

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OPPOSING HYDRAULIC FRACTURING (FRACKING)

WHEREAS, hydraulic fracturing, or “fracking” is a method of extracting natural gas that involves injecting a mixture of water, sand, and a complex combination of toxic chemicals at an extremely high pressure to break up shale or other rock formations otherwise impermeable to the flow of natural gas; and

WHEREAS, fracking requires millions of gallons of water per well, increasing demand on regional water supplies, and

WHEREAS, fracking operations produce toxic wastewater that requires disposal in special treatment facilities that do not exist in Western North Carolina; and

WHEREAS, negative environmental and public health impacts related to hydraulic fracturing have been documented in other states, including contamination of drinking water wells, contamination of surface water, degradation of air-quality, an increase in greenhouse gas emissions, and increased incidents of earthquakes; and

WHEREAS, fracking can industrialize rural and urban areas with drilling rigs, bright lights, twenty-four hour operations, new roads, wastewater containment ponds, new pipelines, and other infrastructure that brings attendant air, water, and noise pollution detrimental to property values and future economic growth; and

WHEREAS, on June 4, 2014, Governor Pat McCrory signed the Energy Modernization Act, lifting the moratorium on fracking and allowing permits to be issued in early 2015; and

WHEREAS, the North Carolina General Assembly has allocated funding to the Department of Natural Resources to explore for the presence of shale gas in Western North Carolina and such exploration, while not scheduled to begin this year, could occur in the future; and

WHEREAS, Western North Carolina has diverse and abundant natural resources, including state and national parks and national forests, that are enjoyed by millions of people every year and that provide a basis for the region’s multi-billion dollar tourist economy; and

WHEREAS, the City of Asheville has a vested interest in protecting the region’s natural resources, both because of their intrinsic value and because they bring tourists and new residents to the Asheville area; and

WHEREAS, the City of Asheville is steward to high-quality surface water sources for regional drinking water, created a conservation easement to protect those sources in 1996, and strengthened the easement in December 2012; and

WHEREAS, the City of Asheville has adopted a Sustainability Management Plan in order to address important issues of resource conservation and climate protection; and

WHEREAS, the Energy Modernization Act purports to restrict local governments from regulating or restricting fracking in their jurisdictions; and

WHEREAS, Section 5 of the North Carolina Constitution states that “It shall be the policy of the State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions to control and limit the pollution of our air and water and in every other appropriate way to preserve as part of our common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty;”

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

1. The City of Asheville believes fracking in the City of Asheville and in Western North Carolina would contravene the goals of its Sustainability Management Plan and the need to preserve the region’s natural resources for the region’s health, economy, and quality of life;
2. The City of Asheville calls on the state not to explore future horizontal hydraulic fracturing in Western North Carolina, Buncombe County, and the City of Asheville;
3. The City of Asheville calls on the General Assembly to re-instate the ban on fracking and support the continued moratorium on injection wells in Western North Carolina, Buncombe County, and the City of Asheville;
4. The City of Asheville calls on the General Assembly to re-instate the authority of local governments to regulate fracking and its impacts if local elected officials deem it necessary.

Read, approved, and adopted this 13th day of January, 2015.

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City Clerk

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Mayor

Approved as to form:

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City Attorney



**ACTION AGENDA  
January 13, 2015**

The action agenda is intended to provide the reader with an overview of the council meeting and any decisions that were made. It does not provide action on ceremonial or non-substantive matters.

**THIS ACTION AGENDA IS FOR INFORMATION ONLY.** Authority to carry out actions related to any council decision should be obtained through normal departmental procedure.

Please call the City Clerk's office at 259-5601 if you have any questions.

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Marc H. Hunt; Councilman Cecil Bothwell; Councilman Jan B. Davis ; Councilman Christopher A. Pelly; Councilman Gordon D. Smith; Councilwoman Gwen C. Wisler; City Manager Gary Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

**ITEM AND SUMMARY**

**ACTION**

Resolution authorizing the City Manager to execute an agricultural lease with Balsam Gardens, LLC, for 11 +/- acres of land for commercial agricultural production at Azalea Park.	Continued to 1-27-15
Resolution authorizing the City Manager to enter into a contract with with Michelin North America, Inc. for the lease of tires to the Asheville Transit System.	Adopted Unanimously
<b>Resolution opposing hydraulic fracturing.</b>	<b>Adopted Unanimously</b>
Motion to approve the Findings of Fact and Conclusions of Law for the conditional use permit for River Mills Loft, located off of Thompson Street.	Adopted Unanimously
Resolution setting a public hearing on January 27, 2015, to consider an economic development incentive grant land use incentive grant for Tutco Farnam.	Adopted Unanimously
Resolution setting a public hearing on January 27, 2015, to consider an economic development incentive grant for Highland Brewing.	Adopted Unanimously
Resolution setting a public hearing on January 27, 2015, to consider an economic development incentive for Project LAB.	Adopted Unanimously
Resolution directing the City Clerk to advertise for upset bids for the sale of 0.03 acres of real property located at Tuskegee St. and Martin Luther King, Jr. Drive to Russ Stallings.	Adopted Unanimously
Resolution finding that an unopened 40- foot right-of-way off Baker Drive, known as Shamby Drive, is not part of an adopted street plan.	Adopted Unanimously
Resolution authorizing the City Manager to convey a sanitary sewer easement to the Metropolitan Sewerage District for the Hilliard Avenue at Aston Park General Sewer Rehabilitation Project.	Adopted Unanimously
Budget amendment, in the amount of \$5,863, to add funds to a project in the City's Special Revenue Fund to purchase two additional shelters under the stimulus funding grant.	Adopted Unanimously
Public hearing to consider a resolution to permanently close an unnamed alley off Broad Street.	Adopted Unanimously

Public hearing to consider authorizing an economic development incentive grant for the expansion of Linamar Corporation. Adopted Unanimously

Public hearing to consider an amendment to the Unified Development Ordinance regarding conditional zoning general requirements to clarify that conditions imposed may be more or less restrictive than the general use standards of the underlying district. Adopted Unanimously

Public hearing to consider the conditional zoning of 10 Madison Avenue and 202 East Chestnut Street from RM-8 Residential Multi-Family High Density District and Office District to Office District/Conditional Zoning with changed conditions to landscape and setback requirements to allow the use of an existing single-family residence as a law office. Denied Unanimously

Continuation of public hearing to consider a conditional zoning for Greymont Village Apartments, located on Sardis Road, from Industrial District and Commercial Industrial District to RM-16 Residential Multi-Family High Density District/ Conditional Zoning for the construction of a multi-family apartment development. - **The applicant has requested a continuance until February 24, 2015.** Continued to 2-24-15

Boards & Commissions: (Council to determine who, if any, to interview)

- Board of Adjustment Reappted Nelda Holder and Daniel Summerlin as Alternates; Appted Richard Fort and Phillip Hardin as Regulars; Appted Pratik H. Bhakta & Christine Longoria as Alternates.
- Chair of Civil Service Board Continued to 2-10-15
- Asheville-Buncombe Community Relations Council Reappted Mike Hahn & Rachael Tanksley-Russell; & Clerk to Arrange Interviews
- Downtown Commission Reappted Michael McDonough, Byron Greiner & Jimi Rentz
- Sustainable Advisory Committee on Energy & the Environment Reappted Lael Gray; Appted Katie Bray; & Clerk to Arrange Interviews
- Firemen's Relief Fund Appted Barbara Whitehorn
- Metropolitan Sewerage District Appted Councilwoman Gwen Wisler
- Noise Ordinance Appeals Board Appted Victor Fahrer
- Tree Commission Appted Marc Williams, Carl Nyberg, Justin Price, Leslee Reiter and Stephen E. Hendricks