

RESOLUTION NO. ... 12-146

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED ADOPT-A-PARK AGREEMENT WITH JUST FOLKS THAT INCLUDES A WAIVER OF FEES OF UP TO \$2,500 FOR FY 2012-2013.

WHEREAS, the City of Asheville has entered into an Adopt-a-Park Agreement with Just Folks to promote positive activities that reduce nuisance behaviors in and around the Triangle Park area; and

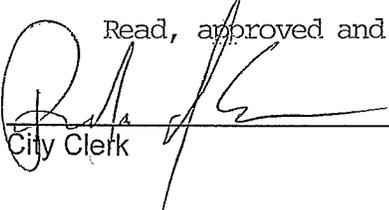
WHEREAS, the programs and events organized by Just Folks focus on community-building and have improved the appearance of the park, making it more attractive to downtown visitors and community members; and

WHEREAS, Just Folks is providing quality cultural programming and diversity in a city park not generally used for this purpose; and

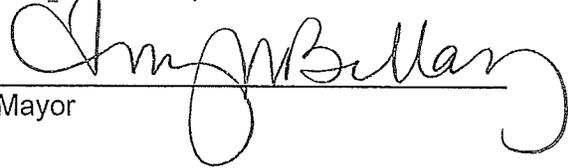
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the amended Adopt-a-Park agreement with Just Folks to waive park use fees of up to \$2,500 for FY 2012-2013 for the use of Triangle Park for community-building events that benefit the Eagle/Market Streets area and the community.

Read, approved and adopted this 26th day of June, 2012.

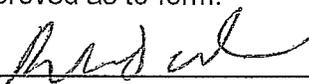
Deputy


City Clerk



Mayor

Approved as to form:



City Attorney



City Clerk

RESOLUTION NO. 12-147

RESOLUTION PROVIDING FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2012 INGLES 4TH OF JULY CELEBRATION

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

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

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

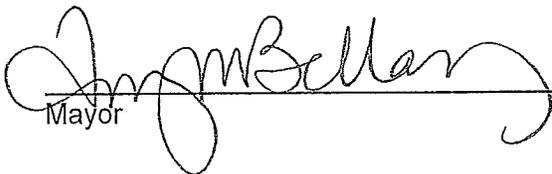
WHEREAS, the City Council of the City of Asheville hereby determines that it is appropriate to make other provisions for the possession and consumption of malt beverages at the Ingles 4th of July Celebration;

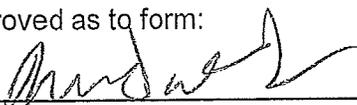
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

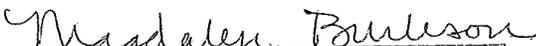
The possession of open containers of malt beverages and the consumption of malt beverages shall be allowed within the 2012 Ingles 4th of July Celebration festival area within the boundaries of Pack Square Park, as set forth on Exhibit "A" attached.

Read, approved and adopted this 26th day of June 2012.

Deputy 
City Clerk

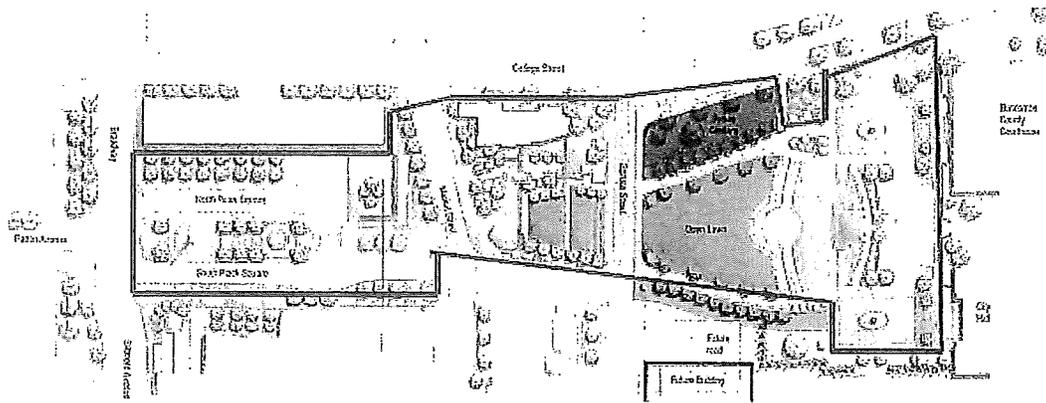

Mayor

Approved as to form:

City Attorney


Magdalena Burtson
City Clerk

Pack Square Park
July 4, 2012

Pack Square Park



RESOLUTION NO. 12-148

RESOLUTION PROVIDING FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 2012 BELE CHERE FESTIVAL

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

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

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

WHEREAS, the City Council of the City of Asheville hereby determines that it is appropriate to make other provisions for the possession and consumption of malt beverages at the 2012 Bele Chere Festival;

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

The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 2012 Bele Chere Festival area, except for at the locations set forth hereinafter.

1. The 2012 Bele Chere Festival area is described as follows, and as set forth on Exhibit "A" attached:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Haywood Street;

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

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

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

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

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

2. The possession of and consumption from open containers of malt beverages and unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in unbreakable plastic cups and/or aluminum cans. Possession of and/or consumption from glass or can containers of malt beverages and/or unfortified wine are not allowed anywhere in the 2012 Bele Chere Festival area and no other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the 2012 Bele Chere Festival area or elsewhere in the City of Asheville as prohibited by Section 11-11 of the Code of Ordinances of the City of Asheville.
3. The possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall only be allowed in the 2012 Bele Chere Festival area, as described hereinabove, during the following hours of the 2012 Bele Chere Festival:

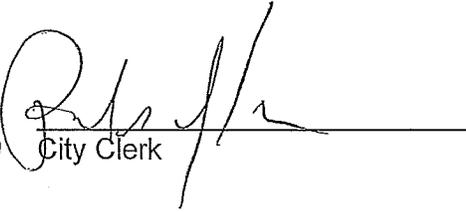
Friday, July 27, 2012, from 12:00 Noon to 11 p.m.
Saturday, July 28, 2012, from 10:00 a.m. to 11 p.m.

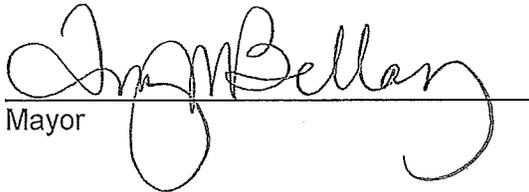
There will be no sales and/or consumption of malt beverages and/or unfortified wine permitted on Sunday July 29, 2012.
4. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed in the 2012 Bele Chere Festival area, as described hereinabove only for those individuals who have purchased a wristband from the 2012 Bele Chere Festival at designated 2012 Bele Chere Festival booths. Proper identification shall be required to show that the individual purchasing the wristband is of lawful age to possess malt beverages and/or unfortified wine within the 2012 Bele Chere

Festival area. Purchase and display of a different colored wristband is required for each day of the 2012 Bele Chere Festival.

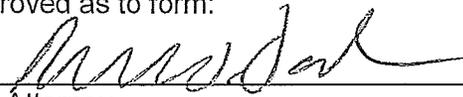
- 5. The possession of personal coolers of any shape, size or form shall not be allowed in the 2012 Bele Chere Festival area, as described hereinabove.
- 6. The areas in the 2012 Bele Chere Festival area where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed or prohibited and where possession of personal coolers are prohibited as set forth herein shall be designated by the posting of signs in the 2012 Bele Chere Festival area.

Read, approved and adopted this 26th day of June 2012.

Deputy 
 City Clerk

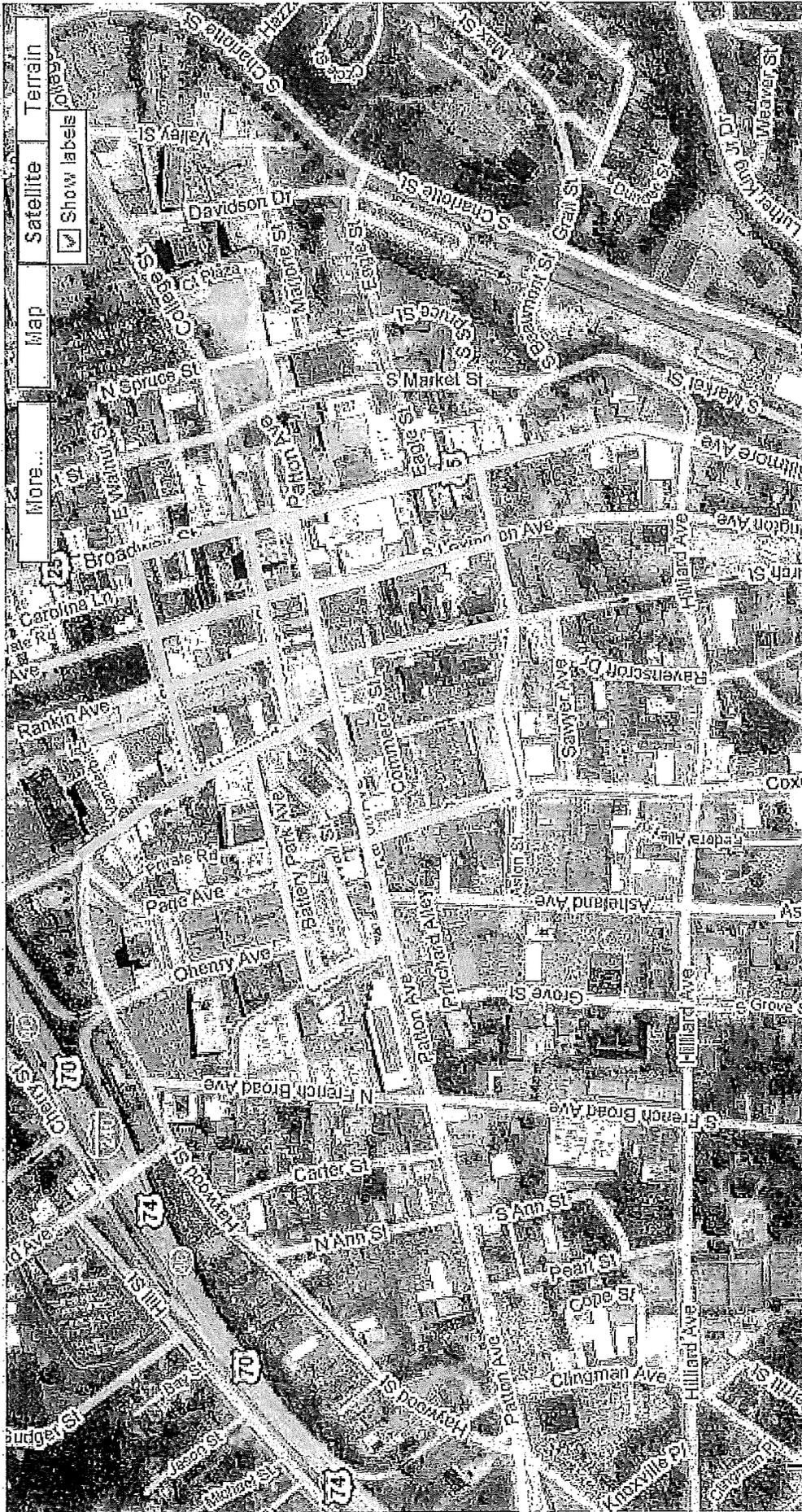

 Mayor

Approved as to form:


 City Attorney


 City Clerk

2012 Bele Chere Alcohol Area



RESOLUTION NO. 12-149

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH BUNCOMBE COUNTY TO OVERSEE THE ADMINISTRATIVE COORDINATION OF THE COLLABORATIVE COMMUNITY CRIME PREVENTION PROJECT, CHANGING TOGETHER

WHEREAS, the City has authority pursuant to NCGS §160A-17.1 to receive grants from federal and state governments and to enter into contracts for the administration of said grants;

WHEREAS, Buncombe County has requested the City continue the administrative coordination of the collaborative community crime prevention project, Changing Together, for which the County receives funding through the North Carolina Governor's Crime Commission;

WHEREAS, Buncombe County will sub-grant \$79,060 to the City for the contract positions of Project Director (\$51,060) and Project Assistant (\$28,000) for the current fiscal year; and

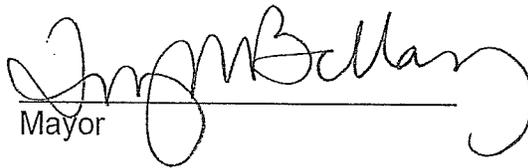
WHEREAS, Buncombe County will provide the grant match of \$26,665 for the current fiscal year,

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

The City Manager is hereby authorized to renew an agreement with Buncombe County for the administrative coordination of the collaborative community crime prevention project, Changing Together.

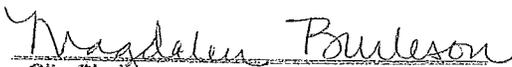
Read, approved and adopted this the 26th day of June, 2012.


Deputy City Clerk


Mayor

Approved as to form:


City Attorney


Magdalena Boulson
City Clerk

RESOLUTION NO. 12-150

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RIVERTOP CONTRACTING, INC. TO PROVIDE GROUNDS MAINTENANCE SERVICES AT VARIOUS PARKS AND GREENWAYS FOR A 12 MONTH PERIOD WITH AN OPTION FOR TWO, 12 MONTH EXTENSIONS BASED ON CONTRACTOR PERFORMANCE

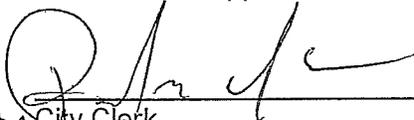
WHEREAS, the City of Asheville currently contracts mowing services that supports basic city services, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system;

WHEREAS, the City of Asheville issued a request for proposals for grounds maintenance at various parks and greenways and Rivertop Contracting, Inc. was the lowest, responsible and responsive bidder at a cost of \$125,600.

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

The City Manager is authorized to enter into a contract with Rivertop Contracting, Inc. at a cost of \$125,600 to provide grounds maintenance at various parks and greenways beginning July 1, 2012 for a twelve (12) month period with an option for two (2), twelve (12) month extensions based on contractor performance.

Read, approved and adopted this 26th day of June, 2012.



Deputy City Clerk

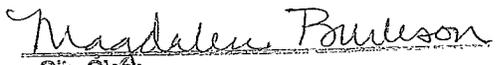


Mayor

Approved as to form:



City Attorney



City Clerk

RESOLUTION NO. 12-151

RESOLUTION AUTHORIZING A MULTI-YEAR LEASE WITH THE MONTFORD PARK PLAYERS FOR CERTAIN PREMISES LOCATED AT 92 GAY STREET, KNOWN AS THE HAZEL ROBINSON AMPHITHEATRE

WHEREAS, the City of Asheville is the owner of real property located at 92 Gay Street, identified as PIN #9649-02-0506-00000; and

WHEREAS, Local Modification 1981, c. 23 of N.C. Gen. Stat. Sec.160A-353 specifically authorizes the City of Asheville to lease or sell parks or recreational facilities; and

WHEREAS, N.C. Gen. Stat. Sec. 160A-272 provides that property owned by a city may be leased for a period longer than ten years if it is treated as a sale; and

WHEREAS, N.C. Gen. Stat. Sec. 160A-279 authorizes the City to sell or otherwise convey (i.e. long term lease) city owned property by means of private negotiation and sale to non-profit entities carrying out a public purpose; and

WHEREAS, the Montford Park Players, a North Carolina non-profit corporation, has offered to enter into a lease agreement for a portion of the property at 92 Gay Street known as the Hazel Robinson Amphitheatre in order to operate a performance arts facility; and

WHEREAS, the initial term of the lease agreement will be ten years (10) years with the option to renew for two (2) additional periods of five (5) years each with a rental established at \$1.00 per year; and

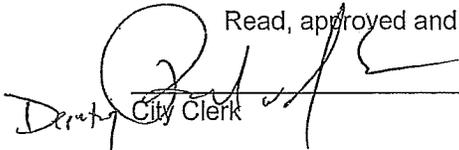
WHEREAS, the Montford Park Players agree to perform capital improvements to the lease area during the term of the lease; and

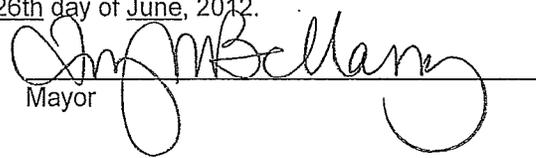
WHEREAS, the proposed lease agreement seeks to carry out the following public purposes: (1) to provide educational opportunities for students to participate in the dramatic arts, (2) to provide opportunities for community directors, actors, technicians and volunteers to participate in theatre production and (3) to provide low or no cost public access to dramatic and cultural performances that contribute to the cultural vitality of the Western North Carolina region;

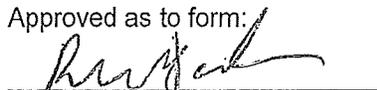
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute sec. 160A-279, the Mayor is hereby authorized to execute the Lease Agreement between the City of Asheville and the Montford Park Players for the purpose of operating a performance arts facility at 92 Gay Street. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution after its adoption in a newspaper of general circulation within the City, and no agreement shall be consummated hereunder until 10 days after publication of such notice. In addition, the Mayor 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 26th day of June, 2012.


Deputy City Clerk


Mayor

Approved as to form:

City Attorney


City Clerk

RESOLUTION NO. 12-152

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-37-0005-041-2012

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and received grants from the federal government, and to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") has offered a grant agreement to the Asheville Regional Airport Authority in the amount of \$1,558,054 for Passenger Boarding Bridges (design, purchase, building modification); and

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreement;

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

The Mayor be and is hereby authorized to execute the FAA Grant Agreement for Project No. 3-37-0005-041-2012, in the amount of \$1,558,054.

This authorization is contingent on the City's continued legal status as a sponsor of the Asheville Regional Airport, and recognition by the FAA, following the anticipated enactment of a law to establish the Asheville Regional Airport Authority, and transfer the operational responsibility for the Airport to that Authority.

Read, approved and adopted this 26th day of June, 2012.

Magdalen Paulson
CITY CLERK

Mayor Bellamy
MAYOR

Approved as to form:

David J. ...
CITY ATTORNEY

Magdalen Paulson
CITY CLERK

RESOLUTION NO. 12- 153RESOLUTION DESIGNATING ASHEVILLE AS THE INAUGURAL BEE CITY, USA

WHEREAS, *Bee City USA* is a collaborative initiative among backyard beekeepers, the Buncombe County Beekeepers Chapter, and the Center for Honeybee Research (a non-profit organization based in Asheville); and

WHEREAS, the goal of Bee City USA is to promote healthy, sustainable habitats and communities for honey bees and other pollinators; and

WHEREAS, thanks to the honey bees (*Apis mellifera L.*) brought here from Europe in the 1600s, "*One in every three bites of food we eat is courtesy of insect pollination. Even our meat and milk trace back to insects that pollinate the corn and other feed for beef cattle and cows.*" (Mace Vaughan, Pollinator Program Director for the Xerces Society); and

WHEREAS, today, there is global concern over the dramatic decline of honey bees and other pollinators due to a combination of habitat loss, the use of pesticides, and the spread of deadly parasitic mites and other plagues to bees. "Colony collapse disorder" has received widespread media attention in recent years because of the devastation it has wrought not only to the beekeeping and agriculture communities in the short-term, but its long-term implications for the future health of flora and fauna more generally. According to Simon Buxton, a Fellow of The Royal Anthropological Institute and spokesperson in the highly regarded documentary, *Vanishing of the Bees*: "*The future of beekeeping is not in one beekeeper with 60,000 hives, but rather 60,000 people with one hive.*" Beekeeping can be done virtually anywhere at schools, in yards, on rooftops, in forests, at businesses, or on public property like city/town halls; and

WHEREAS, beekeeping fosters environmental and seasonal awareness, promotes environmental stewardship and sustainability, and increases interactions among such groups as commercial beekeepers, backyard beekeepers, farmers, plant nurseries, garden suppliers, municipal departments, neighborhoods, garden clubs, and schools; and

WHEREAS, the economic importance of honey bees and their accessibility place them in a critically unique position among pollinators, the economic benefits of bee-friendliness are:

- Income earned by beekeepers and others through the sale of bee products, beekeeping equipment and supplies, and hive rentals for pollination.
- Increased demand for pollinator-friendly plant materials from local nurseries.
- Increased agricultural crop yields due to bee pollination.
- Heightened prestige and premium asking prices for place-based honey, which enhances the visibility and reputation of its community of origin; and

WHEREAS, Asheville should be the first *Bee City USA* because:

- The forested public lands surrounding Asheville are not only free of pesticides and herbicides, they are globally significant for their biodiversity of fauna and flora, from

which our local varietal honey comes--poplar, blackberry, black locust in the spring; basswood in early summer; and our international award winning sourwood in mid-summer.

- Asheville/Buncombe has one of the nation's largest bee clubs, filled with volunteers who are willing and anxious to educate the public about honey bees.
- Asheville City Council has taken many measures to make Asheville a "green city" and being pollinators-friendly respects the triple bottom line.
- Asheville is home to the Center for Honeybee Research, which has held conferences for beekeepers here with internationally known scientists for the past two years; and

WHEREAS, ideal pollinator-friendly habitat:

- Provides diverse and abundant, and to the extent possible, year-round, pollinator food sources (nectar and pollen from blooming plants).
- Provides water for drinking, nest-building and cooling, diluting stored honey, and butterfly "puddling,"
- Is pesticide-free or has pesticide use carried out with least ill effects on pollinators.
- Is comprised of mostly, if not all, native species of grasses, perennials, shrubs and trees. (Many native pollinators prefer or depend on the native plants with which they co-evolved.)
- Includes signage to educate the public and build awareness, and where possible, designated pollinator zones in public spaces.
- Provides for safe and humane removal of bees when required.
- Provides undisturbed spaces (leaf piles, un-mowed fields, fallen trees) for nesting and overwintering for native pollinators; and

WHEREAS, in order to enhance understanding among city/town staff and the public about the vital role that honey bees and other pollinators play and what each of us can do to sustain them, the City of Asheville agrees to meet the following standards required of all *Bee City USA* designees:

- 1) Establish and/or maintain, a subcommittee of the city/town's Tree Commission (or appropriate body or department) comprised of citizens and staffed by city/town employees charged with assembling and disseminating information to city/town departments, residents, businesses, and developers on topics of pollinator-friendly habitat and policies.
- 2) Pass and/or maintain an ordinance to encourage responsible beekeeping in city/town limits on public and private property for new and existing commercial and residential developments.
- 3) Establish and/or maintain a pollinator-friendly habitat budget of at least \$1 per capita to purchase pollinator-friendly trees and plants and remove invasive species on city/town property. (Note: This may be part of the existing landscaping budget required for members of *Tree City USA*.)
- 4) Annually observe National Pollinator Week (third week of June) and/or National Honey Bee Day (in August) and/or National Honey Month (September) through events, proclamations, promotions, etc. that showcase local beekeepers and

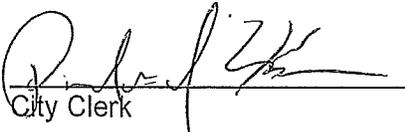
their products, pollinator friendly farms and nurseries, and the city/town's commitment to being a *Bee City USA*.

- 5) Designate an official *Bee City USA* contact for the city/town.
- 6) Submit an annual report of *Bee City USA* activities following the format provided.

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

The Asheville City Council accepts the designation and commits to the standards of *Bee City USA*.

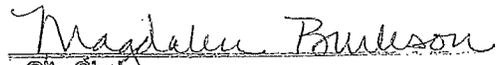
Read, approved and adopted this the 26th day of June, 2012.

Deputy 
City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 12-154

A RESOLUTION PROVIDING FOR A COMPLETE STREETS POLICY AND DIRECTING STAFF TO DEVELOP PERFORMANCE MEASURES AND IMPLEMENTATION STRATEGIES TO ENABLE SAFE AND CONVENIENT ACCESS TO OUR TRANSPORTATION SYSTEM FOR ALL USERS OF ALL AGES AND ABILITIES, INCLUDING PEDESTRIANS, BICYCLISTS, PEOPLE WITH DISABILITIES, TRANSIT RIDERS, AND MOTOR VEHICLE DRIVERS

WHEREAS, streets are a critical component of public space and play a major role in establishing the image and identity of a city, providing a key framework for current and future development; and

WHEREAS, The City of Asheville desires that all users of our transportation system are able to travel safely and conveniently along and across all streets and roadways within the public right-of-way in Asheville; and

WHEREAS, a Complete Streets policy contributes to a comprehensive, integrated, and connected network for all transportation modes to appropriately accommodate the usual and customary users of the City's roads, streets and bridges, including pedestrians, bicyclists and transit passengers of all ages and abilities, as well as drivers and passengers of automobiles, motorcycles, buses and trucks; and

WHEREAS, Complete Streets improve access and safety for those who cannot or choose not to drive motor vehicles, better serve the needs of those who use transit by providing access to transit systems, and are essential in providing safe routes to school for children; and

WHEREAS, increasing active transportation opportunities offers the potential for improved public health, economic development and vitality, a cleaner environment, reduced transportation costs, enhanced community connections, social equity, and more livable communities; and

WHEREAS, rights-of-way are constrained in many developed areas of the city, which limits the ability to expand roadways to accommodate continued growth in traffic volumes, suggesting that alternatives to single occupant vehicles must also be pursued; and

WHEREAS, the Complete Streets concept recognizes the need for flexibility: that all streets are different and user needs should be balanced, and that roadway design must fit in with the context of the community while using the latest and best standards; and

WHEREAS, a Complete Streets policy has been adopted by the North Carolina Board of Transportation, and is expected to be adopted and integrated into regional plans by the French Broad River Metropolitan Planning Organization; and

WHEREAS, the City of Asheville has numerous adopted plans that seek to integrate transportation mode choices in context with their use and location, including, but not limited to, the City Development Plan 2025, Downtown Master Plan, Transit Master Plan, Parks and Greenways Master Plan, Comprehensive Bicycle Transportation Plan, and the Pedestrian Master Plan; and

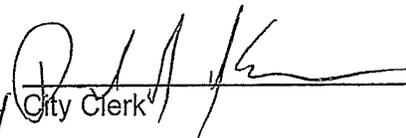
WHEREAS, The City of Asheville Strategic Plan and the Sustainability Management Plan call for a reduction in the city's carbon footprint and in vehicle miles traveled by city residents and visitors, and the 2011-2012 Strategic Plan recommends the adoption of a Complete Streets policy; and

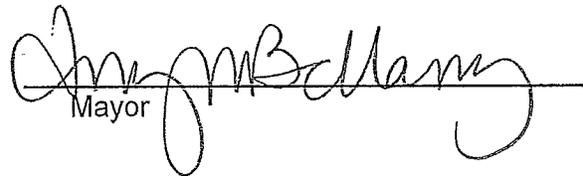
WHEREAS, it is the desire of the City of Asheville to formalize a commitment to the principles of Complete Streets for all of our streets.

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

- (1) The City of Asheville adopts the attached Complete Streets Policy; and
- (2) Effective implementation of this Complete Streets Policy will require the City of Asheville to review its procedures and ordinances and restructure them as necessary to consider the needs of pedestrians, motorized and non-motorized vehicle users on every project; and
- (3) Design manuals or public works standards may need to be changed to fully encompass the safety and needs of all users by employing the most current design standards and innovation; and
- (4) Periodic education and training of planners and engineers is recommended to ensure application of best practices and most current techniques in balancing the needs of roadway users being applied; and
- (5) The City of Asheville will work with other jurisdictions and transportation agencies within its region to incorporate a Complete Streets philosophy into street and travel way design and operation; and
- (6) Existing data sources and projects should be used to track how well the streets are serving all users.

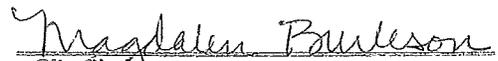
Read, approved and adopted this 26th day of June, 2012

Deputy City Clerk 

Mayor 

Approved as to form:


City Attorney


City Clerk

CITY OF ASHEVILLE COMPLETE STREETS POLICY

Section 1: Complete Streets Policy

The City of Asheville will plan for, design, construct, operate and maintain appropriate facilities for the travel and as appropriate, resting or parking, of all users in all new construction and retrofit or reconstruction projects subject to the exceptions contained herein. The term "all users" shall include pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities,

The City of Asheville understands that maintenance activities do not necessarily trigger requirements for major street improvements and should not be expected to do so. However, maintenance activities do present some opportunities that can improve the environment for other roadway users.

The City of Asheville has and will continue to incorporate Complete Streets principles into the city development plan, area plans, transportation plans, the unified development ordinance (UDO), standards and specifications documents, and other plans, manuals, rules, regulations and programs as appropriate. Implementation of projects supported by adopted plans shall be a priority under this policy.

Complete Streets principles will be applied on all new City projects, privately funded development, and incrementally on existing streets through a series of small improvements and activities over time. All sources of transportation funding, public and private, should be drawn upon to implement Complete Streets within the City of Asheville. The City of Asheville believes that maximum financial flexibility is important to implement Complete Streets principles.

Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in unusual or extraordinary circumstances contained below. Even under the conditions outlined below, a project's impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.

1. Pedestrians and bicyclists are prohibited by law from using the facility. In this case, alternative facilities and accommodations shall be provided within the same transportation corridor, and the ability to reasonably and conveniently cross the facility will be part of the facility design and construction.
2. Where existing right-of-way does not allow for the accommodation of all users. In this case alternatives shall be explored such as obtaining additional right-of-way, use of revised travel lane configurations, paved shoulders, signage, traffic calming, education or enforcement to accommodate pedestrians, cyclists, transit vehicles and riders and persons with disabilities.
3. The cost of establishing walkways or bikeways or other accommodations would be disproportionate to the need, particularly if alternative facilities are available within a reasonable walking and/or bicycling distance.
4. Where application of Complete Streets principles is unnecessary or inappropriate because it would be contrary to public safety and increase risk of injury or death.

5. The construction is not practically feasible or cost effective because of unreasonable adverse impacts on the environment or on neighboring land uses, including impact from right-of-way acquisition.
6. Ordinary maintenance activities designed to keep street and other transportation assets in serviceable condition or when interim measures are implemented on temporary detour or haul routes, however, all temporary detours shall comply with temporary traffic control requirements of the Manual of Uniform Traffic Control Devices.
7. Ordinary public works or utility maintenance activities, including, but not limited to: water, sewer and storm sewer main repairs; installation of new or removal of existing water or sewer service lines, installation or repair of fire hydrants, installation or repair of private utility fixtures.

Exclusive of exceptions 6 and 7 above, any determination that a project that will not meet Complete Streets principles based on the above exceptions will have said determination reviewed and confirmed by City Council.

Section 2: Severability

If any provision of this policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this policy which may be given effect without the invalid provision or application and, to this end, the provisions of this policy are declared severable.

Section 3: Effective Date

This complete street policy shall be in full force and effect upon passage.

RESOLUTION NO.12-155

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE REGIONAL AIRPORT

WHEREAS, the term of Vice-Mayor Manheimer, as a member of the Asheville Regional Airport Authority, expires in June of 2012; and

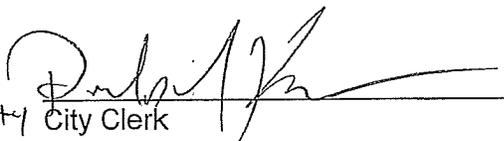
WHEREAS, Council feels it is in their best interest to appoint a seated Council member;

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

Mayor Terry Bellamy be and she is hereby appointed as a member of the Asheville Regional Airport Authority to serve a four-year term, effective immediately.

This resolution is effective when adopted.

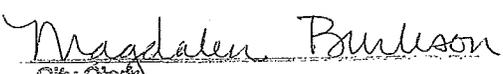
Read, approved and adopted this the 26th day of June, 2012.


Deputy City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 12-156

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

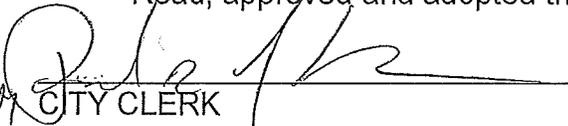
WHEREAS, because Mr. Douglas Hattaway and Mr. James Sheeler were appointed as regular members to the Board of Adjustment on January 10, 2012, there currently exists two alternate vacancies;

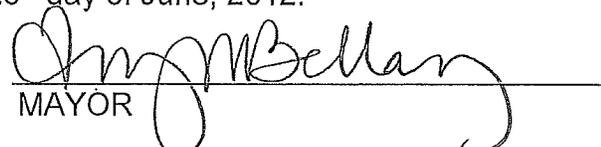
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Mac Swicegood, 86 Gibson Road, Asheville, N.C., be and he is hereby appointed as an Alternate member of the Board of Adjustment, to serve the unexpired term of Mr. Hattaway, term to expire January 21, 2014, or until his successor has been appointed.

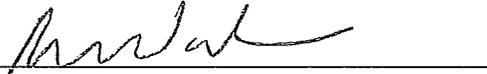
Mr. Daniel Summerlin, 18 Ridgewood Place, Asheville, N.C., be and he is hereby appointed as an Alternate member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2015, or until his successor has been appointed.

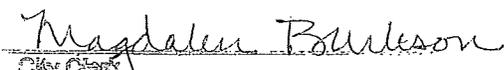
Read, approved and adopted this 26th day of June, 2012.


Deputy CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


CITY CLERK

RESOLUTION NO. 12-158

RESOLUTION CONCERNING TOBACCO COMPANY SPONSORSHIP OF CITY OF ASHEVILLE EVENTS

Whereas, tobacco smoke has been conclusively linked to cancer, cardio-vascular disease and emphysema; and

Whereas, tobacco-related disease affects public health costs in our community, state and nation; and

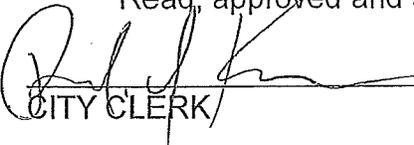
Whereas, 20 percent of our youth continue to take up a habit that will shorten their lives and the lives of those near to them; and

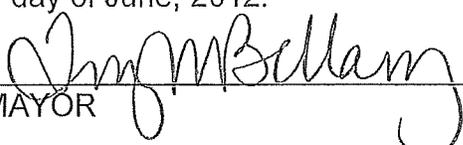
Whereas, the City of Asheville prohibits smoking in public buildings and city parks;

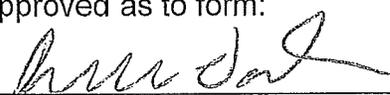
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Tobacco company sponsorship of City of Asheville events, including but not limited to Bele Chere, is prohibited, effective July 30, 2012.

Read, approved and adopted this 26th day of June, 2012.

Deputy  _____
CITY CLERK

 _____
MAYOR

Approved as to form:
 _____
CITY ATTORNEY

 _____
City Clerk