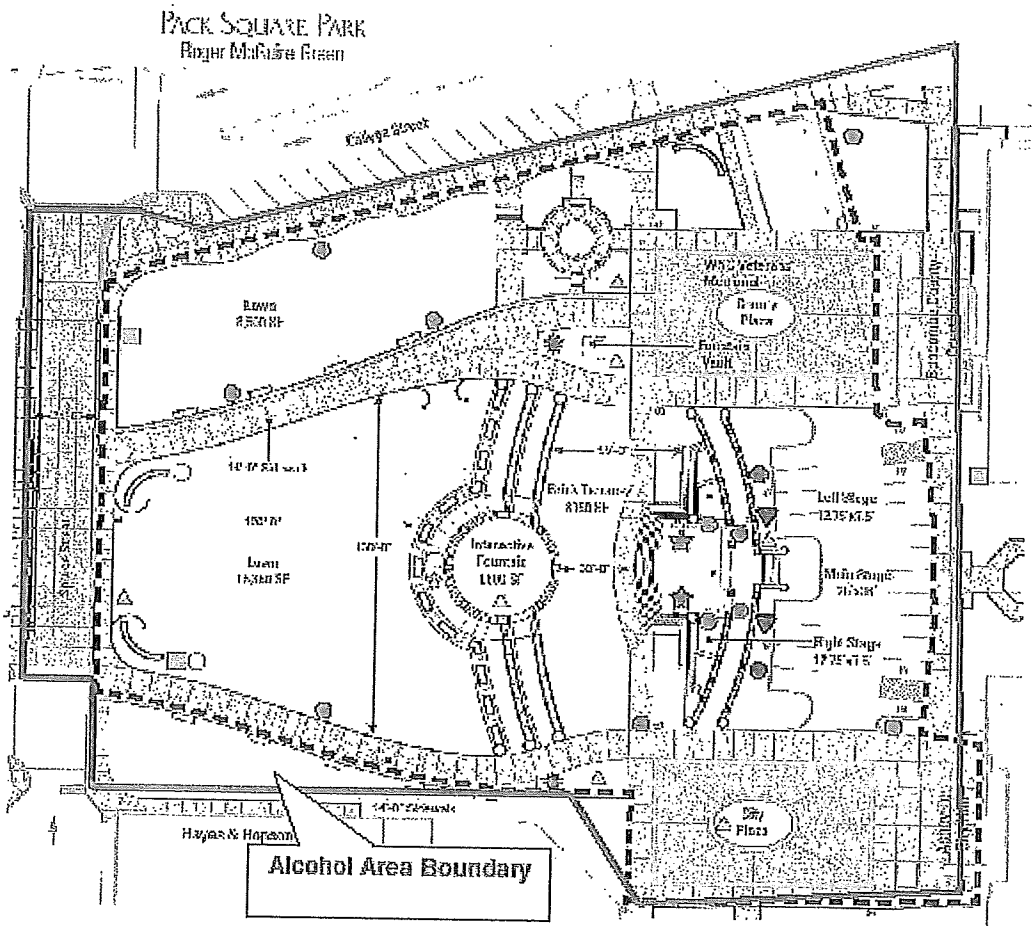
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

Exhibit A


PACK SQUARE PARK
Roger McGuire Green
Lawn
Lawn
Interactive Fountain
Fountain Vault
Lodge Street
Hayes & Hopson
Alcohol Area Boundary

326

RESOLUTION NO. 12- 75

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SUNDAY, SEPTEMBER 2, 2012 FROM 12:00 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 Beer City Cup.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Cup event area.

   The Beer City Cup event area is within the boundaries of Memorial Stadium located at 32 Buchanan Place, as set forth on Exhibit A, attached.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Cup on Sunday, September 2, 2012 from 12:00 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 Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Cup event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 10th day of April, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A

Memorial Stadium

RESOLUTION NO. 12- 76

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CLIPS OF FAITH BEER AND FILM TOUR ON THE DATE OF FRIDAY, SEPTEMBER 7, 2012 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 Clips of Faith Beer and 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 Clips of Faith Beer & Film Tour event areas.

   The Clips of Faith Beer & Film Tour event areas are within the boundaries of Pack Square Park's Roger McGuire Green, the City-County Parking Lot and within the designated area of Spruce Street between the intersections of College Street and Court Plaza, as set forth on Exhibit A, attached.

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 Clips of Faith Beer and Film Tour on Friday, September 7, 2012 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 Clips of Faith Beer and Film Tour event areas. 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 Clips of Faith Beer and Film Tour event areas, 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 locations of the Clips of Faith Beer and 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 10th day of April, 2012.

Magdalen Bourleson
City Clerk

Mayor

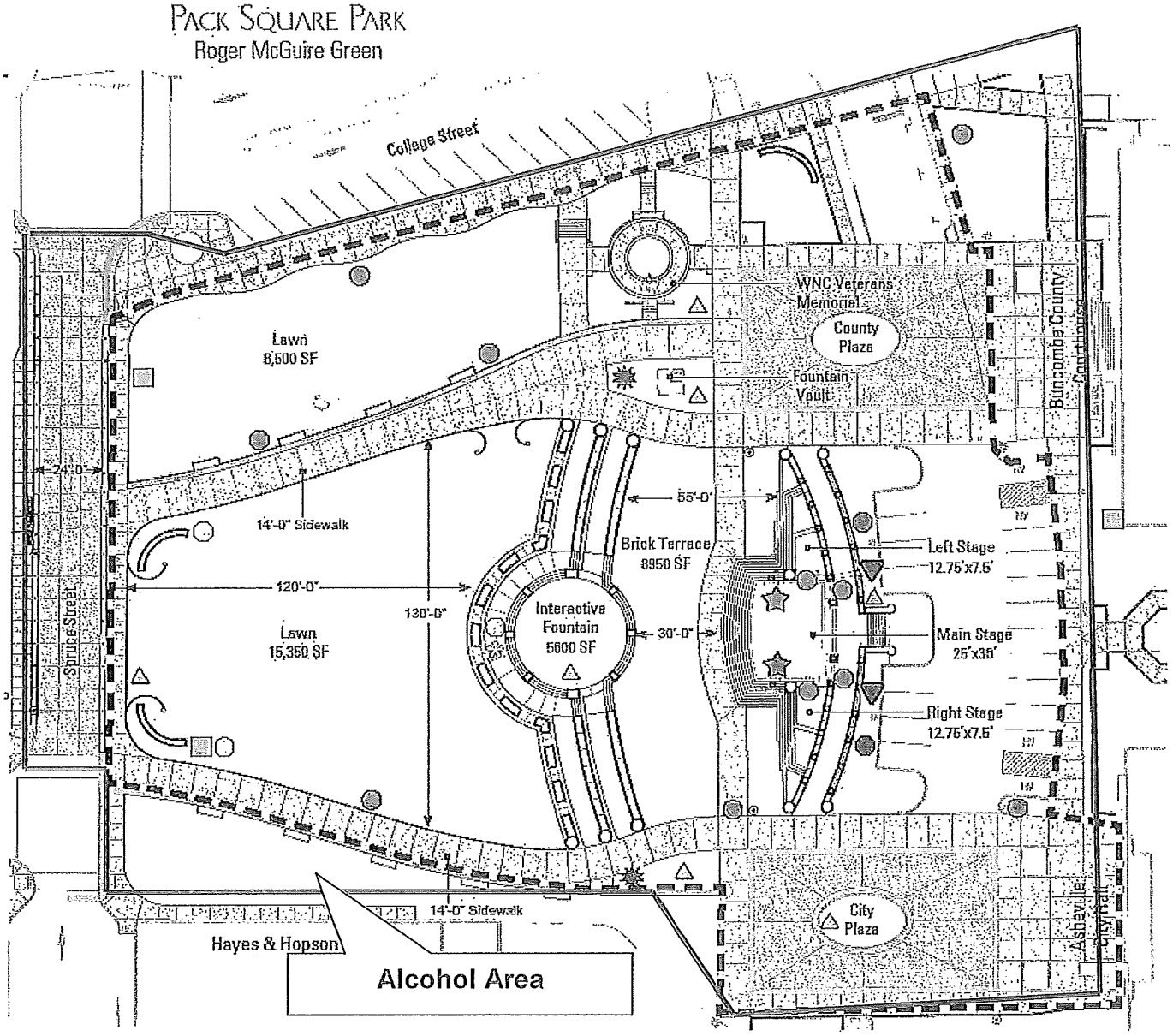
Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

Exhibit A

Pack Square Park
Roger McGuire Green



332

RESOLUTION NO. 12-77

RESOLUTION AUTHORIZING THE PURCHASE OF 1-INCH, 1 ½-INCH, AND 2-INCH METER BOXES FOR THE WATER RESOURCES DEPARTMENT FROM SOLE SOURCE VENDOR PSP MANUFACTURING

WHEREAS, N.C. General Chapter 143, Article 129 details procedures for the letting of public contracts; and

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

WHEREAS, item (6) of G.S. 143-129 (e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when "(ii) a needed product is available from only one source of supply or (iii) standardization or compatibility is the overriding consideration."; and

WHEREAS, PSP Manufacturing has been identified as the "sole source" for new 1-inch, 1 ½-inch, and 2-inch meter boxes for the Water Resources Department per the new requirements of the Standard Details dated November 2011; and

WHEREAS, funds from the Water Resources Department's Operating budget are available for the procurement of the new meter boxes.

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

City Council hereby authorize the purchase of 1-inch, 1 ½-inch, and 2-inch meter boxes as permitted under N.C.G.S. 143-129 (e) (6) from sole source vendor PSP Manufacturing.

Read, approved and adopted this 10th day of April, 2012.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson

RESOLUTION NO. 12-78

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH ASHEVILLE OIL COMPANY, INC. FOR REAL PROPERTY KNOWN AS TRIANGLE PARK, LOCATED ON S. MARKET STREET

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, the City of Asheville requests to enter into a five (5) year lease agreement with an option to renew for an additional five year period, with Asheville Oil Company, Inc. for real property known as Triangle Park, located at S. Market Street, identified as PIN # 9648.49.7620.00000 to maintain the property as a downtown park and recreation property; and

WHEREAS, the City of Asheville, as Lessee, will be responsible for the annual property taxes and any utility costs associated with the property; and

WHEREAS, the City of Asheville, as Lessee, will be responsible for maintaining the premises in good condition and repair during the term of the lease; and

WHEREAS, the stated needs for the property during the term of the lease are compatible with the proposed lease;

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

The City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and Asheville Oil Company, Inc. for real property known as Triangle Park located on S. Market Street, Asheville NC, identified as PIN # 9648.49.7620.00000. In addition, the City Manager is hereby authorized to execute the renewal lease and any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 10th day of April, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 12-79

RESOLUTION TO AUTHORIZE CHANGE ORDERS TO A CONTRACT WITH CDM-SMITH FOR AN ENVIRONMENTAL ASSESSMENT FOR A PORTION OF THE WILMA DYKEMAN RIVERWAY 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, on February 23, 2010 the Asheville City Council authorized the City Manager to enter into a contract on behalf of the City of Asheville with Wilbur Smith Associates (now CDM-Smith) to conduct environmental analysis, engineering, and design for a portion of the Wilma Dykeman Riverway Project; and

WHEREAS, the project budget has been increased through a budget amendment;

WHEREAS, the monies are budgeted in a grant fund administered by the Transportation Department;

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

The City Manager is hereby authorized to execute change orders to a contract on behalf of the City of Asheville with CDM-Smith (formerly Wilbur Smith Associates) for environmental analysis, engineering, and design for a portion of the Wilma Dykeman Riverway Project, and said change orders may be authorized up to the budgeted amount for the project.

Read, approved and adopted this 10th day of April, 2012.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 12-80

RESOLUTION FOR THE CITY OF ASHEVILLE TO ADOPT 2012 – 2013 GOALS

WHEREAS, the Asheville City Council recognizes the importance of strategic leadership in achieving the mission of the City of Asheville; and

WHEREAS, achieving our mission of creating a sustainable, quality of life community requires vision, goal setting, and strategic priorities; and

WHEREAS, the City Council met February 3, 2012 in a strategic planning retreat to reaffirm its commitment to six key focus areas; and

WHEREAS, the City Manager will produce a comprehensive quarterly report and Committee Chairs will present updates on policy initiatives designed to further achievement of strategic goals for affordability, fiscal responsibility, sustainability, safety, job growth and community development, and multimodal transportation; and

WHEREAS, the City Council received input from each member, discussed the alternatives and established strategic priorities;

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

Reaffirms its strategic priorities to ensure Asheville is a City that is:

- **Affordable** - The City of Asheville will offer a standard of living that is affordable and attainable for people of all income levels, life stages and abilities.
- **Fiscal Responsibility** - The City of Asheville will support a stronger, more prosperous community by making smart investments that accomplish lasting, tangible returns.
- **Green & Sustainable** - Asheville will be the southeastern leader in clean energy and environmental sustainability.
- **Job Growth and Community Development** – Asheville will support a dynamic and robust local economy with balanced sustainable growth.
- **Safe** - Asheville will be one of the safest and most secure communities when compared to similar cities.
- **Multimodal Transportation** – Integrate and implement a multi-modal transportation plan including sidewalks, bike paths, signal preemption, transit, greenways, streets, rivers and access to river, and other system improvements resulting in a funding priority list.

BE IT FURTHER RESOLVED THAT:

The City Council adopts the goals and objectives as described in Exhibit "A" for 2012 – 2013.

Read, approved and adopted this 10th day of April, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

CITY OF Asheville

Strategic Operating Plan
2012-2013

>> Affordable

The City of Asheville will offer a standard of living that is affordable and attainable for people of all incomes, life stages and abilities.

Goal I: Hold the line on taxes and minimize fees.

Objective 1: Explore opportunities to enhance affordability by reducing utility costs through innovative energy efficiency financing programs.

Goal II: Support the creation and preservation of affordable rental and home ownership opportunities in Asheville so that all citizens have access to safe, sufficient and affordable housing.

Objective 1: Implement reforms to Unified Development Ordinance to encourage affordable housing development; expand commitments to mixed income neighborhoods and consider the formula "housing+transportation" for prioritizing the location of affordable housing.

Objective 2: Explore opportunities for public/private partnerships and innovative financing mechanisms to incentivize affordable housing development.

Objective 3: Support the Housing Authority to develop a comprehensive plan for public housing; continue to pursue redevelopment of public housing with a HOPE VI-type project.

Objective 4: Support initiatives to end chronic homelessness in Asheville with an emphasis on the Housing First philosophy.

Objective 5: Continue to provide funding for affordable housing development loans through the Housing Trust Fund; adequately fund the Affordable Housing Trust Fund.

>> Fiscal Responsibility

The City of Asheville will support a stronger, more prosperous community by making smart investments that accomplish lasting, tangible returns.

Goal I: Operate the City of Asheville to the highest levels of fiscal responsibility.

Objective 1: Maximize resources and create meaningful performance measures for programs and services.

Objective 2: Sustain at least a 15% Fund Balance.

Goal 2: Explore alternatives for enhancing the city's long-term financial commitment to master plan implementation, infrastructure maintenance, capital improvements, and public facilities.

Objective 1: Leverage internal and external partnerships for pursuing capital improvements and infrastructure projects.

Objective 2: Utilize existing revenue streams to maximize capital investment through debt financing and pay-as-you-go opportunities.

Objective 3: Explore feasibility of a General Obligation Bond referendum now or in future years.

Objective 4: Seek efficiencies in master plan implementation by identifying plan interdependencies, funding sources and key partnerships.

Objective 5: Research and provide a recommendation on parking rates based on benchmark information and community participation.

>> Green & Sustainable

Asheville will be the southeastern leader in clean energy and environmental sustainability.

Goal I: Set and develop a plan for implementing a community energy reduction goal.

Objective 1: Work with regional partners to create incentives for green building, energy conservation and energy independence.

Objective 2: Seek partnerships for a community energy audit and develop metrics to track community energy reduction.

Goal II: Take the City of Asheville's sustainability program to the next level.

Objective 1: Continue to identify strategies and costs for maintaining the city's annual energy reduction goal of 4 percent.

Objective 2: Implement ways to reduce city-wide solid waste.

Objective 3: Review the City of Asheville's ordinances that relate to tree topping, as well as parking lot tree requirements for spacing and shade.

Objective 4: Consider leasing City-owned land parcels to area farmers and gardeners.

>> Safe

Asheville will be one of the safest and most secure communities when compared to similar cities.

Goal I: Make Asheville one of the safest cities in America based on approved metrics for similarly sized cities; bring benchmark metrics back to City Council for approval and tracking.

Objective 1: Implement strategies to significantly improve public safety in neighborhoods in Asheville with the highest levels of crime.

Objective 2: Continue efforts to eliminate open air drug markets in Asheville.

Objective 3: Track and monitor performance of the Nuisance Court and the "Changing Together" program.

Objective 4: Support recreation and employment alternatives for youth at risk of gang exposure.

Objective 5: Support the Safe Routes to School program by applying for funding for one school this year.

Objective 6: Continue to support the Asheville Police Department's internet child abuse program.

Goal 2: Maintain accreditation and ISO ratings of Asheville Fire & Rescue Department.

Objective 1: Develop an action plan for maintaining fire and rescue standard of cover throughout the city.

Objective 2: Increase participation in state fire code inspection schedule to 90 percent.

>> Multimodal Transportation

Integrate and implement a multi-modal transportation plan including sidewalks, bike paths, signal preemption, transit, greenways, streets, rivers and access to the river, and other system improvements resulting in a funding priority list.

Objective 1: Continue construction and maintenance of pedestrian and bicycle infrastructure.

Objective 2: Seek partnerships for investments in greenway and sidewalk infrastructure, including cost sharing options.

Objective 3: Clearly develop a long-term Capital Improvement Program funding plan for sidewalk, bike lane and greenway projects beyond a pay-go strategy.

Objective 4: Leverage existing funds to pursue a pedestrian and bike friendly community opportunity.

Objective 5: Make progress in solving the Merrimon Corridor problem by pursuing an N.C. D.O.T. analysis using their Complete Streets Policy.

Objective 6: City Council adoption of a Complete Streets policy.

Objective 7: Study alternative options for downtown parking, to include the creation of a downtown trolley.

Objective 8: Seek to strengthen transit service by offering holiday and Sunday service, better airport service; seek opportunities to increase "choice riders".

>> Job Growth & Community Development

Asheville will support a dynamic and robust local economy with balanced and sustainable growth.

Goal I: Create more collaborative and effective working partnerships between the City of Asheville, the business community, and other key organizations to effectively manage the City's regulatory environment while accomplishing economic development goals.

Objective 1: Support diversified job growth and business development.

Objective 2: Support business through limited taxes, fees, and regulations.

Objective 3: Partner in regional economic development strategies and key local initiatives, including the HUB, Land of Sky, the Chamber's 5x5 Plan and the Sports Commission; continue partnership in the Economic Development Coalition.

Objective 4: Continue partnerships with local institutions of higher learning.

Objective 5: Provide leadership in buying green, local products and services.

Objective 6: Work cooperatively with state and county elected officials facilitate practical water system management, agreement on issues surrounding the Asheville Regional Airport, MSD board and North Carolina Agricultural Center, and to have a more direct role in the N.C. General Assembly.

Objective 7: Seek partnerships for the 4th of July and New Year's Eve fireworks displays.

Objective 8: Support local and regional Sustainable Community Initiatives and seek investments in Sustainable Community target areas, such as the East of the River Initiative; seek opportunities for recognition.

Objective 9: Finish the Eagle Market Street Redevelopment Project.

Objective 10: Strengthen community relationships through the creation of a Neighborhood Advisory Committee.

Goal II: Support a strong local economy by continuing to implement sustainable growth and development policies.

Objective 1: Promote sustainable, high-density, infill growth that makes efficient use of existing resources; seek progress on specific corridors.

Objective 2: Continue efforts to rejuvenate the riverfront area; seek additional funding opportunities and a possible partnership with the County.

Objective 3: Complete the Downtown Master Plan implementation.

Objective 4: Maximize opportunities for sustainable infill development by pursuing a form based code planning policy, complimentary incentive policies and strategic capital investment.

Objective 5: Consider tools and programs the City could use to promote job growth and creation.

Objective 6: Improve the affordability of water and stormwater utility rates for residential customers and ensure effectiveness and value for fees charged.

Goal II: Maintain Asheville's commitment to being an "employer of choice" in the region.

Objective 1: Attract and retain quality employees with an emphasis on local labor pool development opportunities and by paying sound wages and benefits; prioritize employee compensation in the FY 12-13 budget process.

Objective 2: Enhance diversity in the City as an organization so that the workforce more closely resembles the community, especially in the area of public safety.

RESOLUTION NO. 12 - 81

RESOLUTION ACCEPTING COURT PLAZA AS A CITY STREET

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

WHEREAS, Court Plaza is located in the corporate limits of the City of Asheville; and

WHEREAS, Court Plaza was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, Court Plaza is fully contained within property that belongs to Buncombe County;

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

Court Plaza is accepted by the City of Asheville as a City street as shown on the attached map and as shown on a survey recorded in Plat Book 124 at Page 9 of the Buncombe County Registry.

Read, approved and adopted this 10th day of April, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

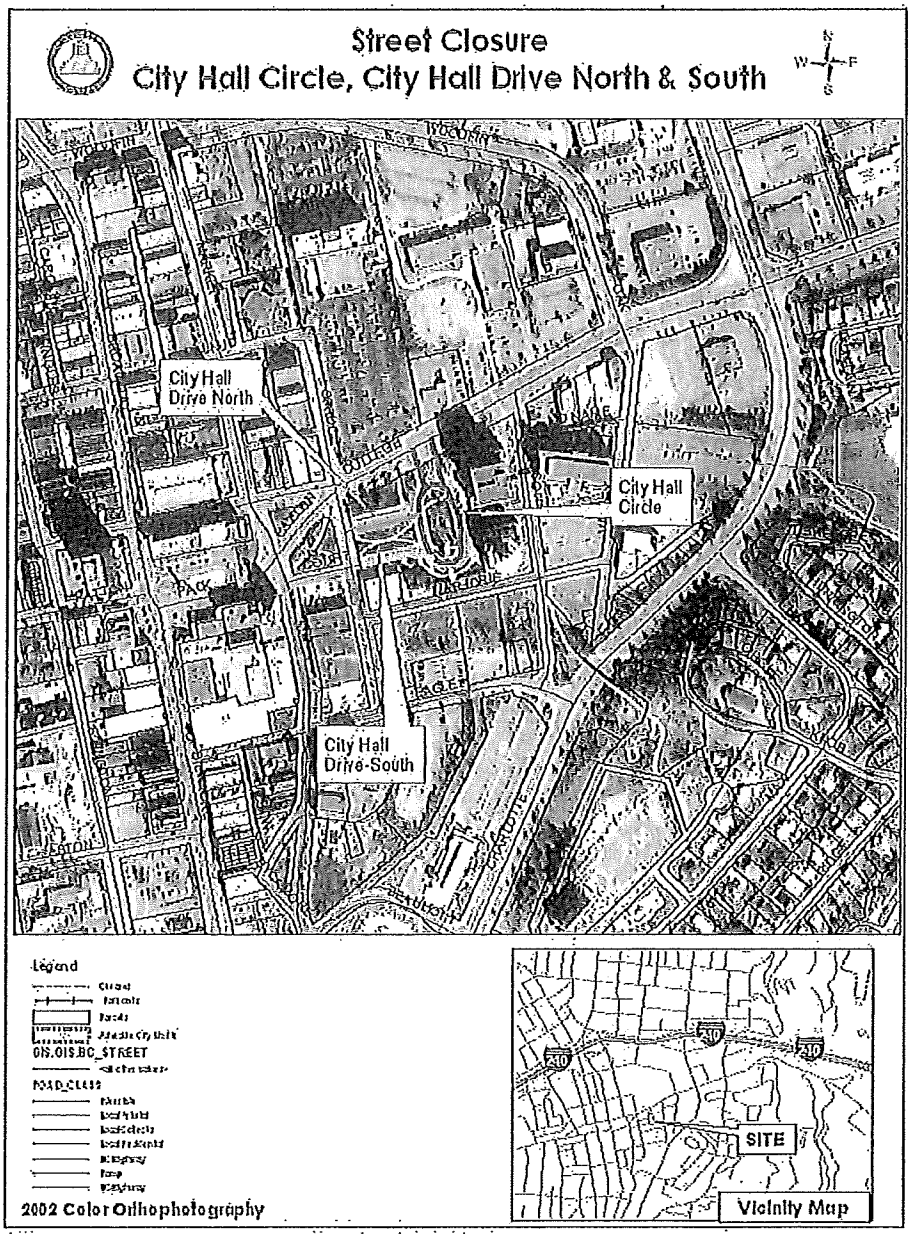
City Attorney

Magdalen Burleson
City Clerk

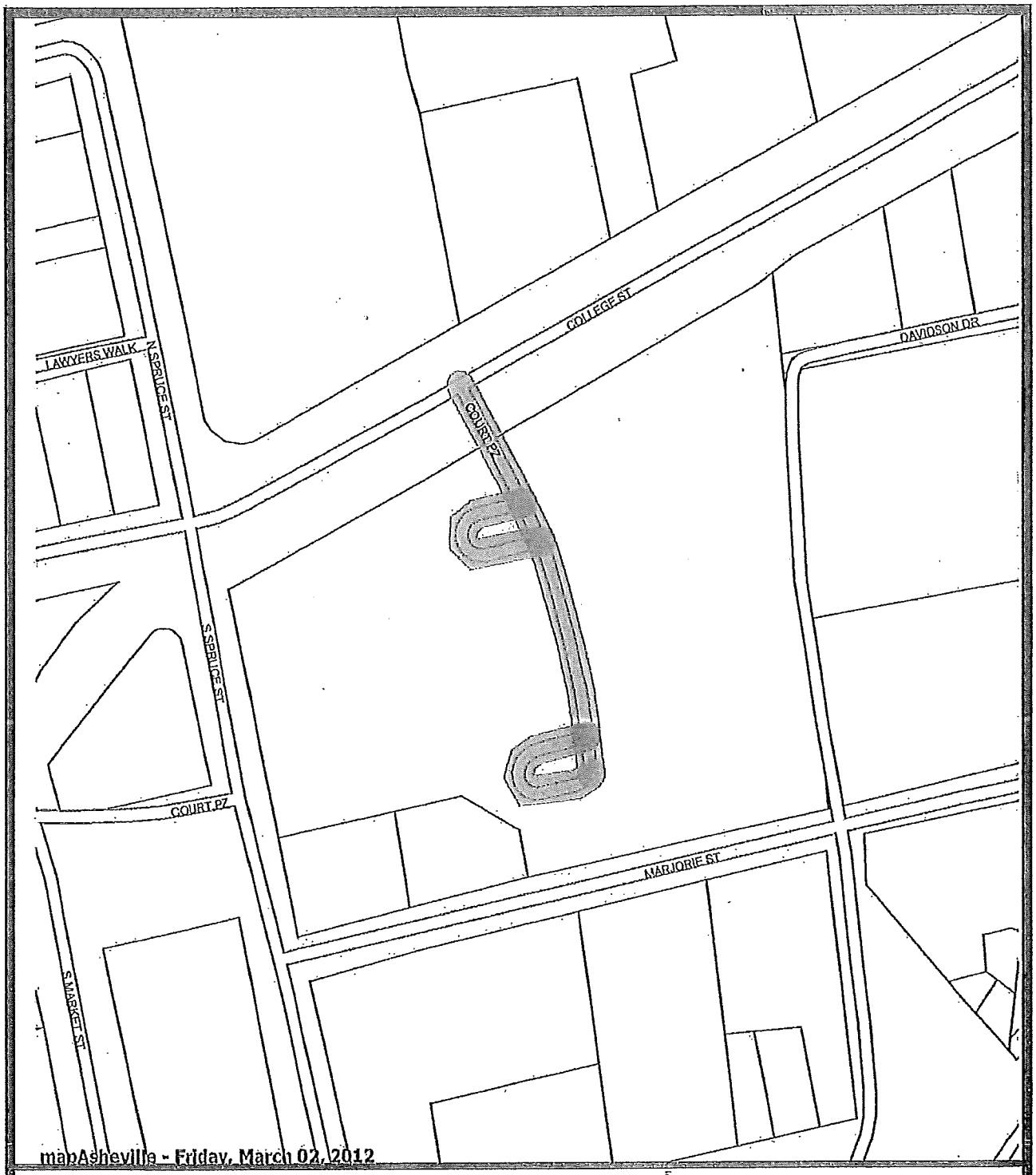
3.40

ATTACHMENT 2

ATTACHMENT 'A'



ATTACHMENT 3

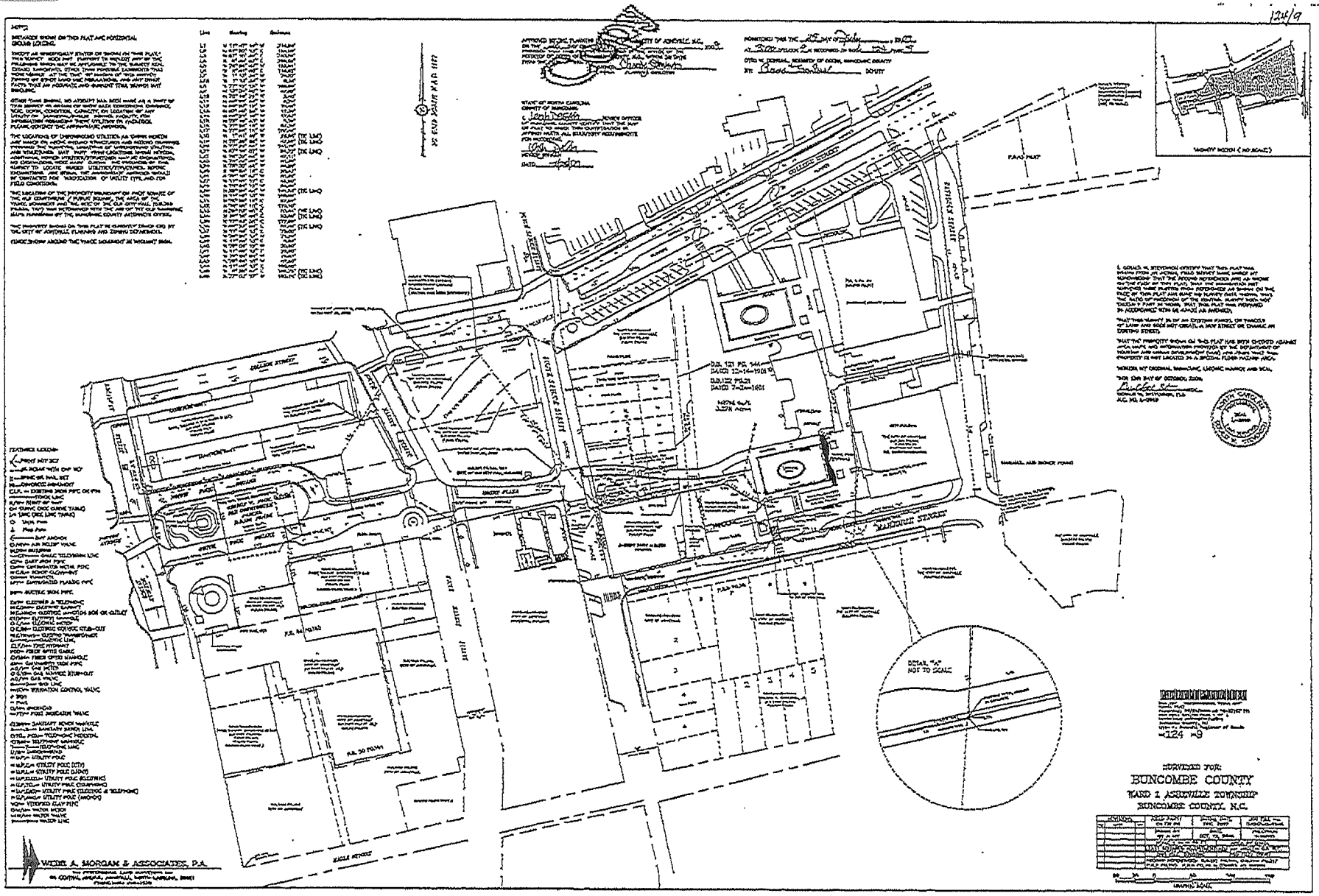


mapAsheville - Standard GIS

Disclaimer: The City of Asheville acquires, develops, maintains, and uses GIS data in support of its internal business functions and the public services it provides. The GIS data which City of Asheville distributes and to which it provides access may not be suitable for other purposes or uses. All GIS data sets are provided "as is" with no warranty. It is your responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Use of all GIS data and map services provided by the City of Asheville are covered by this disclaimer.
This map is intended for Display purposes only.

Map Created by: mapAsheville - Standard GIS
Data Source: City of Asheville GIS
Map Scale: 1:1500"
Printed on: Friday, March 02, 2012

ATTACHMENT 4



Book: 124 Page: 9 Seq: 1

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RESOLUTION NO. 12-82

RESOLUTION CONFIRMING CITY COUNCIL SUPPORT OF PARTICIPATION IN THE YWCA'S "STAND AGAINST RACISM" EVENT ON APRIL 27, 2012

WHEREAS, racism still exists in our community and can no longer be ignored or tolerated; and

WHEREAS, the YWCA of Asheville has asked community organizations to arrange events in support of the "Stand against Racism" effort on April 27, 2012; and

WHEREAS, the City has an opportunity to show solidarity with the YWCA's goal of acknowledging and addressing the existence of racism;

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

The City Manager is hereby authorized to move forward with a walking diversity tour on April 27, 2012, in which City employees may demonstrate their support for the YWCA's goal to end racism.

Read, approved and adopted this the 10th day of April 2012.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

344

RESOLUTION NO. 12-83

RESOLUTION AMENDING CONTRACT WITH THE TRIANGLE J COUNCIL OF GOVERNMENTS FOR THE CAROLINA BLUE SKIES INITIATIVE GRANT

WHEREAS, the Triangle J Council of Governments has modified the existing contract with the City of Asheville to upgrade 28 fleet vehicles to CNG, and expand the capacity of the existing CNG fueling station; and

WHEREAS, the contract total increased from $779,020 to $830,400 because the project scope changed to convert three larger vehicles; and

WHEREAS, converting three dump trucks instead of three pickup trucks significantly improved the grantors ability to meet emissions reductions targets;

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

The City Manager be authorized to sign a contract amendment with the Triangle J Council of Governments increasing the contract from $779,020 to $830,400.

Read, approved and adopted this 10th day of April, 2012.

Magdalen Burleson
CITY CLERK

Terry M. Bellamy
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION 12-84

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING A CONTRACT AND A DEED OF TRUST AND THE 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 purchase contracts in order to finance and refinance 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 has previously determined that it is in the best interest of the City to enter into (a) an installment financing contract (the "*Contract*") with the Asheville Public Financing Corporation, a North Carolina nonprofit corporation (the "*Corporation*"), in order (1) to pay the capital costs of acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) to pay the capital costs of renovating and improving City Hall and the Civic Center; (3) to pay the capital costs of acquiring and installing vehicles and equipment; (4) to refinance the City's installment payment obligations under an Installment Purchase Contract dated as of June 1, 1991, as amended by Amendment Number One to the Installment Purchase Contract dated as of November 1, 1997 (the "*1997 Contract*"), each between the City and the Corporation, the proceeds of which were used to finance and refinance improvements to various City facilities; (5) to refinance the City's installment payment obligations under an Installment Financing Agreement dated June 28, 2006 (the "*2006 Contract*") between the City and Bank of America, N.A., the proceeds of which were used to finance two fire stations, vehicles and equipment; (6) to refinance the City's installment payment obligations under an Installment Financing Agreement dated February 17, 2011 (the "*2011 Contract*," and together with the 1997 Contract and the 2006 Contract, the "*Prior Contracts*") between the City and Bank of America, N.A., the proceeds of which were and are being used to finance a parking facility at 51 Biltmore (each of the projects described above to be financed and refinanced with the proceeds of the Contract are referred to herein as the "*Projects*"); and (7) to pay the costs related to the execution and delivery of the Contract;

WHEREAS, in order to secure the City's obligations under the Contract, the City will enter into a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012 (the "*Deed of Trust*") related to the real property on which City Hall is located and the improvements thereon;

WHEREAS, the Corporation will issue its Limited Obligation Bonds (City of Asheville, North Carolina), Series 2012 (the "*Bonds*") in an aggregate principal amount not to exceed $50,000,000, evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract;

WHEREAS, in connection with the sale of the Bonds by the Corporation to Merrill Lynch, Pierce, Fenner & Smith Incorporated and Stephens Inc. (collectively, the "*Underwriters*"), the Corporation will enter into a Contract of Purchase to be dated on or about May 24, 2012 (the "*Contract of Purchase*") among the City, the Corporation and the Underwriters;

WHEREAS, there have been described to the City Council the forms of the following documents (collectively, the "*Instruments*"), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

(1) the Contract;

(2) the Deed of Trust;

(3) an Indenture of Trust dated as of June 1, 2012 (the "*Indenture*") between the Corporation and Branch Banking and Trust Company, as trustee; and

(4) the Contract of Purchase;

WHEREAS, to make an offering and sale of the Bonds, there will be prepared a Preliminary Official Statement with respect to the Bonds (the "*Preliminary Official Statement*"), a draft thereof having been presented to the City Council, and a final Official Statement relating to the Preliminary Official Statement (together with the Preliminary Official Statement, the "*Official Statement*"), which Official Statement will contain certain information regarding the City;

WHEREAS, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the City Council conducted a public hearing on January 10, 2012 to receive public comment on the proposed Contract, the Deed of Trust and the projects to be financed and refinanced thereby; and

WHEREAS, the City has filed an application to the LGC for approval of the Contract;

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

Section 1. ***Ratification of Instruments.*** All actions of the City, the Mayor, the Vice Mayor, the City Clerk, the City Manager, the Finance Officer of the City, the City Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing and refinancing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Authorization of the Official Statement.*** The form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and of the final Official Statement by the Underwriters in connection with the sale of the Bonds is hereby in all respects authorized, approved and confirmed. The Mayor, the Vice Mayor, the City Manager or the Finance Officer is hereby authorized and directed, individually and collectively, to deliver, on behalf of the City, the Official Statement in substantially such form, with such changes, insertions and omissions as he or she may approve.

Section 3. ***Authorization to Execute the Contract.*** The City hereby approves the financing of the Projects and refinancing of the Prior Contract in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Contract are hereby in all respects authorized, approved and confirmed, and the Mayor, the Vice Mayor, the City Manager, the City Clerk and and their respective designees are hereby authorized,

empowered and directed, individually and collectively, to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the City Council. From and after the execution and delivery of the Contract, the Mayor, the Vice Mayor, the City Manager, the City Clerk and the Finance Officer of the City are hereby authorized, empowered and directed, individually and collectively, 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 4. ***Authorization to Execute the Deed of Trust.*** The City approves the form and content of the Deed of Trust, and the Deed of Trust is in all respects authorized, approved and confirmed. The Mayor, the Vice Mayor, the City Manager, the City Clerk and their respective designees are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they deem necessary, desirable or appropriate. Execution by the Mayor, the Vice Mayor, the City Manager, the City Clerk or their respective designees constitutes conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein from the form and content of the Deed of Trust presented to the City Council, and from and after the execution and delivery of the Deed of Trust, the Mayor, the Vice Mayor, the City Manager, the City Clerk and the Finance Officer of the City are hereby authorized, empowered and directed, individually and collectively, 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 Deed of Trust as executed.

Section 5. ***Contract of Purchase.*** The form and content of the Contract of Purchase shall be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor, the Vice Mayor, the City Manager, the Finance Officer of the City and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Contract of Purchase, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract of Purchase presented to the City Council. From and after the execution and delivery of the Purchase Contract, the Mayor, the Vice Mayor, the City Manager and the Finance Officer of the City are 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 of Purchase as executed.

Section 6. ***City Representative.*** The Mayor, the Vice Mayor, the City Manager and the Finance Officer of the City are hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Instruments and the Preliminary Official Statement, and the Mayor, the Vice Mayor, the City Manager and the Finance Officer are authorized to proceed with the financing of the Projects and the refinancing of the City's obligations under the Prior Contract in accordance with the Instruments and to seek opinions as a matter 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 City's representative and/or designee or designees are in all respects authorized on behalf of the City to supply all information pertaining to the City for use in the Official Statement and the transactions contemplated by the Instruments or the Preliminary Official Statement. The City's representatives or their respective designees are hereby authorized, empowered and directed, individually and collectively, to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and

appropriate to consummate the transactions contemplated by the Instruments or the Preliminary Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and to administer the transactions contemplated hereby after the issuance of the Bonds.

Section 7. ***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 8. ***Repealer.*** All motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 9. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 10th day of April, 2012.

Magdalen Bourleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bourleson
City Clerk

350

RESOLUTION NO. 12-85

RESOLUTION SETTING A PUBLIC HEARING TO DEMONSTRATE SUPPORT AND SOLIDARITY BY ASHEVILLE WATER CUSTOMERS IN DEFENDING OWNERSHIP OF ITS WATER SYSTEM

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

A public hearing be held on April 24, 2012, during the regular meeting of the Asheville City Council, which begins at 5:00 p.m. in the Council Chamber, located on the Second Floor of City Hall, regarding the City of Asheville's ownership and operation of the City water system.

Read, approved and adopted this 10th day of April, 2012.

Magdalen Bouleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 12-86

RESOLUTION IN SUPPORT OF EQUALITY AND IN OPPOSITION TO AMENDMENT ONE

WHEREAS the core values of the City of Asheville include commitments to "value and respect a diverse community, workforce, and ideas," and to "value the safety and welfare of our employees and the citizens we serve;" and

WHEREAS, the City of Asheville includes at least 737 same-sex couples and has the highest concentration of same-sex couples among North Carolina cities[1]; and

WHEREAS, the City of Asheville has adopted a policy of extending equal health care benefits to Asheville City Government employees who are in same-sex domestic partnerships; and

WHEREAS, the Council passed a resolution establishing a Domestic Partnership Registry through which same-sex couples can register their relationships;

WHEREAS, the Council passed a resolution endorsing and supporting the rights of same-sex couples to share fully and equally in the familial rights and responsibilities of civil marriage in 2011; and

WHEREAS, this Council recognizes that some local and national companies doing business in the City of Asheville extend equal health care benefits to employees in same-sex relationships; and

WHEREAS, discriminatory marriage laws deprive same-sex couples and their children of fundamental rights and protections, including, but not limited to, health care coverage and related decision-making, access to assisted-living facilities, decision making around funerals and end of life matters, inheritance rights, survivor benefits, child custody, and adoption rights[2]; and

WHEREAS, on May 8, 2012, the people of North Carolina will vote on Amendment One, a proposed amendment to the North Carolina State Constitution that would prohibit marriage between people of the same sex, and further prohibit the recognition of any other form of domestic legal union; and

WHEREAS, the adoption of such a Constitutional amendment is inconsistent with the City's commitment to equal rights and opportunities for its residents and employees and could invalidate the City of Asheville's domestic partner benefits; and

WHEREAS, the adoption of such a Constitutional amendment could invalidate local and national businesses' benefit policies; and

WHEREAS, Asheville proudly embraces the diversity of its residents;

---

1 "North Carolina Census Snapshot, 2010". Gary J. Gates, PhD and Abigail M. Cooke. The Williams Institute. 2011. <http://www3.law.ucla.edu/williamsinstitute/home.html>.

2 "Protections and Responsibilities of Marriage" 2011. Freedom to Marry. <http://www.whymarriagematters.org/pages/protections-and-responsibilities-of-marriage>.

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

1) The City Council opposes Amendment One.

2) Whether Amendment One passes or fails on May 8, 2012, the City Council reaffirms its commitment to equal rights and opportunities for City employees and for all residents and families of Asheville, including the rights of same-sex couples to share fully and equally in the rights, responsibilities, and commitments of civil marriage.

3) This resolution shall be effective on and after its passage, and shall be shared with the members of Asheville's General Assembly delegation.

Read, approved and adopted this 10 day of April, 2012.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk