

RESOLUTION NO. 11-44

RESOLUTION CONFIRMING CITY COUNCIL SUPPORT OF PARTICIPATION IN THE YWCA'S "STAND AGAINST RACISM" EVENT ON APRIL 29, 2011

WHEREAS, racism still exists in our community and can no longer be ignored or tolerated; and

WHEREAS, the YWCA of Asheville has asked community organizations to arrange events in support of the "Stand against Racism" effort on April 29, 2011; and

WHEREAS, the City has an opportunity to show solidarity with the YWCA's goal of acknowledging and addressing the existence of racism;

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

The City Manager is hereby authorized to move forward with a walking diversity tour on April 29, 2011, in which City employees may demonstrate their support for the YWCA's goal to end racism.

Read, approved and adopted this the 8th day of March 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11- 45

RESOLUTION AUTHORIZING THE PURCHASE OF UP TO 900 LED ROADWAY STREETLIGHT FIXTURES FOR THE STREETLIGHT UPGRADE PROGRAM PHASE 1

WHEREAS, N.C.G.S. 143-129 details the procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129(e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when "(ii) a needed product is available from only one source of supply or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, the LED Roadway street light fixture is the only Progress Energy Carolinas approved fixture; and

WHEREAS, standardization of LED street lighting equipment is a requirement of Progress Energy Carolinas in order for the City of Asheville to receive the "customer owned" LED streetlight rate; and

WHEREAS, EECBG grant funding has been approved by City Council to purchase equipment;

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

City Council hereby authorizes the purchase of the LED Roadway as permitted under N.C.G.S. 143-129(e)(6) for equipment standardization.

Read, approved, and adopted this 8th day of March 2011

Magdalen Bourleson
CITY CLERK

Sam Bellamy
MAYOR

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 11- 46

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 detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, two (2) qualified applications for Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals from Beaucatcher Properties, LLC and Mountain Housing Opportunities, LLC, and has made its recommendation to Council to approve the loans;

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

1. \$80,000 to Beaucatcher Properties, LLC for the development of four (4) single-family rental units on Shiloh Road; \$48,000 of the loan to be made immediately available for disbursement following loan closing and \$32,000 to be made available when sufficient funds become available
2. \$300,000 to Mountain Housing Opportunities, LLC for the development of seventy (70) multifamily units at Eagle Market Place; all funds to be made immediately available for disbursement following loan closing.

Read, approved and adopted this 8th day of March, 2011.

Magdalen Boulson
City Attorney

Tommy Bellamy
Mayor

Approved As To Form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11- 47

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO PROVIDE REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAM 6- ASHEVILLE

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 166A-10 to enter into mutual aid agreements with the State of North Carolina; and

WHEREAS, the City entered into a Regional Hazardous Materials Emergency Response Agreement (herein "Agreement") with the State of North Carolina on July 1, 2008; and

WHEREAS, funds are available from the State of North Carolina through the Department of Crime Control and Public Safety for provision of Regional Hazardous Materials Emergency Response; and

WHEREAS, the State of North Carolina agrees to provide specialized equipment and materials for use by the City of Asheville; and

WHEREAS, the City of Asheville has the staff, expertise and commitment to provide regional hazardous materials emergency response services; and

WHEREAS, both parties wish to renew the agreement for one year from July 1, 2011 to June 30, 2012;

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

The City Manager is hereby, authorized to renew the Extension of Contract between the City of Asheville and the North Carolina Department of Crime Control and Public Safety for Regional Hazardous Materials Response for Region 6, with the contract to be effective July 1, 2011.

Read, approved and adopted this 8th day of March, 2011.

Magdalen Boulson
City Clerk

Amg Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-48

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE TO OPPOSE HB-129 AND SB-87, "LEVEL PLAYING FIELD/LOCAL GOV'T COMPETITION"

WHEREAS, the City of Asheville owns and operates a vital public safety communications system; and

WHEREAS, the City may, from time to time, need or desire to lease unused portions of the communications system, and use the proceeds to underwrite the costs of building and constructing the system; and

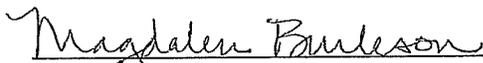
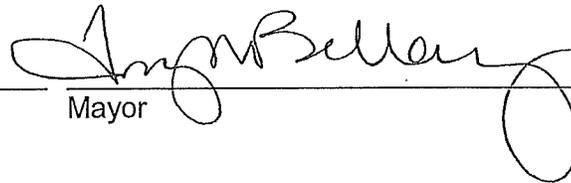
WHEREAS, the ability to operate a telecommunications system is a potentially important public service that local governments should be able to provide to their citizens; and

WHEREAS, the Southeastern Telecommunications Officers and Advisors Association as well as the North Carolina League of Municipalities strongly opposes these bills; and

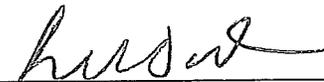
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

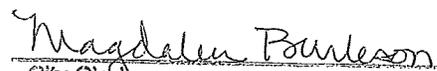
1. The City strongly opposes House Bill 129 as well as Senate Bill 87.
2. The City Manager, with the assistance of the City Attorney, is authorized to convey this resolution to the North Carolina General Assembly and to submit written comments as appropriate in support of this resolution.
3. This resolution shall be effective on and after its passage.

Read, approved and adopted this 8th day of March, 2011.


 City Clerk
 
 Mayor

Approved as to form:


 City Attorney


 City Clerk

RESOLUTION NO. 11 -49

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A FISCAL YEAR 2011 COMPREHENSIVE ANTI-GANG STRATEGIES AND PROGRAM GRANT UNDER THE DEPARTMENT OF JUSTICE, OFFICE OF JUVENILE JUSTICE DELINQUENCY PREVENTION TO ENHANCE EXISTING EVIDENCED-BASED GANG PREVENTION, INTERVENTION, AND SUPPRESSION PROGRAMS

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the agencies of the federal government and to enter into contracts for the administration of said grants; and

WHEREAS, the Weed and Seed vision should be expanded to other areas of the City; and

WHEREAS, the goal of this grant is to provide positive alternatives to at-risk or gang involved youth and continue to address violent group and gang related crime, thereby increasing public safety;

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

The City Manager be, and is hereby, authorized to apply for a non-matching \$750,000 grant funded under the Department of Justice, Office of Juvenile Justice Delinquency Prevention.

Read, approved and adopted this 8th day of March, 2011.

Magdalen Burtson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

Paul J. Jank
City Attorney

Magdalen Burtson
City Clerk

RESOLUTION NO. 11-50

RESOLUTION AMENDING THE TRANSFORMATIONAL DEVELOPMENT PROJECTS INCENTIVE POLICY FOR THE CITY OF ASHEVILLE

WHEREAS, pursuant to the "Local Development Act of 1925," NCGS 158-7.1, the City is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys, and locating industrial and commercial plants or in near the City; encouraging the building of railroads or other purposes which, in the discretion of the City Council, will increase the population, taxable property, agricultural industries, and business prospects of the City; and

WHEREAS, the Asheville City Council believes it important to support development meeting thresholds that support major elements of the Council's Strategic Plan and the City's 2025 Comprehensive Plan; and

WHEREAS, the Council believes it important to specify the elements it considers important to see in such "transformational" development such as easy access (walkability and transit) to major employment centers and areas proposed for redevelopment, that offer jobs as well as affordable and workforce housing elements; and

WHEREAS, the Council wishes to create thresholds for development projects to apply to the Council for such support;

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

The Transformational Development Projects Incentive Policy, adopted on November 9, 2010 (Resolution No. 10-240) is revised as shown on Exhibit A, attached hereto.

Read, approved and adopted this 8th day of March, 2011.

Magdalen Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

City Clerk

Land Use Incentive Policy

This policy is intended to provide incentives to encourage development projects that fulfill important public purposes that include directly addressing annual strategic goals set by the City Council. It offers discretionary approval of incentives that the Council may choose to grant to projects they believe best achieve their goals.

Applications will be evaluated by staff taking into account Council goals, the stated required elements, and the points achieved in the public benefit elements. The staff will provide a report to the Council, with a recommendation based on a balance of those factors. The point scoring system outlined below is a tool for staff evaluation of certain aspects of submitted projects; it does not alone qualify a project for approval.

Required elements - Base level requirements for participation in this policy incentive include:

- Energy Star Certification
- Assume all legal costs if challenged
- 20% equity participation by party requesting incentive
- Inside city limits, within ¼ mile of the following major highways to the end of the City's corporate limits: Patton Avenue, Hendersonville Road, Sweeten Creek Road, Tunnel Road, Haywood Road, Merrimon Avenue, New Leicester Highway, Brevard Road

<u>Public Benefit Element</u>	<u>Points</u>
Green Building/ Energy	
Energy Star Certified	5
Leed Bronze or HB Silver	10
Leed Silver or HB Gold	20
Leed Gold or HB Platinum	30
Leed Platinum	40

Tax rebate incentive cannot begin until the designated certification is achieved.

Affordable Housing

Must agree to 10 year affordability criteria for rents at 80% of area medium income:

10%+ affordable	10
20%+ affordable	20
30%+ affordable	30
40%+ affordable	40

Annual report to the City demonstrating continuing affordability of the designated dwelling units must be provided for the 10 years of affordability.

Workforce Housing

Must agree to 10 year affordability criteria for rents at 120% of area medium income:

25%+ workforce	5
50%+ workforce	10
75%+ workforce	15

Annual report to the City demonstrating continuing affordability of the designated dwelling units must be provided for the 10 years of affordability.

Mixed Use and Transit Orientation

Includes a minimum 20% non-residential	5
Within the Sustainability Bonus area	5
Brownfield Redevelopment	5

Public Benefit Element	5	10	15	20	30	40	50
Energy Star Certified	X						
Leed Bronze/ Healthy Built Silver		X					
Leed Silver/ Healthy Built Gold				X			
Leed Gold/ Healthy Built Platinum					X		
Leed Platinum						X	
10%+ Affordable		X					
20%+ Affordable				X			
30%+ Affordable					X		
40%+ Affordable						X	
25%+ Workforce	X						
50%+ Workforce		X					
75%+ Workforce			X				
Mixed-Use (20% non-residential)	X						
Located w. in Sustainability Bonus area	X						
Brownfield Redevelopment	X						

If the City Council chooses to extend support the following assistance will be available at the discretion of the Council under the following process and standard for evaluation:

- Approval of an incentive grant in the form of a tax rebate under this policy will require a public hearing and approval by the City Council.
- Unless granted an exemption from the City Council, submitted projects must not have yet received building permits.
- The staff will provide an assessment to the Council of any submitted project, taking into account fulfillment of Council goals and applicable master plans as well as any points achieved using this policy.
- The Council will make a determination of whether to award the available incentives based on their overall evaluation of the submitted project, not just the number of points.
- This policy provides that every 10 points can earn one year of economic incentive (equivalent to city property taxes in excess of currently assessed taxes for one year annually applied, *to be dated from the date of release of all occupancy permits and certification of all green building/energy standards designated for the project.*
- Every 10 points can also earn a 10% reduction in the following fees and charges: Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Plan review fees and Water service connection fee. *This reduction is in addition to the existing fees rebated for affordable housing projects.*
- Any project receiving an incentive related to provision of affordable or workforce housing must provide an annual report to the City for the 10 years that the designated dwelling units must remain at that level of affordability. The report must demonstrated the continued affordability of the units, or the tax rebate incentive must be returned to the City.

Adopted by City Council as worded March 8, 2011

Resolution No. 11-51

**RESOLUTION SUPPORTING FULL FUNDING FOR THE COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM**

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, in the past five years alone, CDBG and HOME funds have helped start or expand 273 small businesses, creating 135 new jobs in those businesses; assisted 124 low-income households become first time homebuyers; produced 1,665 units of affordable housing; assisted 3,670 households avoid eviction or foreclosure, or obtain safe affordable housing; and improved transit, traffic calming and community facilities for the benefit of 11,200 persons; and

WHEREAS, the City and the Asheville Regional Housing Consortium Board have established community development strategies, embodied in the 2010-2015 Action Plan that will continue to provide benefits to thousands of citizens from Asheville and throughout the region using CDBG and HOME funds; and

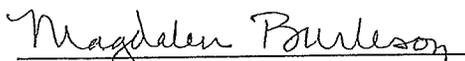
WHEREAS, CDBG and HOME funds bring additional leverage of \$18 to every \$1 of those funds used to create these benefits; and

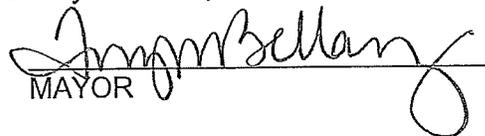
WHEREAS, the continued funding of these programs is essential to the provision of these benefits, and to the economic health and vitality of Asheville and the region,

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

1. Council strongly urges the United States Congress and President to continue to fund the CDBG and HOME programs at its FY 2010 level in the current and future fiscal years and sufficient to bring equal or greater benefit to the Citizens of this community; and
2. Authorize the Mayor of the City of Asheville to communicate this message to elected federal officials so that the Council's views are known as the federal budget for fiscal years 2011 and 2012 are determined and decided.

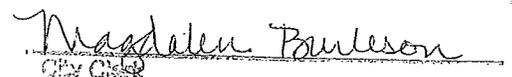
Read, approved and adopted this 8th day of March, 2011.


CITY CLERK


MAYOR

Approved As To Form:


CITY ATTORNEY


CITY CLERK

RESOLUTION NO. 11-52

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, Mr. Ron Maynard (east representative) has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2011;

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

Ms. Debbie Applewhite, 56 Fairway Drive, Asheville, N.C., be and she is hereby appointed as the east area representative on the Citizens/Police Advisory Committee, to serve the unexpired term of Mr. Maynard, term to expire June 30, 2011, and then a full three year term, term to expire June 30, 2014, or until her successor has been appointed.

Read, approved and adopted this 8th day of March, 2011.

Magdalen Baulson
CITY CLERK

Immy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 11-53

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART BOARD

WHEREAS, Mr. Harry Harrison has resigned as a member of the Public Art Board, thus leaving a vacancy until June 30, 2012;

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

Ms. Sharon Trammel, 405 Windswept Drive, Asheville, N.C., be and she is hereby appointed as a member of the Public Art Board to serve the unexpired term of Mr. Harrison, term to expire June 30, 2012, or until her successor has been appointed.

Read, approved and adopted this 8th day of March, 2011.

Magdalen Bourleson
CITY CLERK

Jimmy Zellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
CITY CLERK