

RESOLUTION NO. 12-217

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR A GRANT FOR CONSTRUCTION COSTS FOR THE DR. WESLEY GRANT, SR. SOUTHSIDE CENTER.

WHEREAS, pursuant to G.S 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to the development and construction of the Dr. Wesley Grant, Sr. Southside Center; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources, Division of Parks and Recreation in the North Carolina Parks and Recreation Trust Fund; and

WHEREAS, the City of Asheville is requesting a grant in the amount not to exceed \$500,000 from the North Carolina Parks and Recreation Trust Fund which requires a dollar for dollar cash match; and

WHEREAS, in the event a grant is awarded, the City of Asheville certifies and assures it has the ability and intention to provide the dollar for dollar cash match of the grant amount; and

WHEREAS, the City of Asheville agrees to comply with all State and Federal permits and applicable laws; and

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from, the construction, operation, and maintenance of the project;

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

The Mayor be authorized to apply for and enter into an agreement with the North Carolina Department of Environment and Natural Resources for a grant not to exceed \$500,000 for the development and construction of the Dr. Wesley Grant, Sr. Southside Center.

Read, approved and adopted this 25th day of September, 2012.

Magdalen Burlison
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

Paul DeWalt
City Attorney

Magdalen Burlison
City Clerk

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BLUE RIDGE PRIDE IN PACK SQUARE PARK ON THE DATE OF SATURDAY, OCTOBER 6, 2012 FROM 12:00 PM – 7:30 PM

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

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

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

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

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

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

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 Blue Ridge Pride on Saturday, October 6, 2012 from 12:00 p.m. – 7:30 p.m.
7. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of

malt beverages and/or unfortified wine are not allowed anywhere in the Blue Ridge Pride event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Blue Ridge Pride event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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

Read, approved and adopted this 25th day of September, 2012.

Magdalen Boursion
City Clerk

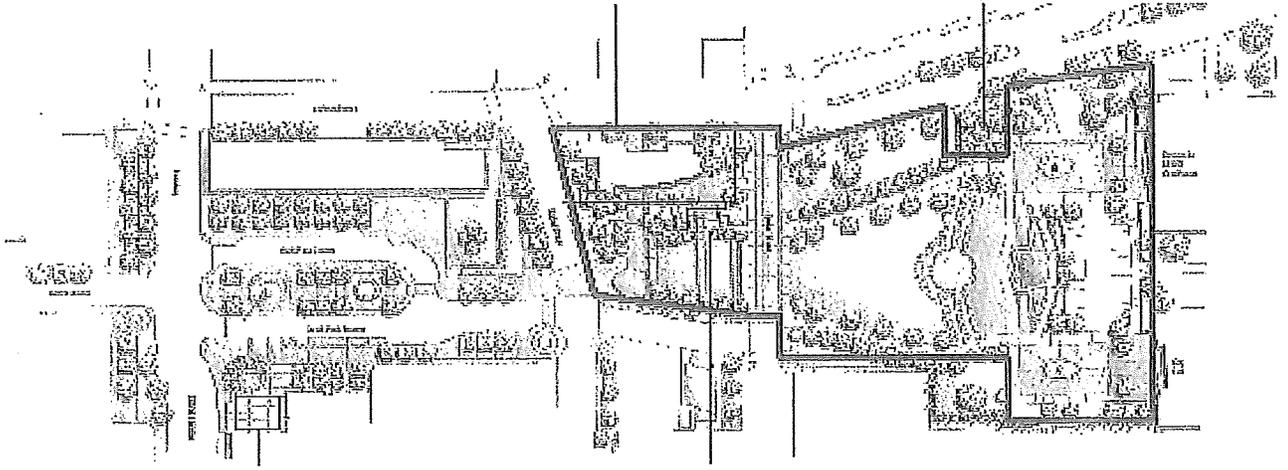
Jim Bellamy
Mayor

Approved as to form:

Murphy
City Attorney

Magdalen Boursion
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 12- 219

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 SUNDAY, OCTOBER 14, 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 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 Sunday, October 14, 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 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 25th day of September, 2012.

Magdalena Bursleson
City Clerk

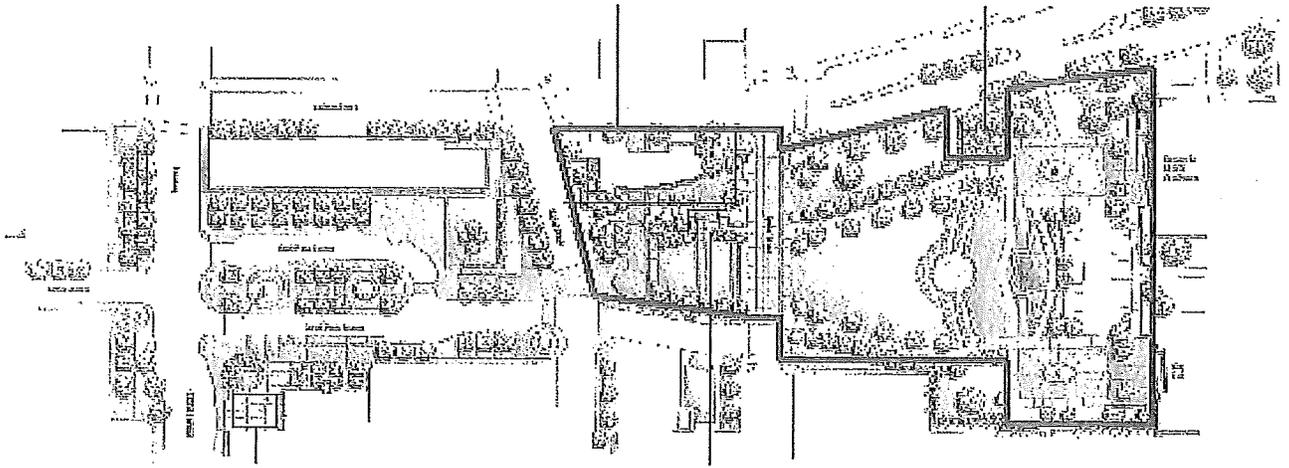
Imogen Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Bursleson
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 12-220

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF PLASTICARD-LOCKTECH INTERNATIONAL 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, Plasticard-Locktech International is proposing to expand its manufacturing facility within the City limits adding \$4,600,000 in new capital investment in building up fits and Machinery and Equipment; and

WHEREAS, the company will create 42 new jobs within three years, with an average wage of \$12.50 and offers comprehensive benefits to its employees; 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, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

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

City Council authorizes the City Clerk to advertise for a public hearing to be held at the City Council regular meeting on October 9, 2012, in the Council Chamber on the 2nd Floor of the City Hall Building, beginning at 5:00 p.m., to consider an Economic Development Incentive Grant for up to \$67,000 payable over a five year period for Plasticard-Locktech International upon completion of the said project and successful completion of the terms of the performance contract.

Read and approved and adopted this 25th day of September, 2012.

Magdalen Bouleson
CITY CLERK

John Ballan
MAYOR

Approved as to form:

Mark [Signature]
CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 12--221

RESOLUTION AMENDING THE INTERLOCAL AGREEMENT BETWEEN BUNCOMBE COUNTY AND THE CITY OF ASHEVILLE REGARDING THE WESTERN NORTH CAROLINA REGIONAL AIR QUALITY AGENCY TO ALLOW THE CITY OF ASHEVILLE TO COLLECT WESTERN NORTH CAROLINA REGIONAL AIR QUALITY AGENCY PERMIT FEES

WHEREAS, pursuant to N.C. Gen. Stat. § 153A- §160A-461 and §160A-464, the City of Asheville (herein "City") and Buncombe County (herein "County") entered into a interlocal agreement creating the Western North Carolina Regional Air Quality Agency (herein "WNCRAQA"); and

WHEREAS, pursuant to Chapter 1, Section 0101, Subsection (i), both parties may amended the agreement by consent; and

WHEREAS, to improve customer service and maximize efficiency, it is in the best interest of both the City and County to have the City to collect the WNCRAQA permitting fees for projects within the City's zoning jurisdiction; and

WHEREAS, WNCRAQA acknowledges and agrees that the City may charge an administrative fee not to exceed three percent (3%) of the total amount of WNCRAQA permit fees collected by the City.

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

The Mayor is hereby authorized to execute an amendment to the interlocal agreement between the City and WNCRAQA to allow for the City to collect permitting fees for WNCRAQA.

Read, approved and adopted this 25th day of September, 2012.

Magdalen Burleson
City Clerk

Ann Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 12-222

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HENDERSON COUNTY TO LEASE ONE CNG VAN

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to buy on van as one of the priorities in their capital program; and

WHEREAS, there is a contract in place that the City can use to order the van; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, a lease agreement has to be signed by both parties to define the terms and conditions to operate these buses, as required by the Federal Transit Administration; and

WHEREAS, the City of Asheville 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 COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to enter into an agreement with Henderson County to lease one CNG van.

Read, approved and adopted this the 25th day of September, 2012.

Magdalen Bourleson
City Clerk

Jim Ballan
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 12-223

RESOLUTION AUTHORIZING A SUBSTANTIAL AMENDMENT OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2012-2013

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, on April 24, 2012 City Council approved an Annual Action Plan for the use of these funds in 2012-2013; and

WHEREAS, the City's Housing and Community Development Committee has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2012-2013;

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

1. The Consolidated Annual Action Plan 2012-2013 be amended as follows:
 - A. Removal of Award of \$40,000 to OnTrack for Home Base Program, and the placing of those funds into Contingency for future allocation.

Read, approved and adopted this 25th day of September, 2012.

Magdalen Boulson
CITY CLERK

Immy Bellamy
MAYOR

Approved As To Form:

[Signature]
CITY CLERK

Magdalen Boulson
City Clerk

RESOLUTION NO. 12-224

RESOLUTION TO AUTHORIZE A LEASE AGREEMENT FOR MUNICIPAL GOLF COURSE WITH POPE GOLF ASHEVILLE, L.L.C FOR GOLF COURSE MANAGEMENT AND OPERATIONS

WHEREAS, the City of Asheville is the owner of real property known as Asheville Municipal Golf Course; and located at 226 Fairway Drive, Asheville NC, identified as PIN #965893011900000; and

WHEREAS, the City has the authority pursuant to G.S. 160A-353 to set aside lands and buildings for parks, and to provide, construct, equip, operate and maintain parks and associated facilities; and has the authority pursuant to G.S. 160A-20.1 to contract with any private entity to carry out any public purpose that the City is authorized by law to engage in; and

WHEREAS, POPE GOLF, LLC. of Sarasota, FL (dba POPE GOLF ASHEVILLE, LLC) has been approved by City Council to enter into a management agreement in order to operate the municipal golf course; 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 and Pope Golf, LLC wish to enter into a lease agreement as part of the overall management structure, wherein Pope Golf Asheville, LLC will assume all operating and staff costs and the City will receive as consideration, a flat fee of \$72,000/year for the first three (3) years of the lease agreement. After the initial three years, the flat fee will be calculated as 10% of the average adjusted gross revenues (minus golf shop and food and beverage sales) earned during the first three years of the agreement. Pope Golf Asheville, LLC will pay the City an additional 1% if annual adjusted gross revenues are between \$1,200,000 and \$2,199,999. Pope Golf will pay the City an additional 2% if annual adjusted gross revenues are \$2,200,000 or greater. Payments will be due quarterly; and

WHEREAS, the initial term of the license agreement will be for seven (7) years with the option to renew for one (1) additional three (3) year period; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed lease agreement on Friday September 14th, 2012 in the Asheville Citizen-Times; 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 Pope Golf Asheville, LLC. for the purpose of operation and management of the Asheville Municipal Golf Course. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of September, 2012.

Magdalen Paulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 12- 225

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO CONSTRUCT MULTIPLE WATER LINES WITHIIN A ONE MILE RADIUS OF THE FORMER CTS FACILITY ON MILLS GAP ROAD

WHEREAS, over the last several years, Buncombe County health officials have worked with the Environmental Protection Agency and the North Carolina Department of Environment and Natural Resources (NCDENR), to mitigate exposures and risks to the drinking water of residents living in the area influenced by the old CTS Facility located on Mills Gap Road, in the County of Buncombe, State of North Carolina; and

WHEREAS, there are approximately 129 wells serving residents within a one mile radius of the former CTS Facility; and

WHEREAS, there is uncertainty as to whether the filtration devices attached to the drinking water wells will provide sufficient protection from ground water contaminates, including trichloroethylene(TCE), previously found near the former CTS site; and

WHEREAS, to promote and protect the public health and safety, the Buncombe County Board of Commissioners are seeking a loan from NCDENR under the Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS Chap. 159G), to finance the construction of water lines within a one mile radius of the old CTS Facility, thereby providing safe drinking water to the approximately 129 locations currently supplied with well water, which may be impacted by groundwater contamination from the old CTS Facility; and

WHEREAS, as part of the application for the above mentioned loan, an interlocal agreement between the City of Asheville and Buncombe County is required;

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

The Mayor is hereby authorized to enter into an interlocal agreement with Buncombe County to extend City water to the approximately 129 locations currently supplied with well water, which may be impacted by groundwater contamination within a one mile radius of the former CTS Facility, upon approval of the City Attorney.

This the 25th day of September, 2012.

Magdalen Boulton
City Clerk

Jim Bellan
Mayor

Mark D. Lee
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 12-226

RESOLUTION DIRECTING INITIATION OF ZONING MAP AMENDMENT FOR PROPERTY
LOCATED ON CALEDONIA ROAD AND FINALEE STREET

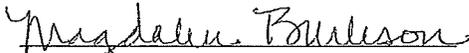
WHEREAS, the Asheville City Council is authorized, pursuant to N.C.G.S. 160A-381, 160A-384 and Sec. 7-7-2 of the Asheville City Code to initiate amendments to the official zoning map of the City of Asheville; and

WHEREAS, the City Council has determined that it is in the public interest to consider the rezoning of property located on Finalee Street and Caledonia Road in the City of Asheville;

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

- 1: The City Manager be, and is hereby directed to cause a zoning study to be performed on the property identified in Exhibit A, and to formulate an appropriate recommendation for consideration in the manner prescribed by ordinance.
2. The City Manager, or his designee, be and is hereby authorized to execute any documents necessary to give effect to this resolution.

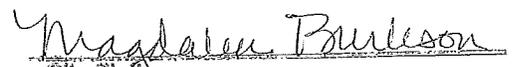
Read, approved and adopted this the 25th day of September, 2012.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 12-227

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the term of George Keller, as a member on the Civic Center Commission, expired on June 30, 2012;

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

Mr. Chris Bubenik, 18 Spooks Branch Road, Asheville, N.C., be and he is hereby appointed to the Civic Center Commission, to serve a three year term, term to expire June 30, 2015, or until his successor has been appointed.

Read, approved and adopted this 25th day of September, 2012.

Magdalen Buleson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

Andrew
CITY ATTORNEY

Magdalen Buleson
CITY CLERK