

RESOLUTION NO. 12- 159

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE GENERAL SERVICES CONTRACT WITH CAROLINA MANAGEMENT TEAM FOR THE WATER RESOURCES WATER STORAGE TANK AND PIPE COATING AND MAINTENANCE PROJECT FOR TWO ADDITIONAL YEARS FOR FISCAL YEARS 2012-13 AND 2013-14 FOR \$150,000.00 EACH YEAR CONTINGENT UPON FUNDING

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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 to rehabilitate, repair, and repaint various water storage tanks and piping within pumping stations in the water system and is currently under contract with Carolina Management Team; and

WHEREAS, the Water Resources Department desires to extend the general services contract with Carolina Management Team for the Water Resources Water Storage Tank and Pipe Coating and Maintenance Project for the fiscal year 2012-13 with an option to renew for the 2013-14 fiscal year, at a cost of \$150,000.00 each year contingent upon funding.

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 extend the general services contract with Carolina Management Team for the Water Resources Water Storage Tank and Pipe Coating and Maintenance Project for the fiscal year 2012-13 with an option to renew for the 2013-14 fiscal year, at a cost of \$150,000.00 each year contingent upon funding.

Read, approved, and adopted this 24th day of July, 2012.

Margaret Paulson  
CITY CLERK

Shirley Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Microfilmed by:  
NC Dept of Cultural Resources  
Division of Historical Resources  
Archives and Records Section

Filed by: W Date: 3/12/14 Margaret Paulson  
City Clerk

RESOLUTION NO. 12- 160

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PATTON CONSTRUCTION GROUP, INC., FOR THE HAW CREEK AREA AND RIDDLE ROAD WATERLINE REPLACEMENT .

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 Haw Creek Area and Riddle Road Waterline Replacement; and

WHEREAS, Patton Construction Group, Inc., of Arden, NC was the lowest responsible bidder for the Project, in the amount of \$914,790.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of approximately 3,200 linear feet of 8-inch ductile iron pipe and 6,130 linear feet of 6-inch ductile iron pipe with related appurtenances, and other work and materials required in order to complete the project; and

WHEREAS, , the bids have been reviewed by the Water Resources Department, McGill Associates Consulting Engineers 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 Patton Construction Group, Inc., for the bid amount of \$914,790.00 plus a contingency amount of \$91,479.00 for a total in the amount of \$1,006,269.00 for the construction of the Haw Creek Area and Riddle Road Waterline Replacement 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 24<sup>th</sup> day of July, 2012

Magdalen Baulson  
City Clerk

Ingrid Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

## Exhibit A

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Bid Tabulation for the Haw Creek Area and Riddle Road Waterline Replacement

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Cana Construction  
PO Drawer 1110  
Waynesville, NC 28786  
**Total Bid: \$925,452.75**

Carolina Specialties Construction  
PO Box 825  
Hendersonville, NC, 28793  
**Total Bid: \$1,097,171.00**

Huntley Construction, Co.  
121 Charlotte Hwy  
Asheville, NC 28803  
**Total Bid: \$1,119,513.07**

Patton Construction Group, Inc.,  
204 Charlotte Highway, Suite G  
Asheville, NC 28803  
**Total Bid: \$914,790.00**

Steppe Construction, Inc,  
4149 N NC Highway 9  
Mill Spring, NC 28756  
**Total Bid: \$1,251,130.00**

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RESOLUTION NO. 12- 161

RESOLUTION TO ALLOCATE FAIR HOUSING ASSISTANCE PROGRAM FUNDS

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WHEREAS, the City of Asheville is the recipient of Fair Housing Assistance Program (FHAP) funds from the US Department of Housing and Urban Development; and

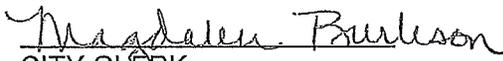
WHEREAS, these funds must be expended for activities that affirmatively further fair housing; and

WHEREAS, the City has received a proposal from the Asheville Buncombe Community Relations Council to use FHAP funds to develop and implement a fair housing marketing, outreach and training program;

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

1. A subgrant of Fair Housing Assistance Program funds in the amount of \$15,000 be made to the Asheville Buncombe Community Relations Council for the purpose of developing and implementing a fair housing marketing, outreach and training program.
2. Council authorizes the City Manager to sign the contract and grant agreement, after approval by the City Attorney.

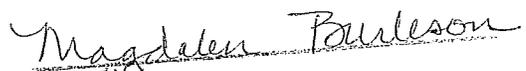
Read, approved and adopted this 24th day of July, 2012.

  
CITY CLERK

  
MAYOR

Approved As To Form:

  
CITY ATTORNEY

  
CITY CLERK

RESOLUTION NO. 12- 162

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH T & K UTILITIES, INC., FOR THE MCINTOSH ROAD WATER SYSTEM IMPROVEMENTS 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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as McIntosh Road Water System Improvements Project; and

WHEREAS, T & K Utilities, Inc., of Asheville, NC was the lowest responsible bidder for the Project, in the amount of \$635,860.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of approximately 6,500 linear feet of 8-inch ductile iron pipe and 1,000 linear feet of 6-inch ductile iron pipe with related appurtenances, 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 T & K Utilities, Inc., for the bid amount of \$635,860.00 plus an additional contingency amount of \$64,140.00 for a total contract amount of \$700,000.00 for the construction of the McIntosh Road Water System Improvements Project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 24<sup>th</sup> day of July, 2012

Magdalen Bouleson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bouleson  
City Clerk

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Exhibit A

Bid Tabulation for the McIntosh Road Water System Improvements Project

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Carolina Specialties Construction  
PO Box 825  
Hendersonville, NC, 28793  
**Total Bid: \$924,573.63**

T & K Utilities, Inc.  
204 Charlotte Highway, Suite G  
Asheville, NC 28803  
**Total Bid: \$635,860.00**

Patton Construction Group, Inc.  
565 Long Shoals Road, STE 101  
Arden, NC 28704  
**Total Bid: \$678,600.00**

RESOLUTION NO. 12-163

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH DANNY'S DUMPSTER, INC. FOR THE PURPOSE OF INSTALLING AND OPERATING A TYPE III COMPOST FACILITY ON A PORTION OF CITY-OWNED REAL PROPERTY AT 80 HARDESTY LANE, ASHEVILLE NORTH CAROLINA

WHEREAS, the City of Asheville is the owner of real property located at 80 Hardesty Lane, Asheville NC, identified as PIN #966831996600000; and

WHEREAS, Danny's Dumpster, Inc. of Leicester, NC, has offered to enter into a lease agreement in order to operate a Type III Compost Facility as permitted by the North Carolina Department of Environment and Natural Resources on a portion of the property at 80 Hardesty Lane, to be known as 120 Hardesty Lane; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 10 days public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed lease agreement on Friday July 13<sup>th</sup>, 2012 in the Asheville Citizen-Times; and

WHEREAS, the initial term of the license agreement will be for two (2) years with the option to renew for two (2) additional two (2) year periods; and

WHEREAS, as consideration for the annual rental fees, Danny's Dumpster Inc. agrees to accept all tree, limb and brush material generated by the Public Works Department of the City of Asheville free of charge; and

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

Pursuant to North Carolina General Statute sec. 160A-272, the City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and Danny's Dumpster, Inc. for the purpose of installing and operating a Type III compost facility on a portion of the real property at 80 Hardesty Lane, to be identified as 120 Hardesty Lane. In addition, the City Manager be, and is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of July, 2012.

Magdalena Paulson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:  
Magdalena Paulson  
City Attorney

Magdalena Paulson  
City Clerk

RESOLUTION NO. 12- 164

## RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RIVERFEST 2012 AT FRENCH BROAD RIVER PARK ON THE DATES OF SATURDAY, AUGUST 11, 2012 FROM 1:00 PM – 7:00 PM

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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 2012.

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 RiverFest 2012 event area, as set forth on Exhibit A, attached.

The RiverFest 2012 event area is within the boundaries of French Broad River Park located at 508 Riverview Drive.

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 RiverFest 2012 on Saturday, August 11, 2012 from 1:00 p.m. – 7:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the

RiverFest 2012 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 2012 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 RiverFest 2012, 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 24<sup>th</sup> day of July, 2012.

Magdalena Bureson  
 City Clerk

Tom Bellamy  
 Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalena Bureson  
 City Clerk

Exhibit A



RESOLUTION NO. 12- 165

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOG DAY AFTERNOON AT CARRIER PARK ON THE DATE OF SATURDAY, AUGUST 18, 2012 FROM 10:30 AM – 4:00 PM

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

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

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

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

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

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

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

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Dog Day Afternoon on Saturday, August 18, 2012 from 10:30 a.m. – 4:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Dog

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

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

Read, approved and adopted this 24<sup>th</sup> day of July, 2012.

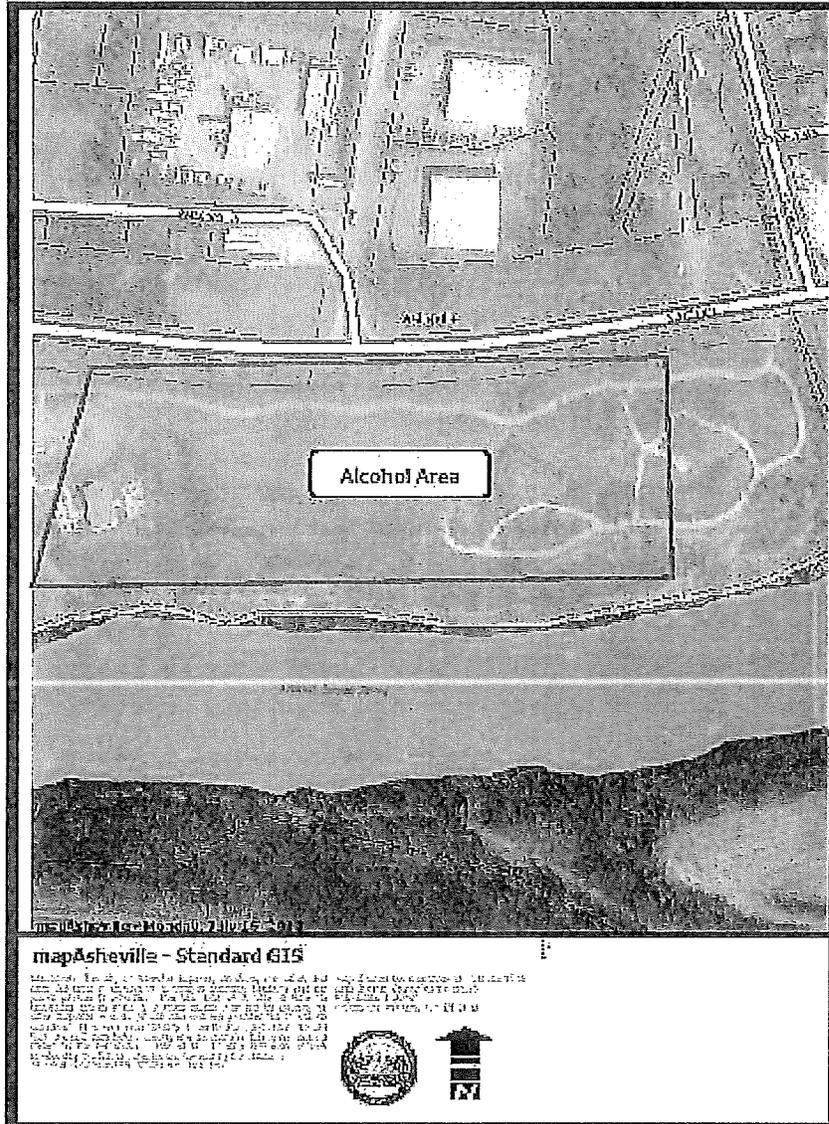
Magdalen Baulson  
 City Clerk

Sam Bellamy  
 Mayor

Approved as to form:  
[Signature]  
 City Attorney

Magdalen Baulson  
 City Clerk

Exhibit A



RESOLUTION NO. 12- 166

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON THE DATES OF FRIDAY, AUGUST 24, 2012 FROM 6:00 PM – 9:00 PM, SATURDAY, AUGUST 25, 2012, FROM 12:00 PM – 10:00 PM AND SUNDAY, AUGUST 26, 2012 FROM 12:00 PM – 9:00 PM

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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 Goombay 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 Goombay Festival event area, as set forth on Exhibit A, attached.

The Goombay Festival event area is contained to the boundaries of Eagle Street between Biltmore Avenue & S. Spruce Street, South Market Street between S. Pack Square & Beaumont Street, and includes Triangle Park, Sycamore Street and Wilson Alley.

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 Goombay Festival on Friday, August 24, 2012 from 6:00 p.m. to 9:00 p.m., Saturday, August 25, 2012, from 12:00 p.m. to 10:00 p.m. and Sunday, September 26, 2012 from 12:00 p.m. – 9:00 p.m.

- 3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay 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 Goombay 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 Goombay 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 24<sup>th</sup> day of July, 2012.

Margalene Boulson  
City Clerk

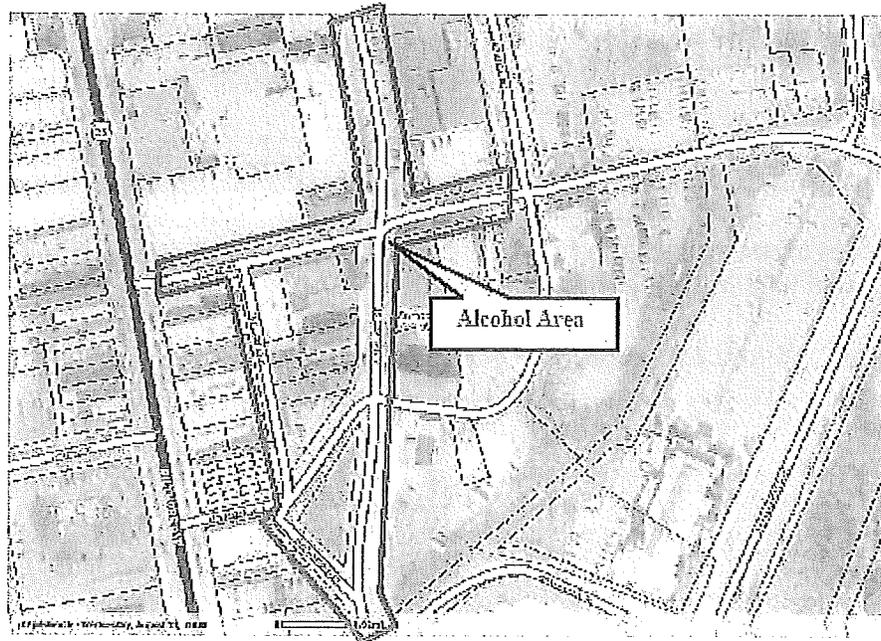
Imogen Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margalene Boulson  
City Clerk

Exhibit A



RESOLUTION NO. 12- 167

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEXINGTON AVENUE ARTS & FUN FESTIVAL IN DOWNTOWN ON THE DATES OF SATURDAY, SEPTEMBER 1, 2012 FROM 8:00 PM – SUNDAY, SEPTEMBER 2, 2012 AT 2:00 AM AND SUNDAY, SEPTEMBER 2, 2012 FROM 12:00 PM – 9:00 PM

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

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

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

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Lexington Avenue Arts & Fun 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 Lexington Avenue Arts & Fun Festival event area, as set forth on Exhibit A, attached.

The Lexington Avenue Arts & Fun Festival area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 overpass, Walnut Street between Broadway and Rankin Avenue, Rankin Avenue between Walnut Street and Hiwassee, Hiwassee between Rankin Avenue and Carolina Lane, Chicken Alley and Carolina Lane between Hiwassee and Walnut Street, the Rankin Avenue Monthly Parking Surface Lots on Rankin Avenue between Walnut and Hiwassee, and the metered parking lot at Lexington Avenue and the I-240 Underpass.

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 Lexington Avenue Arts & Fun Festival on Saturday, September 1, 2012 from 8:00 p.m. – September 2, 2012 at 2:00 a.m. and on Sunday, September 2, 2012 from 12:00 p.m. to 9:00 p.m.

- 3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Lexington Avenue Arts & Fun 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 Lexington Avenue Arts & Fun 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 Lexington Avenue Arts & Fun 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 24<sup>th</sup> day of July, 2012.

Magdalen Bourleson  
City Clerk

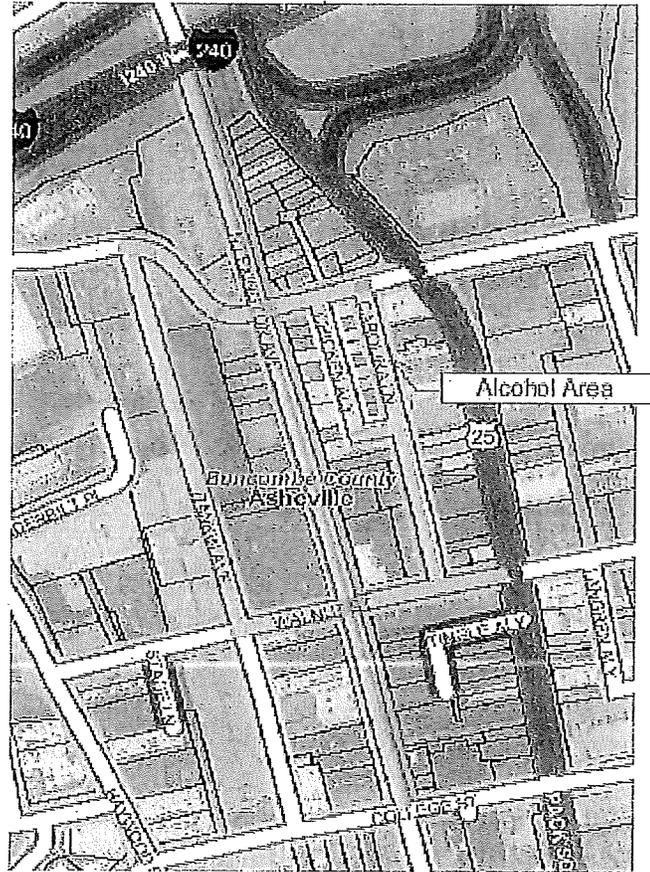
Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

Exhibit A



RESOLUTION NO. 12- 168

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT SYMPHONY IN THE PARK IN PACK SQUARE PARK ON THE DATE OF MONDAY, SEPTEMBER 3, 2012 FROM 1:00 PM – 9:00 PM

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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 Symphony in the Park.

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 Symphony in the Park event area, as set forth on Exhibit A, attached.

The Symphony in the Park 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 Symphony in the Park on Monday, September 3, 2012 from 1:00 p.m. – 9:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of

malt beverages and/or unfortified wine are not allowed anywhere in the Symphony in the Park 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 Symphony in the Park 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 Symphony in the Park, 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 24<sup>th</sup> day of July, 2012.

Magdalen Boulson  
 City Clerk

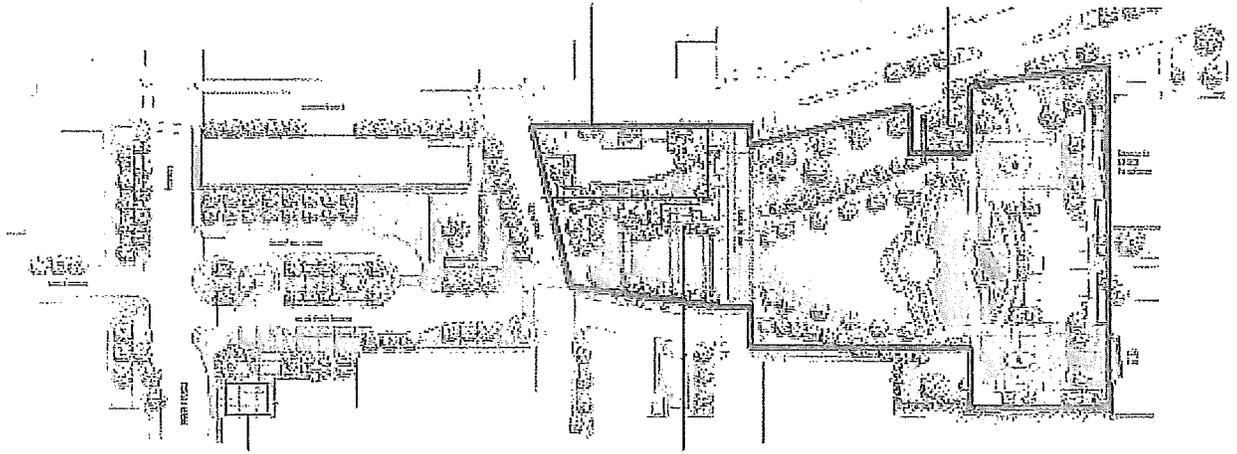
Jimmy Bellamy  
 Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalen Boulson  
 City Clerk

Exhibit A



**Alcohol Area**

RESOLUTION NO. 12- 169

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT CHAMBER AFTER HOURS IN AZALEA PARK ON THE DATE OF THURSDAY, SEPTEMBER 6, 2012 FROM 5:30 PM – 7:00 PM

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

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

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

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

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 Chamber After Hours event area, as set forth on Exhibit A, attached.

The Chamber After Hours event area is within the boundaries of Azalea Park located at 498 Azalea Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Chamber After Hours on Thursday, September 6, 2012 from 5:30 p.m. – 7:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the

Chamber After Hours 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 Chamber After Hours 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 Chamber After Hours, 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 24<sup>th</sup> day of July, 2012.

Magdalen Burlison  
City Clerk

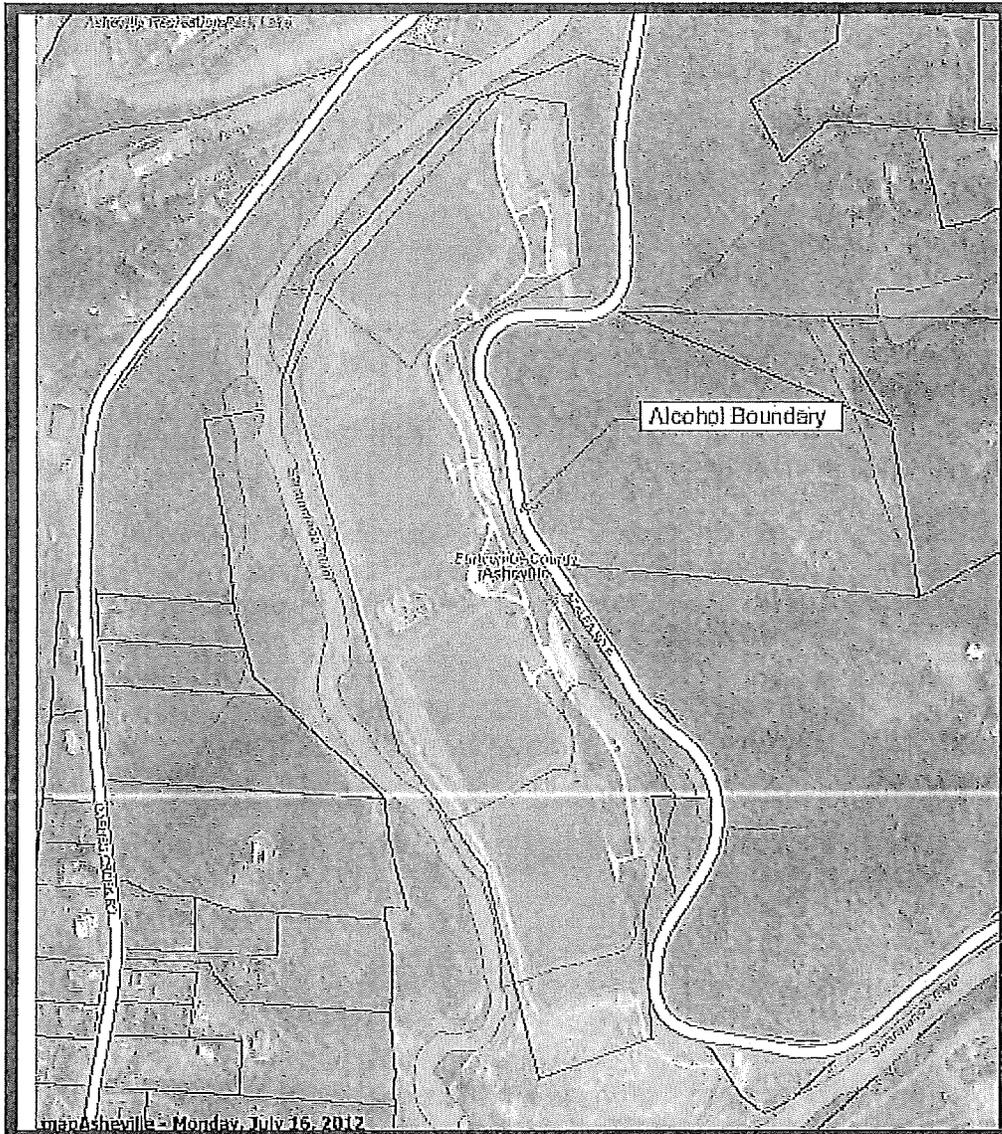
Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

Exhibit A



mapAsheville - Standard GIS

Standard GIS data is provided as a service to the public. The City of Asheville is not responsible for any errors or omissions in the data. The City of Asheville is not responsible for any damages or losses resulting from the use of this data. The City of Asheville is not responsible for any damages or losses resulting from the use of this data.

City of Asheville, North Carolina  
 100 South City of Asheville  
 Mail Stop 18217  
 Asheville, North Carolina



RESOLUTION NO. 12- 170

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ORGANICFEST IN PACK SQUARE PARK ON THE DATE OF SATURDAY, SEPTEMBER 8, 2012 FROM 10:00 AM – 6:00 PM

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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 Organicfest event.

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 Organicfest event area, as set forth on Exhibit A, attached.

The Organicfest event area is contained to a beverage tent located within Pack Square Park's Roger McGuire Green.

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 Organicfest on Saturday, September 8, 2012 from 10:00 a.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 Organicfest 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 Organicfest 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 Organicfest, 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 24<sup>th</sup> day of July, 2012.

Magdalen Paulson  
 City Clerk

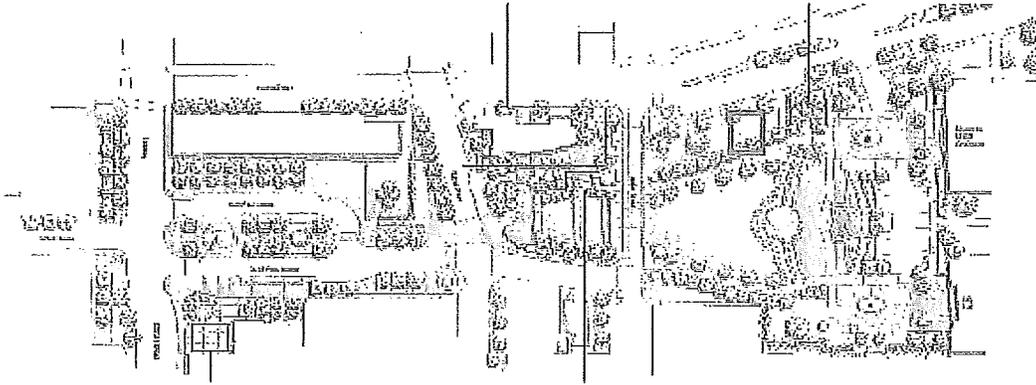
Jimmy Bellamy  
 Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalen Paulson  
 City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 12- 171

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITIZEN-TIMES HALF MARATHON & 5K IN DOWNTOWN ON THE DATE OF SATURDAY, SEPTEMBER 15, 2012 FROM 8:30 AM – 12:00 PM

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

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

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

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

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

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

The Asheville Citizen-Times Half Marathon & 5K event area is within a designated portion of Otis Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville Citizen-Times Half Marathon & 5K on Saturday, September 15, 2012 from 8:30 a.m. – 12:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the

Asheville Citizen-Times Half Marathon & 5K event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Citizen-Times Half Marathon & 5K event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Asheville Citizen-Times Half Marathon & 5K, 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 24<sup>th</sup> day of July, 2012.

Magdalen Boulson  
 City Clerk

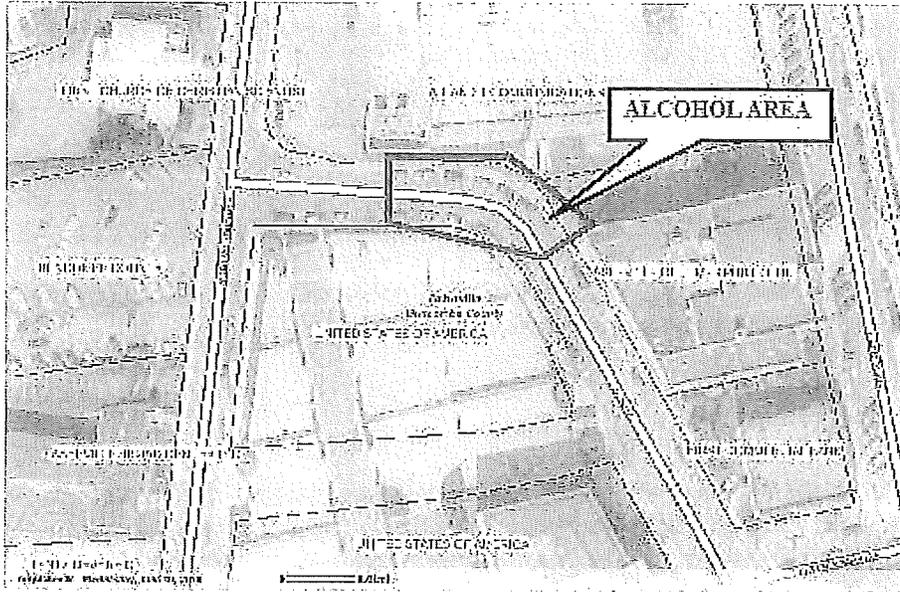
Shirley Bellamy  
 Mayor

Approved as to form:

[Signature]  
 City Attorney

Magdalen Boulson  
 City Clerk

Exhibit A



RESOLUTION NO. 12- 172RESOLUTION ESTABLISHING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS

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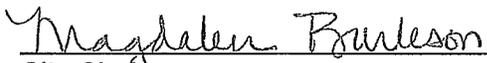
WHEREAS, the City of Asheville has authority pursuant to G.S. 18B-904(f) to authorize a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

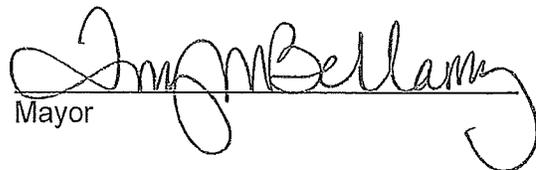
WHEREAS, the City of Asheville, County of Buncombe, wishes to notify the NC ABC Commission of its designation as required by G.S. 18B-904(f); and

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

The Chief of Police of the City of Asheville, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the City of Asheville, County of Buncombe, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

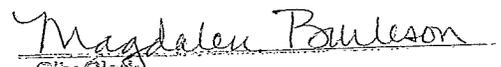
Read, approved and adopted, this the 24<sup>TH</sup> day of July, 2012.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
City Clerk

RESOLUTION NO. 12- 173

## RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

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

WHEREAS, one (1) qualified application for a Housing Trust Fund loan has been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposal from Mountain Housing Opportunities, Inc., and has made its recommendation to Council to approve the loan; and

WHEREAS, the City Council of the City of Asheville has approved prior loans to Mountain Housing Opportunities, Inc. in the amount of \$220,000 at the terms recorded in Resolution No. 12-10 dated January 10, 2012 for the project known as the Glen Rock Hotel; and

WHEREAS, the City Council of the City of Asheville upon recommendation of the Housing and Community Development Committee desires to provide an additional \$167,000 Housing Trust Fund loan for the development of the Glen Rock Hotel;

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

The loan terms recorded in Resolution No. 12-10 dated January 10, 2012, are hereby amended as follows:

1. A loan of \$332,000 at 2.50% interest-only with principal deferred 20 years to Mountain Housing Opportunities, Inc. for the development of Twelve (12) multifamily units at the Glen Rock Hotel on Depot Street; all funds to be made immediately available for disbursement following loan closing. These Twelve (12) units to be restricted to families earning 60% or less of the area median income.
2. A loan of \$55,000 amortized at 2.5% interest for 20 years to Mountain Housing Opportunities, LLC the development of Ten (10) additional multifamily units at the Glen Rock Hotel on Depot Street; all funds to be made immediately available for disbursement following loan closing. These Ten (10) units to be restricted to families earning 80% or less of the area median income.

Read, approved and adopted this 24th day of July, 2012.

Magdalen Boulson  
CITY CLERK

Jim Bellamy  
MAYOR

Approved As To Form:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 12- 174

## RESOLUTION TO ACT AS LEAD AGENCY AND FISCAL AGENT FOR FY 11 AND FY 12 EMERGENCY SOLUTIONS GRANT PROGRAM

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2011 and 2012 from the US Department of Housing and Urban Development; and

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

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

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

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

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

Read, approved and adopted this 24th day of July, 2012.

Magdalen Boulson  
CITY CLERK

Jim Bellamy  
MAYOR

Approved As To Form:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 12-175

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF LINAMAR CORPORATION IN CITY OF ASHEVILLE

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

WHEREAS, Linamar Corporation is proposing to expand its manufacturing facility within the City limits adding \$75,000,000 in new capital investment in new Building and Machinery and Equipment; and,

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

WHEREAS, pursuant to State law and City policy, a public hearing is held to consider agreements for economic development incentive grants, and pursuant to Council rules, must be scheduled by special order;

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

City Council authorizes a public hearing to be held on August 14, 2011 to consider an Economic Development Incentive Grant for up to \$1,000,000 for Linamar Corporation upon completion of the said project and terms of the performance contract. The City Clerk shall cause a notice of said public hearing to be advertised not less than 10 days prior to the hearing.

Read and approved and adopted this 24th day of July, 2012.

Magdalen Baulson  
CITY CLERK

Ann Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Baulson  
City Clerk

RESOLUTION NO. 12-176

RESOLUTION AWARDING THE PROJECT KNOWN AS WILD CHERRY ROAD BRIDGE CONSTRUCTION PROJECT TO SADDLEBROOK CONSTRUCTION, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SAME

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WHEREAS, pursuant to N.C.G.S. § 143-132, the City engaged in a formal bid process for the project known as Wild Cherry Road Bridge Construction Project; and

WHEREAS, of the three bids, Saddlebrook Construction, Inc. was deemed by City staff as being the lowest responsible and responsive bidder; and

WHEREAS, funds have been budgeted in the Public Works Department, Capital Improvement 2011-2012 Fiscal Year Budget;

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

The Wild Cherry Road Bridge Construction Project is hereby awarded to Saddlebrook Construction, Inc.

The City Manager is hereby authorized to enter into a unit price contract on behalf of the City of Asheville with Saddlebrook Construction, Inc., for \$463,711.44 for the removal of an existing bridge and construction of a new bridge 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 of \$580,000.00.

Read, approved and adopted this the 24<sup>th</sup> day of July, 2012.

Magdalen Bourleson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 12-177

RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY ON CURVE STREET  
IN THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville is authorized pursuant to NCGS §160A-11 to purchase and convey real property; and

WHEREAS, William H. Hutchison (Hutchison), owns real property located on Curve Street, said real property consisting of 0.17 acres, described in Deed Book 1369 at Page 489 and more particularly described as pin number 9648-68-5878 on the Buncombe County Tax Map; and

WHEREAS, Curve Street, being a City maintained street, runs directly through the above referenced real property, splitting same in half; and

WHEREAS, Hutchison offered to sell the parcel of real property to the City at the fair market value; and

WHEREAS, based upon comparables of other like parcels, the City's Real Estate Manager has deemed the fair market value of the parcel of real property to be \$5,000 or more; and

WHEREAS, the City offered to purchase the real property from Hutchison subject to City Council approval for One Thousand Dollars and Zero Cents (\$1,000.00), and Hutchison accepted; and

WHEREAS, City staff recommend that the City acquire through purchase the parcel of real property;

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

The City Manager of the City of Asheville is hereby authorized to purchase the real property consisting of 0.17 acres, described in Deed Book 1369 at Page 489 and more particularly described as pin number 9648-68-5878 on the Buncombe County Tax Map, from William H. Hutchison for One Thousand Dollars and Zero Cents (\$1,000.00), and execute any and all related documents subject to the approval of the City Attorney.

Read, approved and adopted this 24<sup>th</sup> day of July, 2012

Magdalen Paulson  
City Clerk

Angela Bellamy  
Mayor

[Signature]  
City Attorney

Magdalen Paulson  
City Clerk

RESOLUTION NO. 12 - 178

RESOLUTION ACCEPTING SONNET LANE AS A CITY-MAINTAINED STREET

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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, Sonnet Lane is located in the corporate limits of the City of Asheville; and

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

WHEREAS, the developer is responsible for repairing any major failures to Sonnet Lane including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period; and

WHEREAS, dedication of the 25 and 32-foot right-of-way for Sonnet Lane has been recorded in Plat Book 126 Page 115 and Plat Book 132 Page 48; and

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

Sonnet Lane is accepted by the City of Asheville for maintenance as indicated on the attached map.

Read, approved and adopted this 24<sup>th</sup> day of July, 2012.

Magdalen Bureson  
City Clerk

Chris Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk



mapAsheville - Friday, June 29, 2012

### 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.

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 Data Source: City of Asheville GIS  
 Map Scale: 1:2000  
 Printed on: Friday, June 29, 2012



Scale  
1:2000