

RESOLUTION ACCEPTING TRELIS COURT AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Trellis Court is located in the corporate limits of the City of Asheville; and

WHEREAS, Trellis Court was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Trellis Court including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period; and

WHEREAS, dedication of the 50-foot right-of-way for Trellis Court has been recorded in Plat Book 128 Page 100; and

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

Trellis Court is accepted by the City of Asheville for maintenance as indicated on the attached map.

Read, approved and adopted this 26<sup>th</sup> day of April, 2011.

Magdalen Baulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk



mapAsheville - Monday, April 11, 2011

### mapAsheville - Standard GIS

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Map Created by: mapAsheville - Standard GIS  
 Data Source: City of Asheville GIS  
 Map Scale: 1:1200"  
 Printed on: Monday, April 11, 2011



mapAsheville

RESOLUTION NO. 11-82

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER WITH DR. PAUL MARTIN, MD FOR PHYSICIAN SERVICES

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, pursuant to Resolution No. 10-203, City Council approved an agreement for physician services with Dr. Paul Martin, MD in the amount of \$100,000; and

WHEREAS, due to the ongoing need to Dr. Martin's services to employees, a change order is needed to continue his assistance to employees in the Health Services facility; and

WHEREAS, the amount of the Change Order Agreement is an additional \$20,000 generating a total contract amount of \$120,000. The monies have been budgeted in the Human Resources Department 2010-11 Fiscal Year Budget.

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

The City Manager hereby authorizes this Change Order the City of Asheville with Dr. Paul Martin, MD for an additional \$20,000 for physician services.

Read, approved and adopted, this the 26<sup>th</sup> day of April, 2011.

Magdalen Boulton  
City Clerk

Ingm Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulton  
City Clerk

RESOLUTION NO. 11-83

RESOLUTION TO APPROVE THE AMENDMENT TO THE 2005 LEASE FOR MCCORMICK FIELD WITH DEWINE SEEDS –SILVER DOLLAR BASEBALL, L.L.C TO ADJUST LEASE PAYMENTS CONTINGENT UPON SUCCESSFUL NEGOTIATIONS OF A NEW LEASE FOR THE USE OF MCCORMICK FIELD FOR THE OPERATION OF THE ASHEVILLE TOURISTS.

WHEREAS, pursuant to N.C.G.S. § 160A-489, the City has the authority to operate auditoriums and coliseums; and

WHEREAS, pursuant to N.C.G.S. §160A-1272, the City is authorized to lease any property owned by the City for such terms and conditions as City Council may determine, but not longer than 10 years; and

WHEREAS, on July 1, 2005, the City entered into a lease with Asheville Tourist Baseball Club, Inc. for the use of McCormick Field; and

WHEREAS, on October 25, 2005, City Council approved the assignment of lease for use from Asheville Tourist Baseball Club, Inc. To Palace Baseball, LLC; and

WHEREAS, on January 26, 2010 City Council approved the assignment of lease for use from Palace Baseball, L.L.C. to DeWine Seeds –Silver Dollar Baseball, L.L.C for the continued operation of minor league baseball in Asheville; and

WHEREAS, DeWine Seeds –Silver Dollar Baseball, L.L.C. has been operating the under the original 2005 lease agreement and now wishes to re-negotiate the terms of the original 2005 agreement as follows: 1) adjust the June 1, 2011 and August 1, 2011 payments owed to the City by DeWine Seeds- Silver Dollar Baseball, L.L.C. to \$32,517.00 for each monthly payment; and 2) forgo the September 1 payment in the amount of \$34,966.00, contingent upon successful re-negotiating a new lease by December 1, 2011; and

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

The City Manager is hereby authorized to execute the amendment to the 2005 lease with DeWine Seeds, subject to approval by the City Attorney's Office, which will 1) adjust the June 1, 2011 and August 1, 2011 payments owed to the City by DeWine Seeds- Silver Dollar Baseball, L.L.C. to \$32,517.00 for each monthly payment; and 2) forgo the September 1 payment in the amount of \$34,966.00, contingent upon successful re-negotiating a new lease by December 1, 2011.

Read, approved and adopted this 26<sup>th</sup> day of April, 2011.

Magdalen Bourleson  
CITY CLERK

Jim Bellamy  
MAYOR

Approved as to form:

Kevin J. ...  
CITY ATTORNEY

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 11- 84

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BOLTON CONSTRUCTION AND SERVICE OF WNC, INC. FOR THE PURPOSE OF RETROFITTING THE CIVIC CENTER BANQUET HALL HVAC SYSTEM

WHEREAS, the City of Asheville has the authority pursuant to Article 8 of N.C.G.S. Chapter 143 to enter into contracts for construction and repairs for City buildings and facilities; and

WHEREAS, pursuant to N.C.G.S. 143-131, the City received bids for upgrading the HVAC system at the Civic Center Banquet Hall, and Bolton Construction and Service has submitted a bid of \$112,000, and has been determined to be the lowest responsible, responsive bidder;

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

City Council hereby authorizes the City Manager to enter into contract with Bolton Construction and Service of WNC, Inc., not to exceed \$112,000 for the purpose of retrofitting the Civic Center Banquet Hall HVAC system.

City Council authorizes the City Manager to sign for any and all contract revisions and change orders associated with this contract, subject to budgetary limitations and approval of the City Attorney.

Read, approved and adopted this 26<sup>th</sup> day of April, 2011.

Magdalen Baulson  
City Clerk

Imy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

RESOLUTION NO. 11-85

RESOLUTION AUTHORIZING THE AMENDMENT OF THE 2010-2011 OUTSIDE  
 AGENCY AGREEMENT WITH THE ASHEVILLE BUNCOMBE COMMUNITY  
 RELATIONS COUNCIL

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WHEREAS, the City of Asheville allocated \$50,000 in Outside Agency program grant funds to the Asheville Buncombe Community Relations Council (ABCRC) for the 2010-2011; and

WHEREAS, the City and ABCRC entered into a contractual Grant Agreement detailing the terms, condition, uses and budget for the grant ; and

WHEREAS, ABCRC now seeks approval to amend the Grant Agreement to allow for the use of \$18,000 to pay prior tax obligations;

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

1. Council approves the proposed Grant Agreement Amendment;
2. Council authorizes the City Manager to sign the amendment to the Grant Agreement, after approval by the City Attorney.

Read, approved and adopted this 26th day of April, 2011.

Magdalen Burlington  
 CITY CLERK

Jimmy Bellamy  
 MAYOR

Approved As To Form:

[Signature]  
 CITY ATTORNEY

Magdalen Burlington  
 City Clerk

RESOLUTION NO. 11-86

RESOLUTION ADOPTING THE TERMS FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR WEIRBRIDGE VILLAGE APARTMENTS

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WHEREAS, the City of Asheville has the authority pursuant to the Local development Act of 1925 (N.C. Gen. Stat. sec. 158-7.1) to make appropriations for economic development and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, the City Council of Asheville believes it important to support development projects that achieve goals set forth in their annual strategic goals; and

Whereas, the Weirbridge Village Apartments development represents the type of project envisioned for support within those goals; and

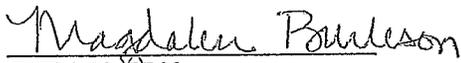
WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council the Weirbridge Village Apartments development will be a multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose, in that will provide 140 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not 120% of the area median income), and will achieve certification as an Energy Star™ development, and

WHEREAS, the developers of the Weirbridge Village Apartments development have demonstrated to the satisfaction of the City Council that they have substantial and sufficient private equity participation in the project;

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

The Asheville City Council hereby agrees to enter into a Land Use Incentive agreement with public hearing to consider a land use incentive grant with Weirbridge Village Apartments, LLC to support the development of the Weirbridge Village Apartments, subject to the approval of the City Attorney.

Read, approved and adopted this 26<sup>th</sup> day of April, 2011.

  
CITY CLERK

  
MAYOR

Approved as to form:

  
CITY ATTORNEY

  
City Clerk

RESOLUTION NO. 11-87

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2011-2012 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 2010-2015; 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 2010-15; 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 26, 2011, 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 2010-15 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 26th day of April, 2011.

Magdalena Paulson  
CITY CLERK

Imogen Bellamy  
MAYOR

Approved As To Form:

[Signature]  
CITY ATTORNEY

Magdalena Paulson  
City Clerk

## RESOLUTION NO. 11- 88

RESOLUTION TO PERMANENTLY CLOSE AN ALLEY OFF OF MADISON STREET

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets or alleys within its jurisdiction upon compliance with applicable law; and

WHEREAS, a petition has been filed by the adjacent property owners, Andy Brokmeyer of Millagro LLC, Scott Blake, and Alison Blake, to permanently close an alley off of Madison Street; and

WHEREAS, City Council on the 22<sup>nd</sup> day of March, 2011, adopted a resolution of intent to permanently close an alley off of Madison Street, and ordered a public hearing on the question of this closing for the 26<sup>th</sup> day of April 2011 at its regular meeting on the 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order for public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the alley off of Madison Street, and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join in the petition to close; and

WHEREAS, at said public hearing no objections were made that the proposed closing of the alley off of Madison Street would deprive any individual owning property in the vicinity in which said street is located of reasonable ingress and regress to their property.

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

Pursuant to North Carolina General Statutes Section 160A-299, the alley off of Madison Street as herein described is permanently closed to public use as a street.

BEGINNING with its intersection with Madison Street, also being the southeast corner of P.I.N. 9649-02-1864-00000 and the northeast corner of P.I.N. 9649-02-1723-00000 proceeding

then westerly to the northwest corner of P.I.N. 9649-02-1723-00000 and ends in the margin of the southern property line of P.I.N. 9649-02-0865-00000, which is the northeast corner of P.I.N. 9649-02-0506-00000.

Read, approved and adopted this 26<sup>th</sup> day of April, 2011.

Magdalen Bouleson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bouleson  
City Clerk

RESOLUTION NO. 11- 89

RESOLUTION ADOPTING CITY OF ASHEVILLE STRATEGIC OPERATING PLAN 2011 GOALS

WHEREAS, the Asheville City Council recognizes the importance of strategic leadership in achieving the mission of the City of Asheville; and

WHEREAS, achieving our mission of creating a sustainable, quality of life community requires vision, goal setting, and strategic priorities; and

WHEREAS, the City Council met February 4, 2011 in a strategic planning retreat; and

WHEREAS, the City Manager will produce a comprehensive quarterly report and Committee Chairs will present updates on policy initiatives designed to further achievement of strategic goals for safety, sustainability, affordability, fiscal, and green priorities; and

WHEREAS, the City Council received input from each member, discussed the alternatives and established strategic priorities;

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

Reaffirms its strategic priorities to ensure Asheville is a City that is:

- **Affordable** - The City of Asheville will offer a standard of living that is affordable and attainable for people of all income levels, life stages and abilities.
- **Fiscal Responsibility** - The City of Asheville will support a stronger, more prosperous community by making smart investments that accomplish lasting, tangible returns.
- **Green & Sustainable** - Asheville will be the southeastern leader in clean energy and environmental sustainability.
- **Job Growth and Community Development** – Asheville will support a dynamic and robust local economy with balanced sustainable growth.
- **Safe** - Asheville will be one of the safest and most secure communities when compared to similar cities.
- **Multimodal Transportation** – Integrate and implement a multi-modal transportation plan including sidewalks, bike paths, signal preemption, transit, greenways, streets, rivers and access to river, and other system improvements resulting in a funding priority list.

BE IT FURTHER RESOLVED THAT:

The City Council adopts the goals and objectives as described in Exhibit "A" for 2011-2012.

Read, approved and adopted this 26<sup>th</sup> day of April 2011.

Magdalen Bouleson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bouleson  
City Clerk

**City of Asheville**  
City Council Strategic Operating Plan  
Fiscal Year 2011-2012

**Affordable**

The City of Asheville will offer a standard of living that is affordable and attainable for people of all incomes, life stages and abilities.

**Goal I:** Hold the line on taxes and support tax and fee relief.

*Objective 1:* Explore opportunities to enhance affordability by reducing utility costs through innovative energy efficiency financing programs.

*Objective 2:* Create an Affordable Housing Standing Board or Commission to advise City Council on matters relating to affordable housing consisting of a diverse stakeholder group.

**Goal II:** Support the creation and preservation of affordable rental and home ownership opportunities in Asheville so that all citizens have access to safe, sufficient and affordable housing.

*Objective 1:* Implement reforms to Unified Development Ordinance to encourage affordable housing development; utilize zoning where possible to encourage and align affordable housing with transit.

*Objective 2:* Explore opportunities for public/private partnerships and innovative financing mechanisms to incentivize affordable housing development.

*Objective 3:* Support the Housing Authority to develop a comprehensive plan for public housing; continue to pursue redevelopment of public housing with a HOPE VI-type project.

*Objective 4:* Support initiatives to end chronic homelessness in Asheville with an emphasis on the Housing First philosophy.

*Objective 5:* Continue to provide funding for affordable housing development loans through the Housing Trust Fund; increase the number of long-term affordable units supported by the Housing Trust Fund.



City of Asheville  
City Council Strategic Operating Plan  
Fiscal Year 2011-2012

**Fiscal Responsibility**

The City of Asheville will support a stronger, more prosperous community by making smart investments that accomplish lasting, tangible returns.

**Goal I:** Operate the City of Asheville to the highest levels of fiscal responsibility.

*Objective 1:* Identify resources for strategic initiatives and create meaningful performance measures for programs and services.

*Objective 2:* Sustain at least a 15% Fund Balance.

**Goal II:** Explore alternatives for enhancing the city's long-term financial commitment to master plan implementation, infrastructure maintenance, capital improvements, and public facilities.

*Objective 1:* Leverage internal and external partnerships for pursuing capital improvements and infrastructure projects.

*Objective 2:* Review analysis of revenue streams to identify opportunities for revenue diversification.

*Objective 3:* Explore feasibility of a bond program now or in future years; learn more about financing options outside of a property tax increase.

*Objective 4:* Seek efficiencies in master plan implementation by identifying plan interdependencies, funding sources and key partnerships.

*Objective 5:* Conduct a comprehensive review of the City's Enterprise Funds, including financial, operational and capital performance.



City of Asheville  
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**Green & Sustainable**

Asheville will be the southeastern leader in clean energy and environmental sustainability.

**Goal I:** Set and develop a plan for implementing a community energy reduction goal.

*Objective 1:* Work with regional partners to create incentives for green building, energy conservation and energy independence.

*Objective 2:* Expand community education programs including climate awareness, water conservation, recycling, stormwater, and sustainability.

**Goal II:** Take the City of Asheville’s sustainability program to the next level.

*Objective 1:* Identify strategies and costs for increasing the city’s annual energy reduction goal to 4 percent.

*Objective 2:* Implement ways to reduce city-wide solid waste.

*Objective 3:* Review the City of Asheville’s ordinances that relate to tree topping, as well as parking lot tree requirements for spacing and shade.



**City of Asheville**  
City Council Strategic Operating Plan  
Fiscal Year 2011-2012

**Job Growth & Community Development**

Asheville will support a dynamic and robust local economy with balanced and sustainable growth.

**Goal I:** Create more collaborative and effective working partnerships between the City of Asheville, the business community, and other key organizations to effectively manage the city's regulatory environment while accomplishing economic development goals.

*Objective 1:* Support diversified job growth and business development.

*Objective 2:* Support business through reductions in taxes, fees, and regulations.

*Objective 3:* Partner in regional economic development strategies, including the HUB; continue partnership in the Economic Development Coalition.

*Objective 4:* Expand partnerships with UNC-Asheville, A-B Tech, Mars Hill College, Warren Wilson College and other institutions to achieve common goals, including health and wellness, workforce development, and sustainable Economic Development.

*Objective 5:* Provide leadership in buying local products and services.

*Objective 6:* Work cooperatively with state and county elected officials to enable the City to implement practical water system management and voluntary annexation policies

*Objective 7:* Consider funding for Asheville Civic Center improvements by building on momentum with existing partners.

*Objective 8:* Seek partnerships for the 4th of July and New Year's Eve fireworks displays.

*Objective 9:* Support local and regional Sustainable Community Initiatives and seek investments in Sustainable Community target areas, such as the East of the River and Between the Bridges Initiative; seek opportunities for recognition.

**Goal II:** Support a strong local economy by continuing to implement sustainable growth and development policies.

*Objective 1:* Promote sustainable, high-density, infill growth that makes efficient use of existing resources.

*Objective 2:* Support the riverfront redevelopment partnership and formation of a dedicated office.

*Objective 3:* Complete the Downtown Master Plan implementation.

*Objective 4:* Pursue models for re-formatting the Unified Development Ordinance so that it is easy to use and understand.

*Objective 5:* Consider tools and programs the City could use to promote job growth and creation.



**City of Asheville**  
City Council Strategic Operating Plan  
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*Objective 6:* Improve the affordability of water and stormwater utility rates for residential customers and ensure effectiveness and value for fees charged.

**Job Growth & Community Development, Goal III:** Maintain Asheville's commitment to being an "employer of choice" in the region.

*Objective 1:* Attract and retain quality employees with an emphasis on local labor pool development opportunities and by paying sound wages and benefits.

*Objective 2:* Enhance diversity in the City as an organization so that the workforce more closely resembles the community, especially in the area of public safety.



City of Asheville  
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Safe

Asheville will be one of the safest and most secure communities when compared to similar cities.

**Goal I:** Make Asheville the safest city in America based on approved metrics for similarly sized cities; bring benchmark metric back to City Council for approval and tracking.

*Objective 1:* Implement strategies to significantly improve public safety in neighborhoods in Asheville with the highest levels of crime.

*Objective 2:* Reaffirm commitment to eliminate open air drug markets in Asheville.

*Objective 3:* Track and monitor performance of the Nuisance Court and the "Changing Together" program.

*Objective 4:* Support recreation and employment alternatives for youth at risk of gang exposure.

*Objective 5:* Support the Safe Routes to School program by implementing one school this year.

*Objective 6:* Seek resources to enhance the Asheville Police Department's internet child abuse program.

**Goal II:** Maintain accreditation and ISO ratings of Asheville Fire & Rescue Department.

*Objective 1:* Develop an action plan for maintaining fire and rescue standard of cover throughout the city.

*Objective 2:* Increase participation in state fire code inspection schedule to 90 percent.



City of Asheville  
City Council Strategic Operating Plan  
Fiscal Year 2011-2012

**Multimodal Transportation**

Integrate and implement a multi-modal transportation plan including sidewalks, bike paths, signal preemption, transit, greenways, streets, rivers and access to the river, and other system improvements resulting in a funding priority list.

*Objective 1:* Make headway on multimodal transit options by doubling the output of sidewalk construction and maintenance.

*Objective 2:* Seek partnerships for investments in greenway and sidewalk infrastructure, including cost sharing options.

*Objective 3:* Clearly develop a long-term Capital Improvement Program funding plan for sidewalk, bike lane and greenway projects beyond a pay-go strategy.

*Objective 4:* Leverage existing funds to pursue a pedestrian and bike friendly community opportunity.

*Objective 5:* Make progress in solving the Merrimon Corridor problem by pursuing an N.C. D.O.T. analysis using their Complete Streets Policy.

*Objective 6:* City Council adoption of a Complete Streets policy.

*Objective 7:* Study alternative options for downtown parking, to include the creation of a downtown trolley.

