

## RESOLUTION NO. 08- 186

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED PORTION OF  
SHADY LANE

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WHEREAS, the City of Asheville is hereby declaring its' intent to permanently close an unopened portion of Shady Lane 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 an unopened portion of Shady Lane as located north of Maple Lane, south of Pond Street and east and west of Parcel Identification number 9654.05.09.3347.
2. A public hearing on the question of the closing this street known as an unopened portion of Shady Lane is hereby called for Tuesday, October 14<sup>th</sup>, 2008, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers Room, 2<sup>nd</sup> 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 October 14, 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 9th day of September, 2008.

Magdalen Burlison  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 08-187RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH T-MOBILE SOUTH, LLC FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 36 RESERVOIR ROAD

WHEREAS, the City of Asheville is the owner of real property located at 36 Reservoir Road, formerly White Fawn Reservoir, identified as PIN #9648.11-55-6988; and

WHEREAS, T-Mobile South, LLC, a telecommunications company, has offered to enter into a license agreement in order to operate antennas and related equipment upon the property at 36 Reservoir; 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 Clerk published a Notice of Intent in connection with the proposed license agreement on August 29, 2008, in the Asheville Citizen-Times; and

WHEREAS, the initial term of the license agreement will be for five (5) years with the option to renew for one (1) additional five (5) year period; and

WHEREAS, the City has no anticipated need for the property during the term of the license fee;

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 License Agreement between the City of Asheville and T-Mobile South, LLC for antennas and related equipment at 36 Reservoir Road, at an initial license fee rate of \$30,000 per year with 4% annual escalations.

Read, approved and adopted this 9th day of September, 2008.

Magdalen Boulison  
City Clerk

Steve Bellamy  
Mayor

Approved as to form:

Russell  
City Attorney

Magdalen Boulison  
City Clerk

RESOLUTION NO. 08-188

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT WITH MOTOROLA, INC FOR MAINTENANCE COVERAGE OF RADIO SYSTEM INFRASTRUCTURE

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 requires this hardware maintenance contract for support of numerous internal and external operations.

WHEREAS, the amount of this contract is \$126,297.36.

WHEREAS, the funding for payment of \$126,297.36 is budgeted in the Information Technology Department's FY 2008-2009 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 contract on behalf of the City of Asheville with Motorola, Inc for \$126,297.36. The City Manager is further authorized to execute any amendments to said contract which might arise during the term of the contract up to the budgeted amount.

Read, approved and adopted this the 9<sup>th</sup> day of September, 2008.

Magdalen Paulson      Jerry Bellamy  
City Clerk                      Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Paulson  
City Clerk

## RESOLUTION NO. 08-189

## RESOLUTION REGARDING PROPOSED INCORPORATION OF THE TOWN OF LEICESTER

WHEREAS, pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes, a petition has been submitted to the Joint Legislative Commission on Municipal Incorporation (herein "Commission") for the incorporation of the Town of Leicester in Buncombe County; and

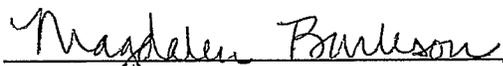
WHEREAS, the proposed town of Leicester is within five miles of the City of Asheville, which has a population of over 50,000, and therefore qualifies for notification of the proposed incorporation pursuant to N.C.G.S. 120-164(a)(2), and qualifies to express its approval of the proposed incorporation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

WHEREAS, the Commission has determined that the petition submitted by Leicester satisfies the initial criteria for submission, set out in N.C.G.S. 120-163 and 120-164, and has directed that the petition be evaluated as to additional statutory criteria, and has requested that the City of Asheville, as a qualifying municipality, express its position as to approval of the proposed incorporation;

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 Leicester 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
  - c. Incorporation affects the City of Asheville's opportunities for improved fiscal health.
2. The Commission is requested to recommend to the General Assembly that any act incorporating Leicester be submitted to a referendum.
3. The City Attorney is directed to transmit a certified copy of this resolution to the Commission.

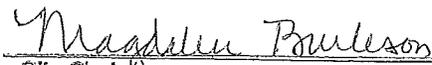
Read, approved and adopted this 9<sup>th</sup> day of September, 2008.

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

  
 \_\_\_\_\_  
 Mayor

Approved as to form:

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

  
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 City Clerk

RESOLUTION NO. 08- 190

RESOLUTION ADOPTING THE ASHEVILLE AREA WAYFINDING MASTER PLAN

WHEREAS, the Asheville Area Wayfinding Master Plan (herein "The Plan") is a program of signs, kiosks, gateways and design elements to improve the user experience of orientation and choose a path within the built environment in the Asheville area; and

WHEREAS, the Plan serves as a guide for the ongoing management of the program and maintenance of the signs; and

WHEREAS, the City of Asheville partnered with the Buncombe County Tourism Development Authority, the Asheville Convention and Visitors Bureau, Buncombe County, and the Town's of Black Mountain, Woodfin, and Weaverville to develop the Plan; and

WHEREAS, the process to develop Asheville Area Wayfinding Master Plan included public involvement and opportunities for public comment;

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

The Asheville Area Wayfinding Master Plan is hereby adopted as the official wayfinding plan for the City of Asheville.

Read, approved and adopted the 9th day of September, 2008

Magdalen Boulson  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 08- 191

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A COOPERATIVE INTERLOCAL AGREEMENT FOR MAINTENANCE OF THE ASHEVILLE AREA WAYFINDING PROGRAM

WHEREAS, the City of Asheville, in Partnership with the Buncombe County Tourism Development Authority, Buncombe County, The Town of Black Mountain, The Town of Weaverville, and The Town of Woodfin, will implement and complete a regional Wayfinding Program to consist of a complete and comprehensive approach to Wayfinding, inclusive of management, continuous maintenance, upkeep and repair; and

WHEREAS, the Wayfinding Program may consist of signs, kiosks, gateway monuments, and associated design and sculptural elements mounted in the ground, in sidewalks, on buildings, or on other poles; and

WHEREAS, the ongoing management of the program, and maintenance of the wayfinding elements requires a cooperative, interlocal agreement; and

WHEREAS, the interlocal agreement establishes the wayfinding committee, establishes maintenance responsibilities, financial responsibilities, and reimbursement procedures; and

WHEREAS, the initial term of the agreement will be for a period of five years, and will automatically renew for successive one (1) year terms unless either party gives the other parties ninety (90) days prior written notice of intent to terminate the Agreement.

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

Section 1. The City Manager is hereby authorized to execute a cooperative interlocal agreement by and between the City of Asheville, the Buncombe County Tourism Development Authority, Buncombe County, the Town of Black Mountain, the Town of Weaverville, and the Town of Woodfin for the ongoing maintenance of the Asheville Area Wayfinding Program.

Section 2. The terms of any such agreement shall be subject to review and approval by the City Attorney prior to acceptance.

Read, approved and adopted the 9th day of September, 2008

Magdalen Boulton  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulton  
City Clerk

RESOLUTION NO. 08-192

RESOLUTION TO AMEND THE CITY'S FY 2007-08 AND FY 2008-09 CONSOLIDATED ACTION PLANS

WHEREAS, the City of Asheville receives an annual entitlement grant from the federal Community Development Block Grant (CDBG) program to meet the needs of low- and moderate-income residents, to improve their living conditions, provide expanding economic opportunities, and the elimination slum and blight; and

WHEREAS, the City of Asheville, acting as the lead entity of the Asheville Regional Housing Consortium, also administers the federal HOME Investment Partnerships Program (HOME) on behalf of the four member governments within the Consortium for the provision of affordable housing on a regional basis; and

WHEREAS, the City Council adopted an Action Plan on April 24, 2007, for the use of funds in FY 2007-08, and adopted an Action Plan on April 22, 2008 for the use of funds in FY 2008-09; and

WHEREAS, the City Council desires to ensure the continued delivery of counseling and rental assistance to those in need of these services through the execution of CDBG and HOME agreements with OnTrack Financial Education and Counseling Services; and

WHEREAS, funding provided to OnTrack will be the remaining balance of the 2007-08 and the full allocation of the 2008-09 HOME tenant-based rental assistance funds formerly available to the Affordable Housing Coalition, and the remaining balance of the 2008-09 CDBG funds for counseling services provided as part of the rental assistance program;

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

The FY 2007-08 and FY 2008-09 Consolidated Acton Plans shall be amended as shown on the summary amendment below.

Read, approved and adopted this 9<sup>th</sup> day of September 2008.

Margaret Boulton  
City Clerk

Greg Ballamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Margaret Boulton  
City Clerk

City of Asheville  
 FY 2008-09 Consolidated Action Plan

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**Amendment #1: dated September 9, 2008**

<u>Project</u>	<u>Before Amendment</u>	<u>After Amendment</u>	<u>Increase</u>
2008-09 HOME Tenant-based rental assistance for Affordable Housing Coalition	\$12,500 <sup>3</sup>	-0-	(\$12,500)
2008-09 HOME Tenant-based rental assistance for OnTrack Financial Education and Counseling	-0-	\$12,500	\$12,500

<u>Project</u>	<u>Before Amendment</u>	<u>After Amendment</u>	<u>Increase</u>
2008-09 CDBG Housing Services funds for Affordable Housing Coalition	\$52,500 <sup>4</sup>	-0-	(\$52,500)
2008-09 HOME Tenant-based rental assistance for OnTrack Financial Education and Counseling	-0-	\$52,500	\$52,500 <sup>5</sup>

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<sup>3</sup> The total 2008-09 HOME allocation is available for reallocation to OnTrack.

<sup>4</sup> This is the 2008-09 CDBG allocation shown in the 2008-09 Action Plan.

<sup>5</sup> This amount will be the balance of the 2008-09 CDBG allocation, which is anticipated to be approximately \$42,300.

City of Asheville  
 FY 2007-08 Consolidated Action Plan

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**Amendment #7: dated September 9, 2008**

<u>Project</u>	<u>Before Amendment</u>	<u>After Amendment</u>	<u>Increase</u>
2007-08 HOME Tenant-based rental assistance for Affordable Housing Coalition	\$31,076 <sup>1</sup>	-0-	(\$31,076)
2007-08 HOME Tenant-based rental assistance for OnTrack Financial Education and Counseling	-0-	\$31,076	\$31,076 <sup>2</sup>

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<sup>1</sup> This is the 2007-08 total HOME allocation shown in the 2007-08 Action Plan.

<sup>2</sup> This amount will be the balance of the remaining 2007-08 HOME allocation, which is anticipated to be approximately \$25,964.87.

RESOLUTION NO. 08-193

RESOLUTION AMENDING THE FEES AND CHARGES RATES FOR TRANSIT AND PARKING.

WHEREAS, the City of Asheville owns and operates the Asheville Transit System, and has the ability to sell advertising space on its properties; and

WHEREAS, the City of Asheville has compared regional best practices for bus advertising; and

WHEREAS, the City of Asheville owns and operates thee parking decks, and has the ability to sell advertising space on its properties; and

WHEREAS, the City of Asheville wishes to pilot a project of selling advertising space in city-owned elevators and stairwells; and

WHEREAS, the City of Asheville wishes to maximize the amount of revenue generated from advertising on city property;

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

The attached advertising rate be adopted.

Read, approved and adopted this the 9<sup>th</sup> day of September 2008.

Margaret Boulson  
City Clerk

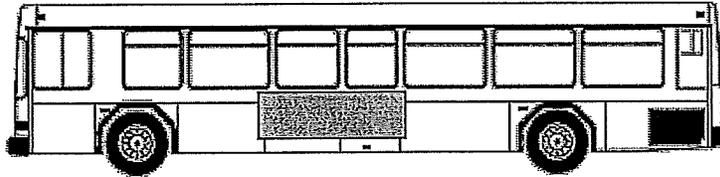
Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

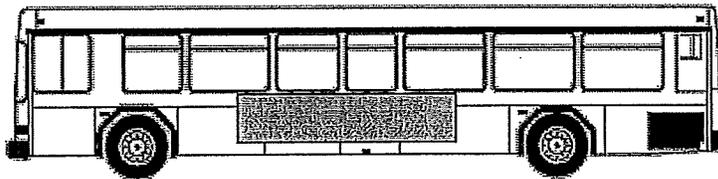
Margaret Boulson  
City Clerk

QUEEN						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$200	\$570	\$1,128	\$2,232	Curbside only. 44 x 21
50	10	\$2,000	\$5,700	\$11,280	\$22,320	
90	15	\$3,000	\$8,550	\$16,920	\$33,480	



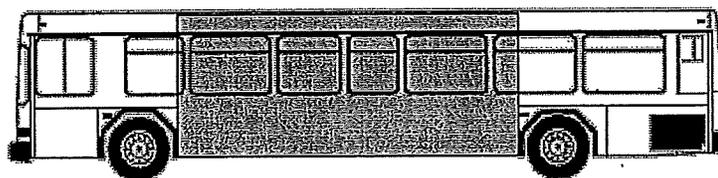
Ad size: 96" x 30"

KING						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$225	\$641	\$1,269	\$2,511	Streetside only. 88 x 30.25
50	10	\$2,250	\$6,413	\$12,690	\$25,110	
90	15	\$3,375	\$9,619	\$19,035	\$37,665	



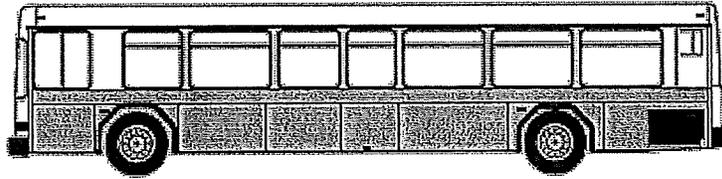
Ad size: 144" x 30"

KING KONG						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$700	\$1,995	\$3,948	\$7,812	Either side.
50	10	\$7,000	\$19,950	\$39,480	\$78,120	
100	20	\$14,000	\$39,900	\$78,960	\$156,240	



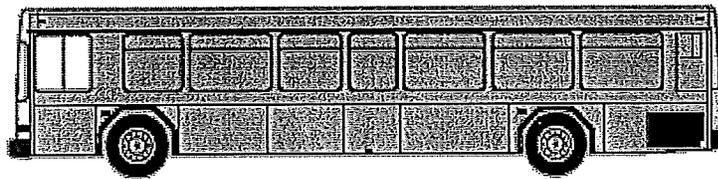
Ad size varies by bus length

HALF SIDE						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$600	\$1,710	\$3,384	\$6,696	Either side.
50	10	\$6,000	\$17,100	\$33,840	\$66,960	
100	20	\$12,000	\$34,200	\$67,680	\$133,920	



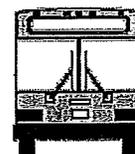
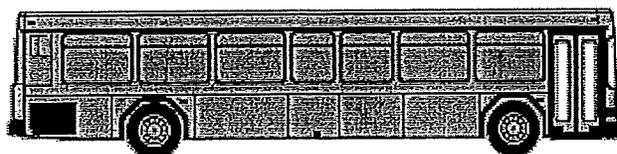
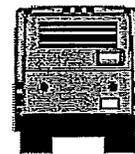
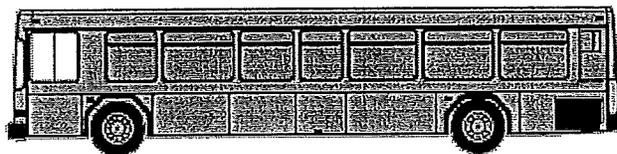
Ad size varies by bus length

FULL SIDE						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$1,000	\$2,850	\$5,640	\$11,160	Either side.
50	10	\$10,000	\$28,500	\$56,400	\$111,600	
100	20	\$20,000	\$57,000	\$112,800	\$223,200	

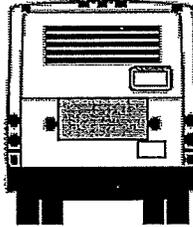


Ad size varies by bus length

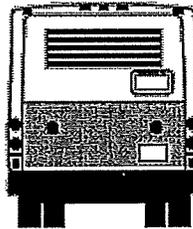
FULL WRAP						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$2,000	\$5,700	\$11,280	\$22,320	At any given time, only 5 buses may be fully wrapped.
25	5	\$10,000	\$28,500	\$56,400	\$111,600	
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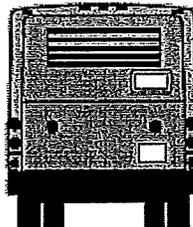
TAILLIGHT						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$200	\$570	\$1,128	\$2,232	44 x 21
50	10	\$2,000	\$5,700	\$11,280	\$22,320	
90	15	\$3,000	\$8,550	\$16,920	\$33,480	



SUPERTAIL						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$400	\$1,140	\$2,256	\$4,464	
50	10	\$4,000	\$11,400	\$22,560	\$44,640	
100	20	\$8,000	\$22,800	\$45,120	\$89,280	



FULL BACK						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$600	\$1,710	\$3,384	\$6,696	
50	10	\$6,000	\$17,100	\$33,840	\$66,960	
100	20	\$12,000	\$34,200	\$67,680	\$133,920	



INTERIOR SIGNS						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$20	\$57	\$113	\$223	11 X 17 landscape
50	10	\$200	\$570	\$1,128	\$2,232	
100	20	\$400	\$1,140	\$2,256	\$4,464	



INTERIOR CEILING SIGNS						
Showing	Units	1 month	3 months	6 months	12 months	Notes
--	1	\$100	\$285	\$564	\$1,116	11 X 17 landscape
50	10	\$1,000	\$2,850	\$5,640	\$11,160	
100	20	\$2,000	\$5,700	\$11,280	\$22,320	

