

RESOLUTION NO. 08- 104

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF EAST SCHENCK
CRESCENT

WHEREAS, the City of Asheville is hereby declaring its' intent to permanently close a portion of East Schenck Crescent be permanently closed to public use; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close a portion of East Schenck Crescent as bounded by Parcel Identification Numbers: 9645.0320.3555 & 9645.0320.7047.
2. A public hearing on the question of the closing this street known as a portion of East Schenck Crescent is hereby called for Tuesday, June 24, 2008, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers Room, 2nd floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on June 24, 2008.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned right-of-ways. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this right-of-ways not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 27th day of May, 2008.

Magdalen Baulison
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulison
City Clerk

Resolution No. 08-106

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and procedures for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, a Housing Trust Fund loan was granted to Mountain Housing Opportunities on July 10, 2007; and

WHEREAS, Mountain Housing Opportunities has requested modification of said agreement,

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposal and has made recommendations to Council,

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

The loan terms originally agreed upon by Mountain Housing Opportunities in the Clingman Lofts project shall be modified as supported by the Housing and Community Development Committee:

1. The required number of units to be sold below 100% area median income shall be decreased from Nine (9) affordable units to Eight (8) affordable units.
2. Other terms of the original loan agreement to remain unchanged.

Read, approved and adopted this 27th day of May, 2008.

Magdalen Paulson
CITY CLERK

[Signature]
VICE-MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 08-107

RESOLUTION ACCEPTING THE BID OF CINCINNATI SYSTEMS, INC AND AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH CINCINNATI SYSTEMS, INC FOR REPLACEMENT OF PARKING ACCESS AND REVENUE CONTROL SYSTEMS IN THE CIVIC CENTER, RANKIN AVENUE, AND WALL STREET PARKING GARAGES

WHEREAS, the City has the authority, pursuant to N.C.G.S. 160A-302, to operate and maintain public parking facilities, and pursuant to Article 8 of N.C.G.S. Chapter 143 may make contracts for the repair of City facilities; and

WHEREAS, the City of Asheville desires to make upgrades to the Civic Center, Rankin Avenue, and Wall Street parking garages; and

WHEREAS, bids were solicited for the Project known as the Parking Access and Revenue Control Systems (PARCS) 2008 Replacement Project; and

WHEREAS, Cincinnati Systems, Inc was the lowest responsible bidder for the Project in the amount of \$356,820.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, these bids have been reviewed by the Engineering Department and the City's Office of Economic Development (Minority Business Plan Compliance) with both of these offices recommending approval and award;

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 Cincinnati Systems, Inc in the amount of \$356,820.00 for Parking Access and Revenue Control Systems (PARCS) 2008 replacement in Civic Center, Rankin Avenue, and Wall Street parking garages; and further authorized to execute any change orders to said contract or documents which might arise during installation of said project up to the budgeted amount.

Read, approved and adopted this 27th day of May 2008.

Magdalen Barkison
City Clerk

Jerzy M Bellamy
Mayor

Approved as to form:

Russell
City Attorney

BID TABULATION

Parking Access and Revenue Control Systems Replacement – 2008

<u>Bidder's Name</u>	<u>Total Base Bid</u>
Cincinnati Systems, Inc	\$356,820.00
Southern Time Equipment Company, Inc	\$368,864.87

Magdalen Barkison
City Clerk

RESOLUTION NO. 08-108

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, Mr. Craig Young, west representative, has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2008;

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

Mr. Cesar W. Romero, 43 Evelake Drive, Asheville, NC, be and he is hereby appointed, as the west representative on the Citizens-Police Advisory Committee, to serve the unexpired term of Mr. Young, term to expire June 30, 2008, and then a full three-year term, term to expire June 30, 2011, or until his successor has been appointed.

Read, approved and adopted this 27th day of May, 2008.

Magdalen Burleson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

R. Anderson
CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 08-109

RESOLUTION SETTING A PUBLIC HEARING TO SATISFY NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' REQUIREMENT TO COMPLETE THE CITY OF ASHEVILLE'S WITHDRAWAL FROM THE LAND AND WATER CONSERVATION FUND AGREEMENT FOR AZALEA PARK FOR REIMBURSEMENT OF UP TO \$91,423.

WHEREAS, the City has authority, pursuant to NCGS 160A-17.1, to accept grants from other governments; and

WHEREAS, the North Carolina Department of Environment and Natural Resources executed a Land and Water Conservation Fund Agreement with the City of Asheville for a reimbursement contract of up to \$91,423 in 2006 for construction of a trail and wildlife interpretive area at lake, a river overlook and a picnic shelter at Azalea Park; and

WHEREAS, the 2006 agreement originally estimated construction costs of \$182,846; and

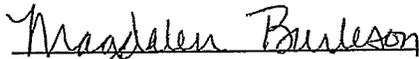
WHEREAS, the project has had no other capital funds budgeted to support the project; and

WHEREAS, the North Carolina Department of Environment and Natural Resources requires a public hearing to withdraw from the Land and Water Conservation Fund agreement for construction at Azalea Park.

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

A public hearing is hereby scheduled on June 10, 2008, on the intent of the City of Asheville to withdraw from the North Carolina Department of Environment and Natural Resources Land and Water Conservation Fund agreement for construction at Azalea Park.

Read, approved and adopted this 27th day of May, 2008.

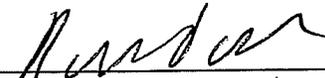


 City Clerk



 Mayor

Approved as to form:



 City Attorney



 City Clerk

RESOLUTION NO. 08-110RESOLUTION MODIFYING THE 2008 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

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

The formal meeting of the Asheville City Council scheduled on Tuesday, July 8, 2008, is hereby cancelled.

Read, approved and adopted this 27th day of May, 2008.

Magdalen Baulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

Russell
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 08-111

RESOLUTION REGARDING PROPOSED INCORPORATION OF THE TOWN OF SWANNANOA

WHEREAS, pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes, an application will be submitted to the Joint Legislative Commission on Municipal Incorporation (herein "Commission") for the incorporation of the Town of Swannanoa in Buncombe County; and

WHEREAS, the proposed Town of Swannanoa is within five miles of the City of Asheville, which has a population of over 50,000, and therefore qualifies for notification of the proposed incorporation pursuant to N.C.G.S. 120-164(a)(2), and qualifies to express its approval of the proposed incorporation pursuant to N.C.G.S. 120-166(b)(3); and

WHEREAS, the Swannanoa Incorporation Task Force (herein "Task Force") has requested that the City of Asheville, as a qualifying municipality, express its position as to approval of the proposed incorporation; and

WHEREAS, the Task Force has indicated that it will request that a referendum be held on the question of incorporation, and the City's approval of this resolution is conditional on the Task Force including said request in its petition;

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

1. The City of Asheville approves the incorporation effort of the Town of Swannanoa to obtain a greater degree of governance and control over its future through incorporation, but expresses the following concerns:
 - a. That the size of the area proposed for incorporation will present practical difficulties in delivering urban services;
 - b. That the density and character of the area proposed for incorporation is predominately rural and does not reflect the intent of incorporation, and the Task Force is encouraged to consider excluding from the area proposed for incorporation large areas of rural land on which no development is planned;
 - c. Incorporation affects the City of Asheville's opportunities for improved fiscal health.
2. The Task Force will request the Commission to recommend to the General Assembly that any act incorporating Swannanoa be submitted to a referendum.
3. The City Attorney is directed to provide a certified copy of this resolution to the Task Force.

Read, approved and adopted this 27th day of May, 2008.

Magdalen Boulson
City Clerk

Jerry M. Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 08-112

SUPPLEMENTAL RESOLUTION REGARDING PROPOSED INCORPORATION OF
THE TOWN OF SWANNANOA (BOUNDARY)

WHEREAS, pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes, an application will be submitted to the Joint Legislative Commission on Municipal Incorporation (herein "Commission") for the incorporation of the Town of Swannanoa in Buncombe County; and

WHEREAS, the proposed Town of Swannanoa is within five miles of the City of Asheville, which has a population of over 50,000, and therefore qualifies for notification of the proposed incorporation pursuant to N.C.G.S. 120-164(a)(2), and qualifies to express its approval of the proposed incorporation pursuant to N.C.G.S. 120-166(b)(3); and

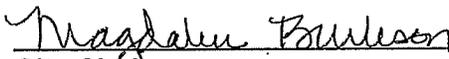
WHEREAS, the Asheville City Council has adopted Resolution No. 08-111, approving the incorporation effort of the Town of Swannanoa, but expresses certain concerns incorporated therein, which resolution was based on the proposed boundary of the incorporation area as submitted by the Swannanoa Incorporation Task Force; and

WHEREAS, the Asheville City Council wishes to express an additional concern regarding the boundary of the proposed incorporation area;

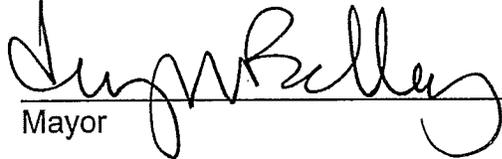
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

If the proposed incorporation of the Town of Swannanoa is approved, that the western boundary established for said town be such that no part of U.S. Postal zip code area 28805 is included within the new Town of Swannanoa.

Read, approved and adopted this 27th day of May, 2008.



City Clerk

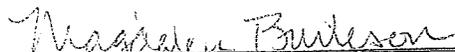


Mayor

Approved as to form:



City Attorney



City Clerk

RESOLUTION NO. 08-113

RESOLUTION OPPOSING HOUSE BILL 2367 ESTABLISHING A MORATORIUM ON INVOLUNTARY ANNEXATIONS

WHEREAS, a bill has been introduced in the 2008 continuation of the 2007 session of the North Carolina General Assembly, House Bill 2367, entitled "An Act to Adopt a Moratorium on Involuntary Annexation, as Recommended by the House Select Committee on Municipal Annexation"; and

WHEREAS, House Bill 2367 would prohibit North Carolina municipalities from initiating annexations pursuant to Parts 2 or 3 of Article 4 of N.C. Gen. Stat. Chapter 160A, until June 30, 2009, and further, would delay until June 30, 2009, the effective date of any such annexation already undertaken, including annexations that are the subject of litigation in any court; and

WHEREAS, the ability of cities in North Carolina to grow as the areas on their periphery develop is important for planning, economic development, and other purposes; and

WHEREAS, the City of Asheville is currently involved in litigation regarding four annexations; one pending initial review in Superior Court, and three on appeal from Superior Court judgments in the City's favor; and

WHEREAS, potentially all of these annexations could be affected by the proposed moratorium; and

WHEREAS, the City of Asheville is conservative in its approval to annexation other than those in litigation, and does not undertake annexation of areas where it cannot provide municipal services as required by law; and

WHEREAS, the City of Asheville is not currently pursuing annexation of any areas, but should not be foreclosed from doing so, as areas become eligible;

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

1. The Asheville City Council opposes House Bill 2367.
2. The City Attorney is directed to transmit a copy of this resolution to members of the General Assembly whose district includes the City of Asheville, to the President pro tempore of the N.C. Senate, and to the Speaker of the N. C. House.

Read, approved and adopted this 27th day of May, 2008.

Magdalen Bardsen
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

Carson
City Attorney

Magdalen Bardsen
City Clerk

Resolution No. 08-114

RESOLUTION TO APPROVE LOAN FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and procedures for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, there is currently an unallocated balance exceeding \$561,666 in the Housing Trust Fund, including both appropriated funds and loan repayments; and

WHEREAS, a qualified application for a Housing Trust Fund loan has been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposal and has made recommendations to Council,

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

An additional loan of \$54,731 be made from the City of Asheville's Housing Trust Fund to Volunteers of America for the construction of 63 rental units for the elderly on Springside Road, upon the terms recommended by the Housing and Community Development Committee.

Read, approved and adopted this 27th day of May, 2008.

Magdalen Burlison
CITY CLERK

Jerry Bellamy
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Burlison
City Clerk

RESOLUTION NO. 08-115

RESOLUTION TO ENTER INTO A GRANT AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO FUND A HOPE VI FEASIBILITY STUDY

WHEREAS, the U.S. Department of Housing and Urban Development operates a grant program for the revitalization of severely distressed public housing, known as HOPE VI; and

WHEREAS, the Housing Authority of the City of Asheville (HACA) operates several public housing developments which exhibit varying degrees of physical and social distress; and

WHEREAS, in its current Strategic Operating Plan, the City Council of the City of Asheville has adopted an objective to pursue redevelopment of public housing with a HOPE IV-type project; and

WHEREAS, HACA has selected a qualified contractor to undertake a preliminary study of its public housing developments in order to determine the feasibility of applying for HOPE VI funding,

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

The City Manager is hereby authorized to enter into an agreement with HACA for grant funding in the amount of \$18,000 to undertake a HOPE VI feasibility study.

Read, approved and adopted this 27th day of May, 2008

Magdalen Paulson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 08-116

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH LAND OF SKY REGIONAL COUNCIL FOR THE ADMINISTRATION OF BROWNFIELDS ASSESSMENT GRANTS AWARDED TO THE CITY OF ASHEVILLE BY THE ENVIRONMENTAL PROTECTION AGENCY IN APRIL 2008

WHEREAS, pursuant to N.C.G.S. 160A-20.1, the City has the authority to contract with a private association to carry out any public purpose the City is authorized by law to engage in; and

WHEREAS, the Asheville City Council desires to support infill growth and riverfront redevelopments, and wishes to expand the City's incentives for sustainable development; and

WHEREAS, Land of Sky Regional Council, the Regional Council of Governments for Asheville's region, possesses expertise in applying for and managing EPA's Brownfields Assessment Grants;

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

The City Manager is authorized to execute a technical services contract for Land of Sky Regional Council for the administration of the River District Brownfields Assessment Program on behalf of the City of Asheville from July 2008 until September 2011.

Read, approved and adopted this 27th day of May, 2008.

Magdalen Bourleson
City Clerk

Jerry Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk