

RESOLUTION NO. 08-82

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING PROPERTY OFF HAZZARD STREET

WHEREAS, the City of Asheville owns certain property off Hazzard Street, being PIN 9649.19-60-0373; and

WHEREAS, the City of Asheville has received an offer to purchase said property from John L. Petty, Jr. of Asheville in the amount of \$2,600; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids; and

WHEREAS, the City has no anticipated need for the property;

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

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell the parcel of real property off Hazzard Street, PIN 9649.19-60-0373 to John L. Petty, Jr. for \$2,600.00. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first \$1,000.00 and 5% of the remainder of the purchase price of \$2,600.00.

Read and approved and adopted this 22<sup>nd</sup> day of April 2008.

Magdalen Boulson  
CITY CLERK

Jerry Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 08- 83

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS OF THE DEPARTMENT OF JUSTICE (JAG)

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 Office of Justice Programs of the Department of Justice (JAG), has awarded the City of Asheville to submit a full grant application in the amount of \$72,496 (with no match) to be shared with the Buncombe County Sheriff's Department. Asheville Police Department's share of the grant funds are \$58,365 and are for the purchase of handheld radio equipment;

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 Office of Justice Programs of the Department of Justice, for a grant in the amount of \$ \$72,496 to be shared with the Buncombe County Sheriff's Department, assist the Asheville Police Department in the purchase of crowd control equipment.

Read, approved, and adopted this 22<sup>nd</sup> day of April, 2008.

Magdalen Burleson  
City Clerk

Deryn Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burleson  
City Clerk

RESOLUTION NO. 08-84

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$70,000.00, FOR THE PROJECT KNOWN AS WBS ELEMENT: 36249-2734

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WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into agreements to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Department determined that it is in the public interest to have and execute a Reimbursement Agreement for the inspection of water line construction projects on NCDOT roads as part of the City of Asheville \$40 million revenue projects for the City of Asheville's water system; and

WHEREAS, the Water Resources staff recommends that City Council to approve the Reimbursement Agreement with NCDOT for the inspection of water line projects on NCDOT roads; and

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

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute a Reimbursement Agreement for the inspection of water line construction projects on NCDOT roads in the amount of \$70,000.00 and further authorizes the City Manager to execute any change orders to said contract or other documents which might arise during said project in a contract agreement form approved by the City Attorney.

Read, approved, and adopted this 22nd day of April 2008.

Magdalen Bouleson  
CITY CLERK

Jerry M Bellan  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bouleson  
City Clerk

RESOLUTION NO. 08-85

RESOLUTION AUTHORIZING CITY COUNCIL TO DISSOLVE THE SUSTAINABLE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

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WHEREAS, the establishment of the Economic Development Advisory Committee was authorized by Resolution No. 05-184; and

WHEREAS, the Economic Development Advisory Committee's name was officially revised to be the Sustainable Economic Development Advisory Committee by Resolution No. 06-72; and

WHEREAS, on February 19, 2008, City Council moved to dissolve the Sustainable Economic Development Advisory Committee, due to the increased roles of HUB and Council's Planning and Economic Development Committee within the City of Asheville;

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

The Sustainable Economic Development Advisory Committee be officially dissolved as a Committee of City Council.

Read and approved and adopted this 22<sup>nd</sup> day of April, 2008.

Magdalen Burleson  
CITY CLERK

Jeff Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Burleson  
City Clerk

Resolution No. 08-86

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2008-09 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 2005-2010; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2008-09; and

WHEREAS, three public hearings have been held to obtain citizen input and comments on the draft plan, including a public hearing in front of Council on April 8, 2008, and the draft plan has been made available to the public;

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

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2008-09 which is incorporated by reference as if fully set forth herein.
2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 22nd day of April, 2008.

Magdalen Burleson  
CITY CLERK

Jay Bellamy  
MAYOR

Approved As To Form:

[Signature]  
CITY ATTORNEY

Magdalen Burleson  
City Clerk

RESOLUTION NO. 08- 87

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH JLS COMPANY, LLC FOR THE PROJECT KNOWN AS GROVE PARK NEIGHBORHOOD TRAFFIC CALMING PROJECT

WHEREAS, a bid for the construction of the Grove Park Neighborhood Traffic Calming Project was received on April 3, 2008; and

WHEREAS, the bid was solicited using the "informal bid procedures" in accordance with State guidelines; and

WHEREAS, the Department of Transportation & Engineering has reviewed this bid and has recommended it be awarded to JLS Company, LLC of Skyland, North Carolina, as the lowest responsible bidder; and

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the contract with JLS Company, LLC, as the lowest responsible bidder for the Grove Park Neighborhood Traffic Calming Project for the bid amount of \$320,743 and any change orders within the budgeted amount.

Read, approved and adopted this 22nd day of April 2008.

Magdalen Burlington  
City Clerk

Jeremy Bellamy  
Mayor

Approved as to form:

Robert Duke  
City Attorney

Magdalen Burlington  
City Clerk

## RESOLUTION NO. 08-88

RESOLUTION ADOPTING CITY OF ASHEVILLE'S LEGISLATIVE PROGRAM FOR  
2008 "SHORT" SESSION

WHEREAS, the 2007 North Carolina General Assembly will reconvene on May 13, 2008, for its 2008 "short" session; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and statewide interest where legislative action is needed or desired; and

WHEREAS, Council is aware of the limitations on matters that may be considered during the 2008 "short" session;

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

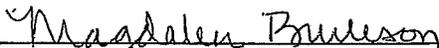
1. Completion of action on HB 758 regarding the adjustment of the municipal boundaries of the Town of Woodfin and the City of Asheville.
2. Support HB 274 and SB 1358, the "North Carolina Street Gang Prevention Act," and other legislation that will assist State and local officials in dealing with the troubling increase in gang activity in the State.
3. Support Senate Bill 1068 to increase the distribution to local governments of the sales tax on telecommunications and video programming services.
4. Support increased and appropriate funding of the State's criminal justice system, including, without limitation: additions to law enforcement, prosecutorial, and judicial personnel; improved facilities, including courts and detention facilities; improved programs for crime prevention and abatement, and post-conviction monitoring.
5. Support increased and appropriate funding of the State mental health service delivery system, including, without limitation: additions to State and local office personnel; improved facilities; and improved programs to provide assistance to persons suffering from mental illness.
6. Introduction or support of legislation that will permit local governments to prohibit smoking in public parks.
7. Introduction of legislation that will permit the City of Asheville to require that property with respect to which water service is requested be incorporated into the City, consistent with the laws of voluntary annexation in the State of North Carolina, or other reasonable limitation.

8. Introduction or support of legislation that would increase the age for compulsory school attendance to 18.
9. Introduction or support of legislation to regulate or prohibit the sale, use and distribution of salvia divinorum.
10. Introduction or support of measures to provide for the study of municipal incorporation, especially as to the thresholds (population density, level of development) for qualifying areas for incorporation, and the minimum level of urban services that municipal governments are expected to provide in order to qualify for incorporation.
11. Introduction or support of legislation to monitor, track, and appropriately dispose of firearms used in the commission of a crime.
12. Support HB 933 ("Jessica's law") and other legislation to strengthen the laws protecting children from sexual predators.
13. Introduction or support of legislation to prevent the use of children's personal information (Social Security nos., drivers' licenses, etc.) by parents or guardians to obtain monetary credit or loans.

The City Council offers the City's assistance to the local delegation with respect to any of the items listed above, including the provision of additional information and further resolutions of support for specific bills.

BE IT FURTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the local delegation for their service on behalf of the City of Asheville.

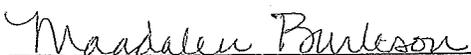
Read, approved and adopted this 22<sup>nd</sup> day of April, 2008.

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

  
\_\_\_\_\_  
Mayor

Approved as to form:

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

  
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City Clerk