

RESOLUTION NO. 12-102

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 155 GLENN BRIDGE ROAD

Whereas, at its meeting on May 22, 2012, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and M Realty, LLC for the 155 Glen Bridge Road development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

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

The public hearing to consider a land use incentive grant for the 155 Glenn Bridge Road development is hereby set on June 12, 2012, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 22nd day of May, 2012.

Magdalen Boulison
CITY CLERK

Steve Bellamy
MAYOR

Approved as to form:

Mark D. ...
CITY ATTORNEY

Magdalen Boulison
City Clerk

RESOLUTION NO. 12- 103

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION.

WHEREAS, funds for FY 2011-12 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of \$63,600 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of \$6,360; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

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

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration (FTA) for FY 2011-12.

Read, approved and adopted this 22nd day of May 2012.

Magdalen Baulson
City Clerk

Shirley Bellamy
Mayor

Approved as to form:

David
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 12- 104

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL AT CARRIER PARK ON THE DATES OF FRIDAY, MAY 25, 2012 FROM 4:00 PM – 10:00 PM, SATURDAY, MAY 26, 2012 FROM 10:00 AM – 10:00 PM AND SUNDAY, MAY 27, 2012 FROM 12:00 PM – 6:00 PM.

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

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

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

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

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

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

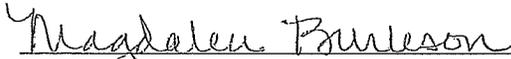
The Mountain Sports Festival event area is within the boundaries of Carrier Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Mountain Sports Festival on Friday, May 25, 2012 from 4:00 p.m. – 10:00 p.m., Saturday, May 26, 2012 from 10:00 a.m. – 10:00 p.m., and Sunday, May 27, 2012 from 12:00 p.m. – 6:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages

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

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

Read, approved and adopted this 22nd day of May, 2012.

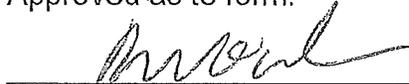


City Clerk



Mayor

Approved as to form:

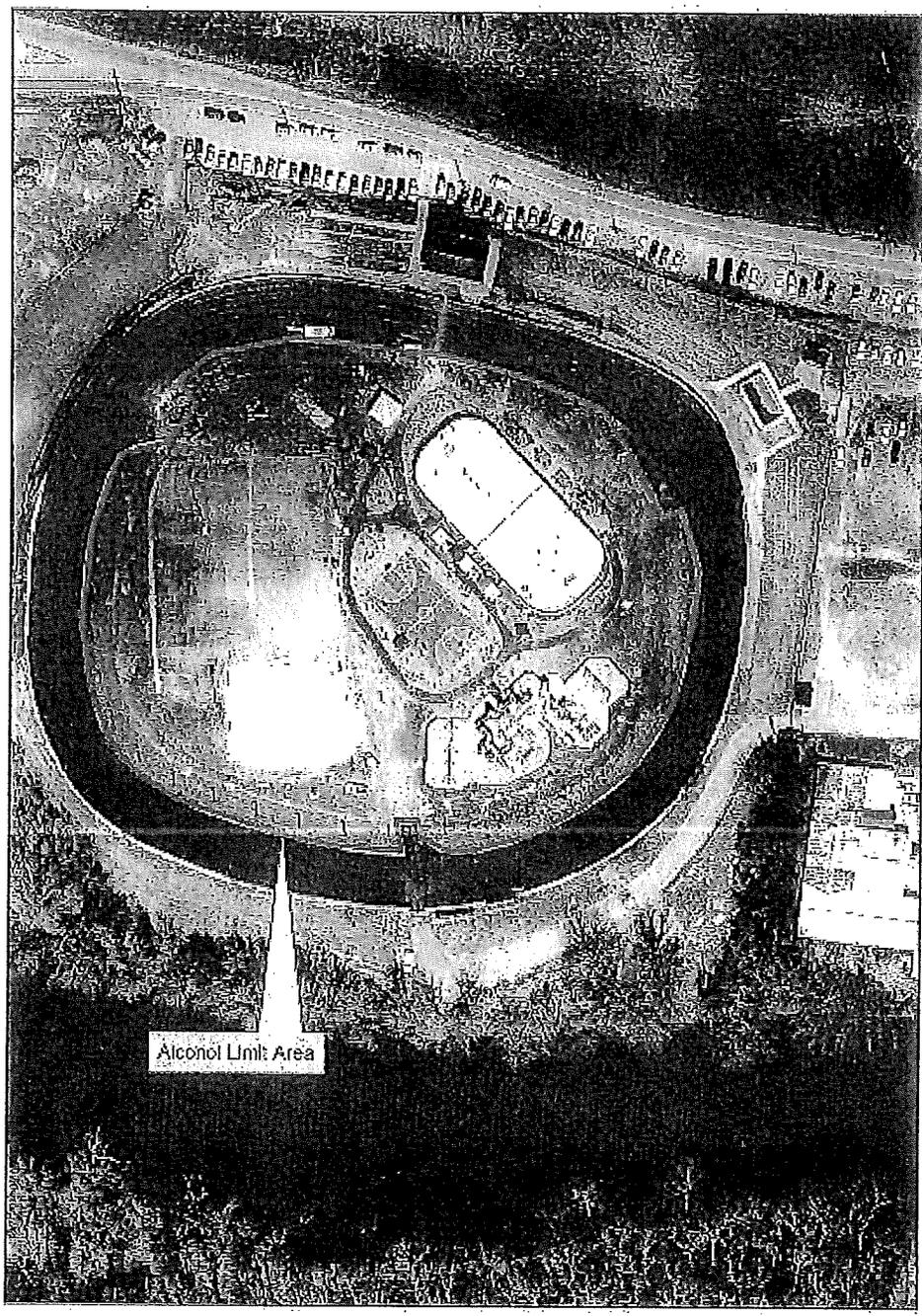


City Attorney



City Clerk

Exhibit A



Carrier Park

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5 WALNUT ANNIVERSARY BLOCK PARTY AT WALNUT STREET ON THE DATE OF THURSDAY, JUNE 14, 2012 FROM 5:00 PM – 10:00 PM.

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

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

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

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the 5 Walnut Anniversary Block Party.

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 5 Walnut Anniversary Block Party event area, as set forth on Exhibit A, attached.

The 5 Walnut Anniversary Block party event area is within the boundaries of Walnut Street between the intersections of Biltmore Avenue and Carolina Lane.

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 5 Walnut Anniversary Party on Thursday, June 14, 2012 from 5:00 p.m. – 10:00 p.m.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of

malt beverages and/or unfortified wine are not allowed anywhere in the 5 Walnut Anniversary Block Party 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 5 Walnut Anniversary Block Party 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 5 Walnut Anniversary Block Party, 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 22nd day of May, 2012.

Magdalen Boulson
City Clerk

Jimmy B. May
Mayor

Approved as to form:

Mr. [Signature]
City Attorney

Magdalen Boulson
City Clerk

Exhibit A



RESOLUTION NO. 12- 106

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL AT MARTIN LUTHER KING JR PARK ON THE DATE OF SATURDAY, SEPTEMBER 15, 2012 FROM 12:00 PM – 7:00 PM

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

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

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

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

The Brewgrass Festival event area is within the boundaries of Martin Luther King Jr. Park.

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 Brewgrass Festival on Saturday, September 15, 2012 from 12:00 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

Brewgrass 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 Brewgrass 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 Brewgrass 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 22nd day of May, 2012.

Magdalen Baulson
City Clerk

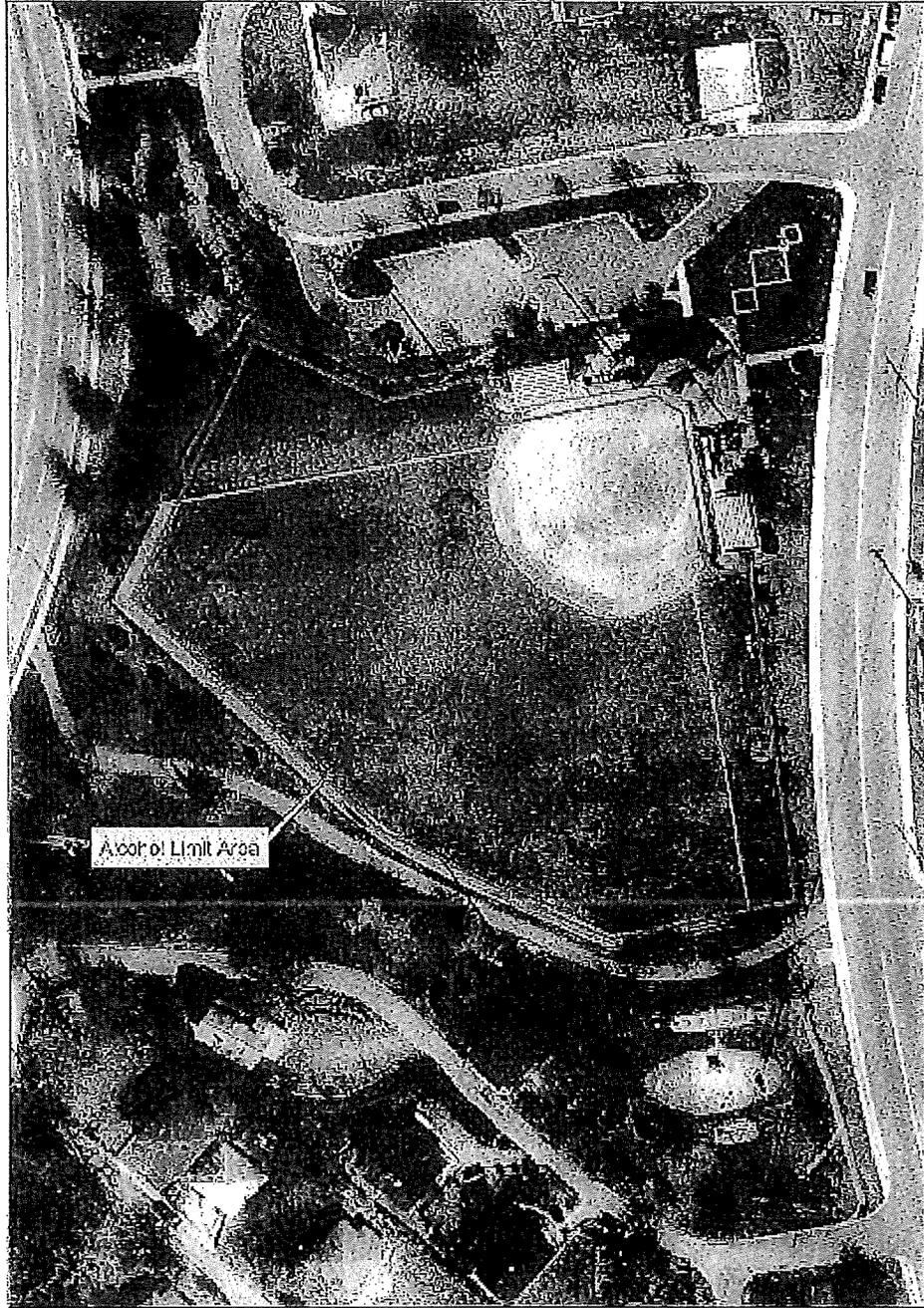
Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

Exhibit A



Martin Luther King, Jr. Park

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE GRIZZLIES FOOTBALL GAMES AT MEMORIAL STADIUM ON THE DATES OF MONDAY, JUNE 18, 2012, SATURDAY, JUNE 30, 2012, SATURDAY, JULY 14, 2012, SATURDAY, JULY 28, 2012, SATURDAY, AUGUST 11, 2012 AND SATURDAY, SEPTEMBER 1, 2012 FROM 5:00 PM – 11:00 PM.

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

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

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

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

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

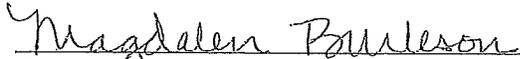
5. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Grizzlies Football Games event area, as set forth on Exhibit A, attached.

The Asheville Grizzlies Football Games event area is within the boundaries of Memorial Stadium located at 30 Buchanan Avenue.

6. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Grizzlies Football Games on Monday, June 18, 2012, Saturday, June 30, 2012, Saturday July 14, 2012, Saturday, July 28, 2012, Saturday, August 11, 2012 and Saturday, September 1, 2012 from 5:00 p.m. – 11:00 p.m.

7. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in Asheville Grizzlies Football Games event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Grizzlies Football Games event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.
8. The location of the Asheville Grizzlies Football Games, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of May, 2012.

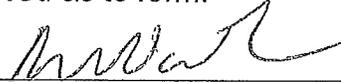


City Clerk

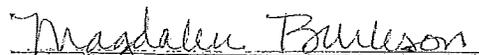


Mayor

Approved as to form:



City Attorney



City Clerk

Exhibit A



Memorial Stadium

RESOLUTION NO. 12-108

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER A CHANGE ORDER IN
CONTRACT WITH ASHEVILLE STAFFING, INC FOR TEMPORARY SERVICES IN THE CITY
PARKING GARAGES

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

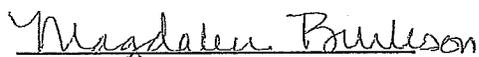
WHEREAS, TEMPORARY services are needed in the City parking garages; and

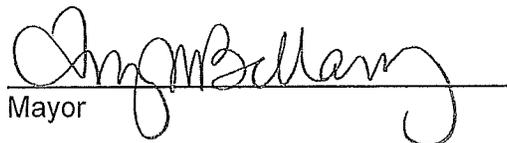
WHEREAS, the amount of the contract is \$89,000.00 for one year and the monies have been budgeted in the Transportation Department's Operating Budget for FY 2011-12; and

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

The City Manager is hereby authorized to enter into a change order in a contract on behalf of the City of Asheville with Asheville Staffing, Inc, not to exceed \$105,000.00 per fiscal year for temporary services in the City parking garages.

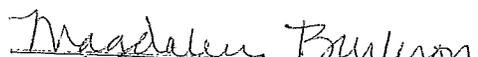
Read, approved and adopted this the 22nd day of May 2012.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 12-109

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COPELAND HOLDINGS, LLC FOR SECURITY SERVICES IN THE CITY PARKING GARAGES

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

WHEREAS, security services are needed in the City parking garages; and

WHEREAS, the amount of the contract is \$170,000 for one year and the monies have been budgeted in the Transportation Department's Operating Budget for FY 2012-13; and

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Copeland Holdings, LLC, not to exceed \$170,000.00 per fiscal year for security services in the City parking garages and further authorized to execute any change orders to said contract or documents which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 22nd day of May 2012.

Magdalen Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

Myra
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 12-110

RESOLUTION AWARDING THE PROJECT KNOWN AS TUNNEL ROAD SIDEWALK CONSTRUCTION PROJECT TO DISASTER RECOVERY GROUP AND TREE SERVICE, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SAME

WHEREAS, pursuant to N.C.G.S. § 143-131, the City engaged in an informal bid process for the project known as Tunnel Road Sidewalk Construction Project; and

WHEREAS, of the five bids, Disaster Recovery Group and Tree Service, Inc., was deemed by City staff as being the lowest responsible and responsive bidder;

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:

1. The Tunnel Road Sidewalk Construction Project is hereby awarded to Disaster Recovery Group and Tree Service, Inc.

2. The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Disaster Recovery Group and Tree Service, Inc., for \$186,120.00 for the installation of new sidewalks 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 \$224,120.00.

Read, approved and adopted this the 22nd day of May, 2012.

Magdalena Bourleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Bourleson
City Clerk

RESOLUTION NO. 12-111

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH ONTARIO INVESTMENTS, INC., FOR GOLF CARTS AND MAINTENANCE EQUIPMENT AT THE ASHEVILLE MUNICIPAL GOLF COURSE

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville leases golf carts and maintenance equipment with Ontario Investments with an option to renew the lease at the Asheville Municipal Golf Course that supports basic services and part of core park maintenance level of service for the City's park system; and

WHEREAS, the City will renew the lease for six months for the amount not to exceed \$34,290 contingent upon City Council approving the \$34,290 associated with providing leased services as part of the City's Proposed FY 2012-2013 Golf Fund Operating Budget.

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

The City Manager is hereby authorized to enter into a lease agreement on behalf of the City of Asheville with Ontario Investments Inc. not to exceed \$34,290 for golf carts and maintenance equipment at the Asheville Municipal Golf Course for six months July 1 through December 31, 2012, and further authorized to execute any change orders to said contract or documents which may arise during implementation of said project up to the budgeted amount, and contingent upon City Council approving the funds associated with the lease agreement as part of the City's Proposed FY 2012-2013 Golf Fund Operating Budget.

Read, approved and adopted this the 22nd day of May, 2012.

Magdalen Bouleson Jim Bellamy
City Clerk Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 12- 112

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WESTERN WATER PROOFING COMPANY FOR CONSTRUCTION, RESTORATION, REPAIR, AND MOISTURE MITIGATION TO THE CITY HALL BUILDING

WHEREAS, Resolution Number 10 -151 approved on July 27, 2010, authorized the development of a RFQ for construction, restoration, repair, and moisture mitigation to the Asheville City Hall Building; and

WHEREAS, three firms were pre-qualified to bid on the City Hall Building project and Western Waterproofing Company was the lowest responsible/responsive bidder; and

WHEREAS, the repairs to the Asheville City Hall Building supports and enhances basic City services and is part of the facilities maintenance program to preserve the historic City Hall Building;

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

The City Manager is hereby authorized to execute a contract with Western Waterproofing Company to perform construction, restoration, repair, and water mitigation to the City Hall Building, including execute any and all change orders up to the budgeted amount.

Read, approved and adopted this the 22nd day of May 2012.

Magdalen Bouleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 12- 113

RESOLUTION AUTHORIZING ACCEPTING OF CONVEYANCE AND RECORDATION OF DEED FOR CERTAIN WATER SYSTEM PROPERTIES

WHEREAS, the City is authorized pursuant to N.C.G.S. 160A-240.1 to acquire the fee or any lesser interest in real or personal property for use by the City or any department thereof; and

WHEREAS, pursuant to the terms of the 1981 and 1996 Water Agreements between Buncombe County and the City of Asheville, certain properties, including those properties known as McCormick Field, Recreation Park/Nature Center, and Municipal Golf Course were conveyed to Buncombe County, but reverted to the City effective upon termination of the Water Agreement on June 30, 2005; and

WHEREAS, Buncombe County wishes to convey certain water system facilities to the City of Asheville, including the South Buncombe pumping station, and water lines and associated fixtures and easements;

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

The City of Asheville accepts the conveyance of the pump station, water lines, and associated fixtures, facilities, and easements, and authorizes recordation of the deed for said conveyance, and further authorizes the recordation of a deed or deeds for those properties (McCormick Field, Recreation Park/Nature Center, and Municipal Golf Course) that previously reverted to the City by operation of the deeds and the Water Agreement.

Read, approved and adopted this the 22nd day of May, 2012.

Magdalen Paulson
City Clerk

Jimmy Ballamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 12- 114

RESOLUTION TO APPROVE THE 2012 UPDATE TO THE TEN YEAR SOLID WASTE MANAGEMENT PLAN FOR THE JURISDICTION OF BUNCOMBE COUNTY

WHEREAS, it is a priority of the City of Asheville to protect human health and the environment through safe and effective management of municipal solid waste; and

WHEREAS, better planning for solid waste will protect public health and the environment, provide for an improved solid waste management system, improve utilization of our natural resources, and control the cost of solid waste management; and

WHEREAS, North Carolina General Statute 130A-309A(b) requires that each unit of local government, either individually or in cooperation with other units of local government, to update their ten year solid waste management plan at least every three years; and

WHEREAS, the City of Asheville was actively involved with the plan's development and will be represented throughout the planning period;

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

The Council of the City of Asheville approves and adopts the 2012 Update to the Ten Year Solid Waste Management Plan for the Jurisdiction of Buncombe County.

Read, approved and adopted this the 22nd day of May, 2012.

Magdalen Burtison
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burtison
City Clerk

RESOLUTION NO. 12-115

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SIRE TECHNOLOGIES FOR THE INTEGRATED DOCUMENT MANAGEMENT SOFTWARE SYSTEM

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

WHEREAS, the Integrated Document Management Software System Project will support numerous internal and external operations; and

WHEREAS, the contract exceeds the City Manager's contracting authority; and

WHEREAS, the amount of the Agreement is \$107,600 and the monies have been budgeted in the Finance and Management Services Department's 2011-2012 Fiscal Year Budget;

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

The City Manager is hereby authorized to execute all associated contracts for the Integrated Document Management Software System, not to exceed the budgeted amount of \$107,600 with Sire Technologies and other vendors related to this project. The City Manager is further authorized to execute any amendments to said contract which may arise during the term of the contract up to the budgeted amount.

Read, approved and adopted this the 22nd day of May, 2012

Magdalen Boulson
City Clerk

Ingrid Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 12- 116

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDED PROFESSIONAL SERVICES CONTRACT WITH BETSCH ASSOCIATES/PBC&L FOR THE PURPOSE OF CONTINUED DESIGN SERVICES FOR ADDITIONAL RENOVATIONS TO THE U.S. CELLULAR CENTER

WHEREAS, the City Council has approved continuing to make improvements to the U.S. Cellular Center in the interest of promoting strong collaborative partnerships with the Tourism Development Authority, Buncombe Co., U.S. Cellular and the SoCon; and

WHEREAS, the additional design services are needed as a result of additional funding through a grant from the TDA; and

WHEREAS, the approved amended professional services contract is \$205,855; and

WHEREAS, time is of the essence in completing this project so the City can again successfully host the SoCon Tournament in 2013;

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

The City Manager is authorized to execute an amendment to the professional services contract with Betsch Associates/PBC&L extending the term of the contract for additional design services in an amount not to exceed \$205,855.

Read, approved and adopted this 22nd day of May, 2012.

Magdalen Baulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 12-117

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS OF THE DEPARTMENT OF JUSTICE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants: and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of \$56,927 (with no match) through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of in-car video systems to be shared with the Buncombe County Sheriff's Office;

WHEREAS, the City's share of the grant funds is \$41,582 for the purchase of in-car video cameras;

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

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$56,927. APD will spend \$41,582 for the purchase of In-car video systems, while BCSO will be awarded \$15,345.

Read, approved, and adopted this 22nd day of May, 2012

Magdalena Bourleson
CITY CLERK

Ingm Bellamy
MAYOR

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

Magdalena Bourleson
CITY CLERK

RESOLUTION NO. 12- 118

RESOLUTION SETTING A PUBLIC HEARING TO AUTHORIZE EXPEDITURES FOR ECONOMIC DEVELOPMENT PURPOSES: INFRASTRUCTURE AND SITE IMPROVEMENTS IN THE CRAVEN STREET/WAYNESVILLE AVENUE AREA, AND AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH NEW BELGIUM BREWING

WHEREAS, the City of Asheville is authorized pursuant to N.C.G.S. 158-7.1 to make appropriations and expenditures for economic development purposes, including extending utility services to an industrial facility, engaging in site preparation for industrial properties, and installing street and transportation facilities; and

WHEREAS, New Belgium Brewing Company proposes to locate a facility on or near Craven Street and Waynesville Avenue in West Asheville, and the City desires to perform certain improvements to the public infrastructure in and near the area; and

WHEREAS, the City also proposes to enter into an economic development incentive agreement with New Belgium, based on the value of improvements and job creation; and

WHEREAS, N.C.G.S. 158-7.1 provides for a public hearing to consider such expenditures, and Council Rule 27 provides for public hearings to be organized by special order;

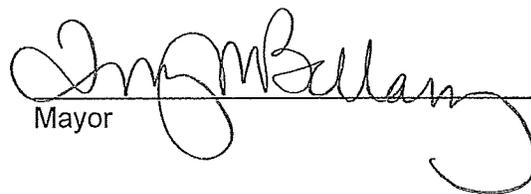
NOW, THEREFORE, BE IT RESOLVED BY THE ASHEVILLE CITY COUNCIL THAT:

1. A public hearing shall be held on the question of authorizing certain expenditures for economic development purposes in the area of Craven Street and Waynesville Avenue, and an economic development agreement with New Belgium Brewing. Said hearing shall be held at the June 12, 2012, regular meeting of the Asheville City Council in the Council Chamber on the 2nd Floor of the Asheville City Building, beginning at 5:00 p.m. Council Rules 7 and 7.5 shall apply to this public hearing.

2. The City Attorney and City Clerk shall prepare appropriate notices and cause the same to be published, as provided by law.

Read, approved and adopted this the 22nd day of May, 2012.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 12- 119

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF VICTORIA ROAD

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets or alleys within its jurisdiction upon compliance with applicable law; and

WHEREAS, a petition has been filed by the adjacent property owners Mission Hospital Inc. and Aycock Jr. and Owen E. *et al.*, William R requesting the City of Asheville to permanently close a portion of Victoria Road; and

WHEREAS, City Council on the 24th day of April, 2012 adopted a resolution of intent to permanently close a portion of Victoria Road, and ordered a public hearing on the question of this closing for the 22nd day of May, 2012 at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

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

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along said portion of Victoria Road; and

WHEREAS, at said public hearing no objections were made that the proposed closing of a portion of Victoria Road would deprive any individual owning property in the vicinity in which said unnamed alley is located of reasonable means of ingress and regress to their property;

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

Pursuant to the North Carolina General Statutes Section 160A-299, the portion of Victoria Road as herein described is permanently closed to public use as a street.

Commencing at the National Geodetic Survey (NGS) survey monument Myrtle (PID AA5637), North Carolina NAD83(CORS96) state plane grid coordinates N: 684722.08, E: 943704.80); thence South 59°53'37" East, 587.87 feet to an existing iron pin found and the point of beginning of the parcel of land herein described; thence from said **POINT OF BEGINNING**, North 70°16'25" East, 32.37 feet to a point on the western margin of Victoria Road; thence along said western margin, South 25°45'57" East, 52.56 feet to a point at the beginning of a curve having a radius of 263.00 feet, a central angle of 40°33'00" and being subtended by a chord which bears South 05°29'27" East, 182.27 feet; thence southerly along said curve and western margin 186.13 feet to a point; thence South 14°47'03" West tangent to said curve, 81.07 feet to a point; thence leaving the western margin of Victoria Road, North 01°02'37" West, 24.06 feet to a point; thence continuing North 01°02'37" West, 79.66 feet to a point; thence North 14°16'00" West, 100.00 feet to a point; thence North 13°22'28" West, 47.87 feet to a point; thence North 14°16'00" West, 50.60 feet to the point of beginning. Containing 0.232 ACRES.

This closing is subject to the retention by Charter Communications its successors and assigns, of a 10-foot wide permanent easement for the operation and maintenance of a communication cable lying 5 feet on each side of the center line of said communication cable located within the portion of Victoria Drive proposed to be permanently closed.

Read, approved and adopted this 22nd day of May, 2012.

Margalen Baulson
City Clerk

Angela Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Margalen Baulson
City Clerk

RESOLUTION NO. 12- 120

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY IN BILTMORE VILLAGE

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets or alleys within its jurisdiction upon compliance with applicable law; and

WHEREAS, a petition has been filed by the adjacent property owners, John William Bell Jr., Janis E. Bell and Wachovia Bank and Trust Company to permanently close an unnamed alley in Biltmore Village; and

WHEREAS, City Council on the 24th day of April, 2012 adopted a resolution of intent to permanently close an unnamed alley in Biltmore Village, and ordered a public hearing on the question of this closing for the 22nd day of May, 2012 at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

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

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along said unnamed alley in Biltmore Village; and

WHEREAS, at said public hearing no objections were made that the proposed closing of an unnamed alley in Biltmore Village would deprive any individual owning property in the vicinity in which said unnamed alley is located of reasonable means of ingress and regress to their property.

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

Pursuant to the North Carolina General Statutes Section 160A-299, the unnamed alley in Biltmore Village as herein described is permanently closed to the public for uses as a street.

BEGINNING with its intersection of Boston Way, also being the northeast corner of PIN 9647-69-7963-00000, proceeding then southerly to the southeast corner of PIN 9647-69-7834, proceeding then easterly to the intersection of Swann Street, also being the corner of PIN 9647-69-7746, proceeding then northerly to the intersection of Swann Street, also being the southeast corner of PIN 9647-69-8834-00000, proceeding then westerly to the southwest corner of PIN 9647-69-8834-00000, proceeding then northerly to Boston Way, also being the northwest corner of PIN 9647-69-8834-00000, then westerly to the point of BEGINNING.

Read, approved and adopted this 22nd day of May, 2012.

Magdalen Boulson
City Clerk

John W. Bell
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

Resolution No. 12-121

RESOLUTION AUTHORIZING APPROVAL OF THE 2013 OUTSIDE AGENCY GRANTS

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

- 1. Council approves the award of Outside Agency Grants, as recommended by the Housing and Community Development Committee as follows:

Agency	Funding
Asheville Area Chamber of Commerce- Economic Development Coalition	\$ 60,000
Asheville Buncombe Community Relations Council	\$ 35,000
Asheville Buncombe Regional Sports Commission	\$ 45,000
Asheville Design Center	\$ 4,000
Asheville Greenworks	\$ 8,000
Child Abuse Prevention Services, Inc.	\$ 5,000
Children First /Communities in Schools	\$ 15,740
Green Opportunities	\$ 25,000
Homeward Bound of Asheville-AHOPE	\$ 20,000
Housing Authority-Youthful HAND	\$ 4,720
One Youth at a Time	\$ 5,440
United Way 2-1-1	\$ 2,500
YWCA of Asheville and WNC	\$ 8,000
TOTAL	\$ 238,400

- 2. Council authorizes the Mayor to sign all contracts and grant agreements, after approval by the City Attorney, with designated agencies for the implementation of the Outside Agency Grants.

Read, approved and adopted this 22nd day of May, 2012.

Magdalen Paulson
CITY CLERK

Greg Bellamy
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 12-122

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PERMANENT LENDER LETTER OF INTENT TO PROVIDE FINANCING TO MOUNTAIN HOUSING OPPORTUNITIES, INC.

WHEREAS, the Asheville City Council has adopted a strategic plan that includes an objective to complete the Eagle Market Street redevelopment project as part of its overall community development strategy; and

WHEREAS, the Eagle Market Streets Development Corporation has indicated that the project needs additional local funding to reduce its tax credit cost per unit to support its application for North Carolina State tax credits, without which the project is not viable; and

WHEREAS, the Eagle Market Streets Development Corporation has requested that the City issue a letter of intent to provide permanent financing in the amount not to exceed \$1,000,000 (one million dollars); and

WHEREAS, the requested loan shall have a term of at least 20 years at a fixed rate of interest of 2% or less, and will be deferred with no payments of principles or interest; and

WHEREAS, the City anticipates having a security interest in a third lien hold position in the project;

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

The City Manager is authorized to execute a permanent lender letter of intent for the purpose of representing to the North Carolina Housing Finance Agency the City's commitment to provide financing in the amount of \$1,000,000 to Mountain Housing Opportunities, Inc. for the Eagle Market Place project. The Manager is further directed to pursue a HUD Section 108 loan to fund the developer's request, which will be repaid through future Community Development Block Grant funds allocated to the City.

Read, approved and adopted this 22nd day of May, 2012.

Magdalen Bourleson
City Clerk

Tom Bellamy
Mayor

Approved as to form:

David J. [Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 12- 123

RESOLUTION AUTHORIZING EXECUTION OF AN EXTENSION OF TIME FOR FULFILLMENT OF CONDITION REGARDING PROPERTY ON BREVARD ROAD CONVEYED TO HENDERSON COUNTY

WHEREAS, in 2002, the City conveyed property known as the Brevard Road Site to Henderson County, subject to certain conditions that were to be fulfilled within 10 years of the date of conveyance (Deed book 2852, page 775, Buncombe County Registry; herein "2002 Deed"); and

WHEREAS, Henderson County and the City of Asheville are engaged in negotiations regarding water service, and the parties desire to extend the time for fulfillment of the conditions in the 2002 Deed;

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

The City Manager be, and is hereby, authorized to execute an instrument to extend the time within which the condition in the 2002 Deed is to be fulfilled, subject to approval of the City Attorney.

Read, approved and adopted, this the 22nd day of May, 2012

Magdalen Boulleson
City Clerk

Jim Bellan
Mayor

Approved as to form:

R.W. [Signature]
City Attorney

Magdalen Boulleson
City Clerk