

RESOLUTION NO. 09- 57

RESOLUTION OF SUPPORT AND FOR A U.S. ENVIRONMENTAL PROTECTION AGENCY'S (EPA) SMART GROWTH IMPLEMENTATION ASSISTANCE GRANT APPLICATION AND AUTHORIZATION TO ACCEPT SAID GRANT

WHEREAS, U.S. Environmental Protection Agency's (EPA) Smart Growth Implementation Assistance Program is available to communities that want to develop in ways that reflect the principles of smart growth in order to foster economic development, protect environmental resources, enhance public health and meet other social and community goals; and

WHEREAS, Asheville as a community has embraced and supported smart growth principles, therefore is eligible to apply for this grant; and

WHEREAS, City staff has collaborated with private partners including Mountain Housing Opportunities and the Asheville Design Center, to submit an application for assistance; and

WHEREAS, the City wants to address the problems that Asheville's highway corridors have created, such as disconnected neighborhoods and a sprawling development pattern; and

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

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

The Council of the City of Asheville supports the application for Smart Growth Implementation Assistance Program to explore policy options that integrate transportation and land use as an economic development vehicle.

The Council of the City of Asheville authorizes the Manager of the City of Asheville to execute documents to accept Smart Growth Implementation Assistance Program grant awards.

Read, approved and adopted this 14th day of April, 2009.

Margalene Boulson
City Clerk

Ingobald
Mayor

Approved as to form:

Ron
City Attorney

Microfilmed by:
NC Dept of Cultural Resources
Division of Historical Resources
Archives and Records Section

Filed by: UD Date: 3/12/14

Margalene Boulson
City Clerk

RESOLUTION NO. 09 -58

RESOLUTION ACCEPTING ALLIANCE COURT, HEART DRIVE, MACHEN ROAD, RIDGEFIELD BLVD, AND RIDGEFIELD COURT AS CITY-MAINTAINED STREETS

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, Alliance Court, Heart Drive, Machen Road, Ridgefield Blvd, and Ridgefield Court are now located in the corporate limits of the City of Asheville as a result of recent annexations; and

WHEREAS, Alliance Court and Heart Drive are currently privately-maintained; and

WHEREAS, dedication of the 50-foot right-of-way for Alliance Court has been recorded in Plat Book 74 Page 176; and

WHEREAS, dedication of the 60-foot right-of-way for Heart Drive has been recorded in Plat Book 74 Page 176; and

WHEREAS, Machen Road, Ridgefield Blvd, and Ridgefield Court are currently maintained by the North Carolina Department of Transportation; and

WHEREAS, Ridgefield Blvd is currently identified as SR 3624 and is specifically located from NC 191 (Brevard Road) to NC 191 (Brevard Road) for a total length of 0.83 mile; and

WHEREAS, Ridgefield Court is currently identified as SR 3625 and is specifically located from SR 3624 (Ridgefield Blvd) to its dead-end for a total length of 0.24 mile; and

WHEREAS, Machen Road is currently identified as SR 3644 and is specifically located from SR 3527 (Bradley Branch Road) to its dead-end for a total length of 0.11 mile; and

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

Machen Road, Ridgefield Blvd, and Ridgefield Court are accepted by the City of Asheville for maintenance as indicated on the attached maps subject to concurrence by the North Carolina Department of Transportation; and Alliance Court and Heart Drive are accepted by the City of Asheville for maintenance as indicated on the attached maps.

Read, approved and adopted this 14th day of April, 2009.

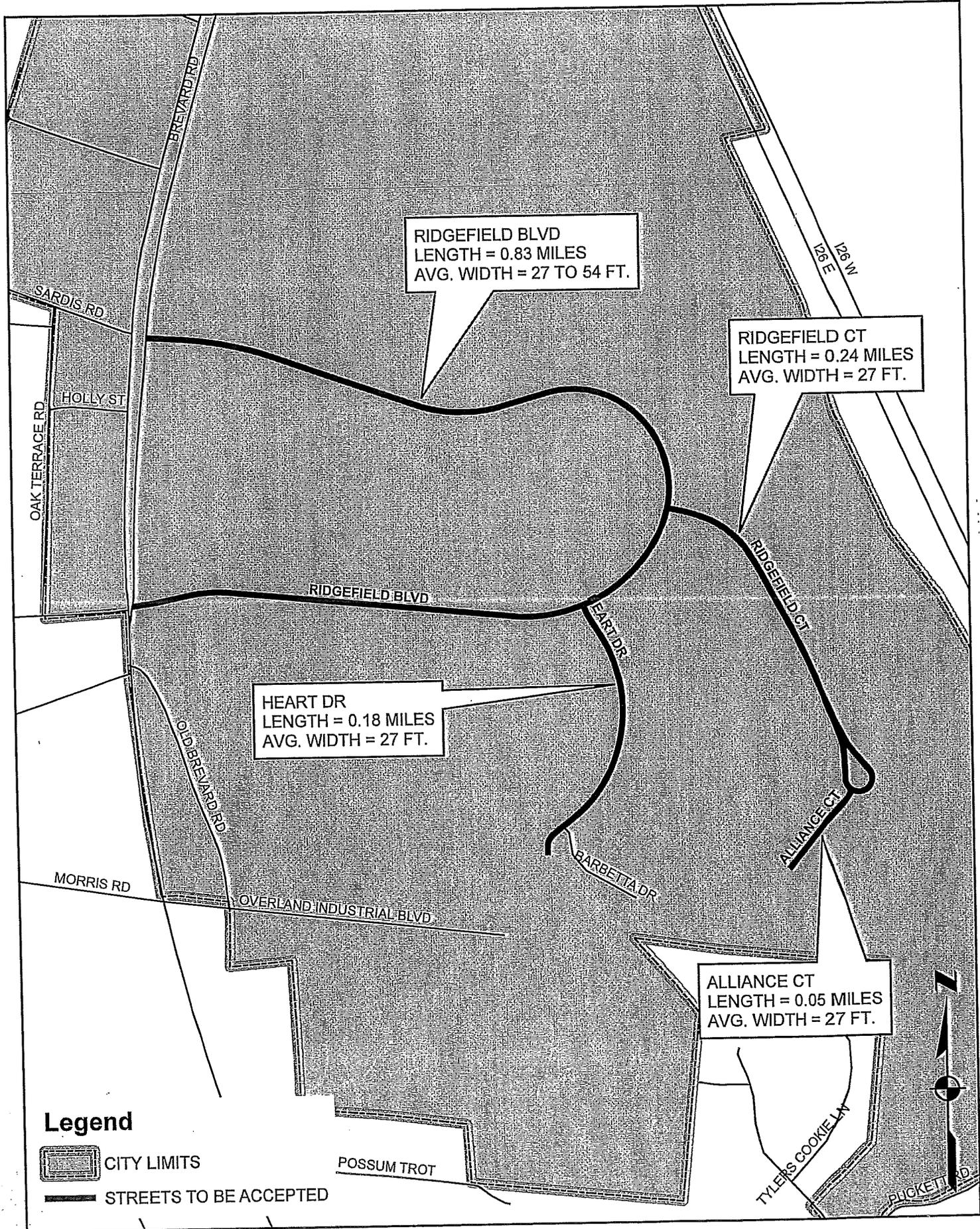
Magdalena Boursion
City Clerk

Gregory W. Bell
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalena Boursion
City Clerk

[Faint, illegible text]



RIDGEFIELD BLVD
LENGTH = 0.83 MILES
AVG. WIDTH = 27 TO 54 FT.

RIDGEFIELD CT
LENGTH = 0.24 MILES
AVG. WIDTH = 27 FT.

HEART DR
LENGTH = 0.18 MILES
AVG. WIDTH = 27 FT.

ALLIANCE CT
LENGTH = 0.05 MILES
AVG. WIDTH = 27 FT.

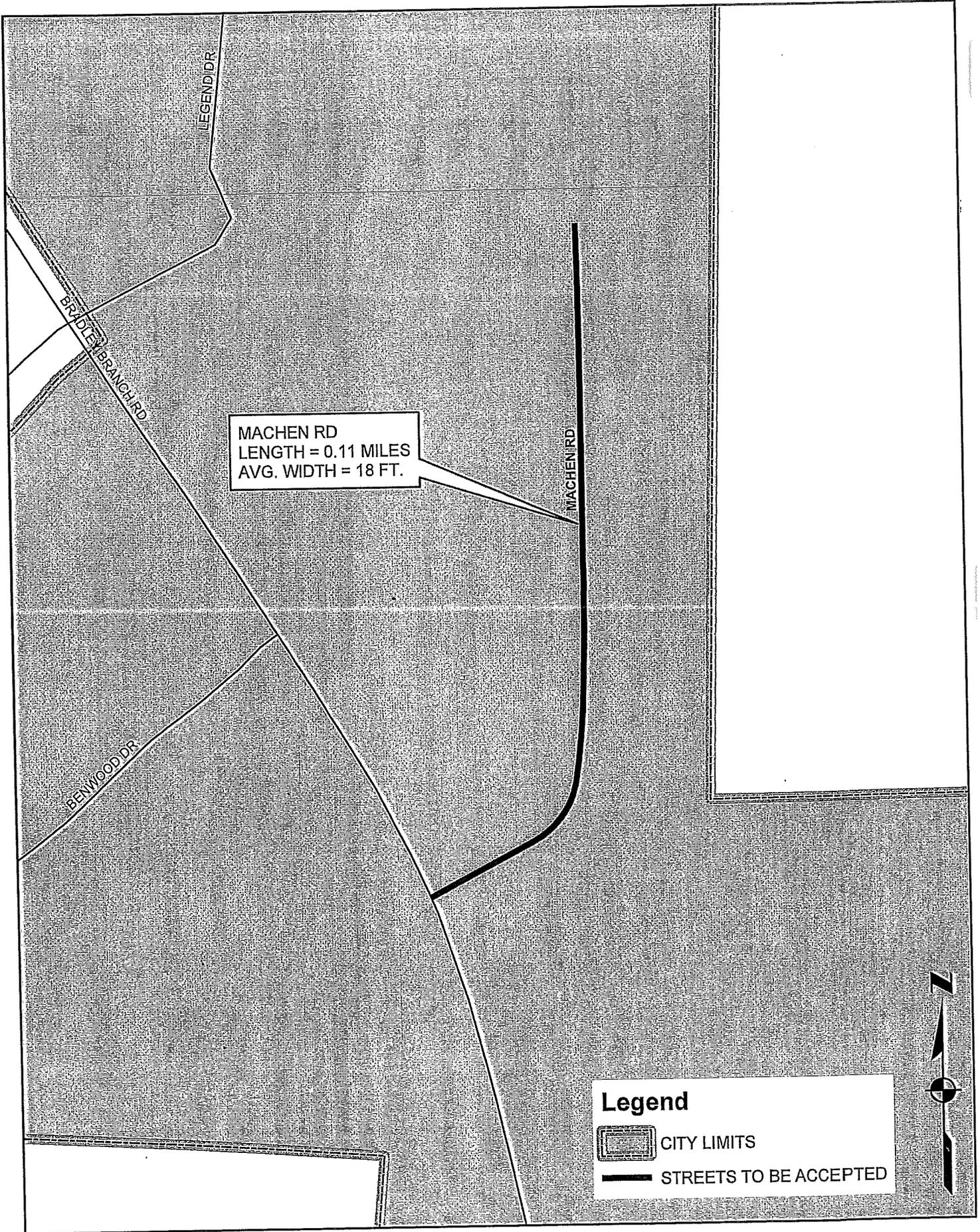
Legend



CITY LIMITS



STREETS TO BE ACCEPTED



RESOLUTION NO. 09-59

A RESOLUTION ALLOWING A WAIVER OF N.C.G.S. § 143-64.31 FOR THE PROFESSIONAL ENGINEERING CONTRACT FOR THE RANKIN AVENUE PARKING GARAGE

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 N.C.G.S. § 143-64.31 the City of Asheville announced and advertised requirements for professional engineering services to determine the structural conditions and repairs needed for the Wall Street Parking Garage; and

WHEREAS, the City recommends Walker Parking Consultants to perform the engineering services for the Wall Street Parking Garage Restoration project based on Walker's demonstrated competence and qualifications; and

WHEREAS, the City determined that it needed to conduct the same engineering project for the Rankin Avenue Parking Garage and the professional requirements needed for the Rankin Avenue project are exactly the same as the Wall Street project; and

WHEREAS, it would be redundant and cost prohibitive to announce and advertise another engineering project when the City already reviewed the professional qualifications for the same type of parking garage project approximately one month ago;

WHEREAS, pursuant to N.C.G.S. § 143-64.32, the City Council may waive the requirements of announcing the engineering project in accordance N.C.G.S. § 143-64.31; and

WHEREAS, the City Council has determined that it is in the best interest of the City to waive said requirements.

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

The City Manager or designee is hereby allowed to waive the announcement requirements as set forth in N.C.G.S. § 143-64.31 for engineering services for the Rankin Street Parking Garage Restoration project.

Read, approved and adopted this 14th day of April, 2009.

Magdalena Bouleson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Bouleson
City Clerk

RESOLUTION NO. 09-60

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR THE INSTALLATION OF POWER UTILITY LINES AND FACILITIES ON CITY PROPERTY ON AIRPORT ROAD (WNC AGRICULTURAL CENTER)

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-273 to grant easements across City property; and

WHEREAS, the City is the owner of land on which the Western North Carolina Agriculture Center (herein "WNCAC") is located, which is leased to the State of North Carolina (Department of Agriculture and Consumer Services) for the WNCAC; and

WHEREAS, a new arts and crafts facility is being constructed at the WNCAC, which requires new electrical power facilities for which an easement is needed; and

WHEREAS, the City Council has determined that the requested easement is in the public interest;

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

The Mayor be, and is hereby, authorized to execute easements to Progress Energy across City property at the WNCAC, the form of said easements to be approved by the City Attorney.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

Jim Bell
Mayor

Approved as to form:

Paul D. [Signature]
City Attorney

Magdalen Boulson
City Clerk

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RESOLUTION NO. 09-61

RESOLUTION AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND ENGINEERING TO
SUBJECT AN APPLICATION TO THE CLEAN WATER STATE REVOLVING FUND FOR ECONOMIC
STIMULUS FUNDING

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (N.C.G.S. 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater collection system; and

WHEREAS, the City of Asheville has need for and intends to construct a wastewater collection system Project described as "Sardis Road Area Sanitary Sewer Line" (herein "Project"); and

WHEREAS, the City of Asheville intends to request loan and grant assistance for the Project;

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

1. The City of Asheville (herein "City") will arrange financing for all remaining costs of the Project, if approved for a State loan and grant award.
2. The City will adopt and place into effect on or before completion of the Project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. The City will include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City to make scheduled repayment of the loan; to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. The City will provide for efficient operation and maintenance of the Project on completion of construction thereof.
5. The Director of Transportation and Engineering (herein "Authorized Official") is hereby authorized to execute and file an application on behalf of the City with the State of North Carolina for a loan and grant to aid in the construction of the Project described above.
6. The Authorized Official is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. The City has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the Project and to federal and state grants and loans pertaining thereto.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

Jim M. Kelly
Mayor

Approved as to form:

Ann S. Kelly
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-62

RESOLUTION AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND ENGINEERING TO SUBMIT AN APPLICATION TO THE CLEAN WATER STATE REVOLVING FUND FOR ECONOMIC STIMULUS FUNDING

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (N.C.G.S. 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater collection system; and

WHEREAS, the City of Asheville has need for and intends to construct a wastewater collection system project described as "Airport Road Area Sanitary Sewer Line" (herein "Project"); and

WHEREAS, the City of Asheville intends to request loan and grant assistance for the Project;

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

1. The Applicant City of Asheville (herein "City") will arrange financing for all remaining costs of the Project, if approved for a State loan and grant award.
2. The City will adopt and place into effect on or before completion of the Project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. The City agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City to make scheduled repayment of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. The City will provide for efficient operation and maintenance of the Project on completion of construction thereof.
5. The Director of Transportation and Engineering (herein "Authorized Official") is hereby authorized to execute and file an application on behalf of the City with the State of North Carolina for a loan and grant to aid in the construction of the Project described above.
6. The Authorized Official is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. The City has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the Project and to federal and state grants and loans pertaining thereto.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Bourleson
City Clerk

Imogen Bally
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 09-63

RESOLUTION AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND ENGINEERING TO
SUBMIT AN APPLICATION TO THE CLEAN WATER STATE REVOLVING FUND FOR ECONOMIC
STIMULUS FUNDING

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (N.C.G.S. 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of stormwater improvements; and

WHEREAS, the City of Asheville has need for and intends to construct a stormwater improvements project described as "Dingle Creek Stormwater Improvements" (herein "Project"); and

WHEREAS, the City of Asheville intends to request loan and grant assistance for the Project;

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

1. That applicant City of Asheville (herein "City") will arrange financing for all remaining costs of the Project, if approved for a State loan and grant award.
2. The City will adopt and place into effect on or before completion of the Project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. The City will include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City to make scheduled repayment of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. The City will provide for efficient operation and maintenance of the Project on completion of construction thereof.
5. The Director of Transportation and Engineering (herein "Authorized Official") is hereby authorized to execute and file an application on behalf of the City with the State of North Carolina for a loan and grant to aid in the construction of the Project described above.
6. The Authorized Official is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. The City has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the Project and to federal and state grants and loans pertaining thereto.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

Jimmy W. Butler
Mayor

Approved as to form:

David J. [Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-64

RESOLUTION AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND ENGINEERING TO SUBMIT AN APPLICATION TO THE CLEAN WATER STATE REVOLVING FUND FOR ECONOMIC STIMULUS FUNDING

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (N.C.G.S. 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of stormwater improvements; and

WHEREAS, the City of Asheville has need for and intends to construct a stormwater improvements project described as "Ross Creek Stormwater Improvements" (herein "Project"); and

WHEREAS, the City of Asheville intends to request loan and grant assistance for the Project;

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

1. The applicant the City of Asheville (herein "City") will arrange financing for all remaining costs of the Project, if approved for a State loan and grant award.
2. The City will adopt and place into effect on or before completion of the Project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. The City will include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City to make scheduled repayment of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. The City will provide for efficient operation and maintenance of the Project on completion of construction thereof.
5. The Director of Transportation and Engineering (herein "Authorized Official") is hereby authorized to execute and file an application on behalf of the City with the State of North Carolina for a loan and grant to aid in the construction of the Project described above.
6. The Authorized Official is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. The City has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the Project and to federal and state grants and loans pertaining thereto.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-65

RESOLUTION AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND ENGINEERING TO
SUBMIT AN APPLICATION TO THE CLEAN WATER STATE REVOLVING FUND FOR ECONOMIC
STIMULUS FUNDING

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (N.C.G.S. 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of stormwater improvements; and

WHEREAS, the City of Asheville has need for and intends to construct a stormwater improvements project described as "Victoria Road Drainage Improvements" (herein "Project"); and

WHEREAS, the City of Asheville intends to request loan and grant assistance for the Project;

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

1. The applicant City of Asheville (herein "City") will arrange financing for all remaining costs of the Project, if approved for a State loan and grant award.
2. The City will adopt and place into effect on or before completion of the Project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. The City will include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City to make scheduled repayment of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. The City will provide for efficient operation and maintenance of the Project on completion of construction thereof.
5. The Director of Transportation and Engineering (herein "Authorized Official") is hereby authorized to execute and file an application on behalf of the City with the State of North Carolina for a loan and grant to aid in the construction of the Project described above.
6. The Authorized Official is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. The City has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the Project and to federal and state grants and loans pertaining thereto.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-66

RESOLUTION AUTHORIZING THE DIRECTOR OF TRANSPORTATION AND ENGINEERING TO SUBMIT AN APPLICATION TO THE CLEAN WATER STATE REVOLVING FUND FOR ECONOMIC STIMULUS FUNDING

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (N.C.G.S. 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of stormwater improvements; and

WHEREAS, the City of Asheville has need for and intends to construct a stormwater improvement project described as "Old Toll Road storm drain repair and stabilization" (herein "Project"); and

WHEREAS, the City of Asheville intends to request loan and grant assistance for the Project;

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

1. The applicant City of Asheville (herein "City") will arrange financing for all remaining costs of the Project, if approved for a State loan and grant award.
2. The City will adopt and place into effect on or before completion of the Project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. The City will include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City to make scheduled repayment of the loan, to withhold from the City any State funds that would otherwise be distributed to the City in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. The City will provide for efficient operation and maintenance of the Project on completion of construction thereof.
5. The Director of Transportation and Engineering (herein "Authorized Official") is hereby authorized to execute and file an application on behalf of the City with the State of North Carolina for a loan and grant to aid in the construction of the Project described above.
6. The Authorized Official is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the Project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. The City has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the Project and to federal and state grants and loans pertaining thereto.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulton
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO: 09-67

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR COPS FUNDING UNDER THE ECONOMIC STIMULUS PROGRAM TO INCREASE THE NUMBER OF SWORN POLICE OFFICER POSITIONS BY TWELVE

WHEREAS, the City has determined through cooperative community efforts and analysis that the need exists for increased police presence in the Central Business District; and

WHEREAS, the Police Department has determined that current staffing will not permit the assignment of full time officers downtown and the current need and projected benefit outweigh the associated costs;

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

The City Manager, or his designee, is hereby authorized to apply for COPS funding for 12 police officer positions. The City Manager is also authorized to execute any documents necessary to give effect to this resolution.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

Jim Buckley
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-68

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE
CITY OF ASHEVILLE FEDERAL AVIATION ADMINISTRATION GRANTS

WHEREAS, the City of Asheville and Buncombe County have established the Asheville Regional Airport Authority (herein "ARAA") by interlocal agreement, which provides, among other things, that the Authority may apply for and receive federal funding; and

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") has offered grant agreements and stimulus funding to the Asheville Regional Airport Authority; and

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreements; and

WHEREAS, the combination of funds will be utilized for the renovation of the Terminal A-Gates area, the renovation and upgrading of the roadway leading into the general aviation area, purchase of a new Rapid Intervention Vehicle, and the construction of new aircraft parking apron and a taxiway connector;

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

1. The City of Asheville hereby approves the ARAA's application for a federal stimulus funding grant for at least \$7.5 million in non-matching funds to be used for airport improvements, if offered by the FAA, and that the Mayor be and is hereby authorized to execute the necessary documents, subject to the approval of the City Attorney.
2. The City of Asheville hereby approves ARAA's application for an Airport Improvement Program grant in an amount of at least \$2.7 million (5% local match), when offered by the FAA, and the Mayor is hereby authorized to execute the necessary documents, subject to the approval of the City Attorney, and subject to budgetary appropriation by ARAA.
3. The City of Asheville hereby approves ARAA's application for an Airport Improvement Program "fallout" grant, in an amount to be determined (5% local match), when offered by the FAA, and the Mayor is hereby authorized to execute the necessary

documents, subject to the approval of the City Attorney, and subject to budgetary appropriation by ARAA.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Mr. [Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-69

RESOLUTION AMENDING THE FEES AND CHARGES MANUAL TO ESTABLISH
PARK RENTAL FEES FOR PACK SQUARE PARK

WHEREAS, pursuant to N.C.G.S. § 160A-351, the City has the authority to create, establish, and operate parks and recreation programs; and

WHEREAS, pursuant to N.C.G.S. § 160A-4, the City has the authority to charge regulatory user fees; and

WHEREAS, the City Council of the City of Asheville adopted on September 26, 1995 a revised Fees and Charges Manual which includes fees and charges, which manual is updated annually with the adoption of the City's budget; and

WHEREAS, Pack Square area of the park is scheduled to open April/May 2009, followed by the Roger McGuire Green and Reuter Terrace in late summer 2009; and

WHEREAS, Areas within the park available for rent include Pack Square, Reuter Terrace, Roger McGuire Green and City/County Parking Lot. All use will follow guidelines in the Outdoor Special Event Guide; and

WHEREAS, City staff has determined to charge a rental fee for event use of Pack Square, Reuter Terrace, Roger McGuire Green and City/County Parking Lot;

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

1. Page PR 12 of the Fees and Charges Manual of the City of Asheville be and is hereby replaced in its entirety by the new page attached hereto as Exhibit "A".
2. These changes shall be effective April 15, 2009.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

Gregory B. Bell
Mayor

Approved as to form:

David D. [Signature]
City Attorney

Magdalen Boulson
City Clerk

CITY OF ASHEVILLE
FEES & CHARGES MANUAL

DEPARTMENT Parks and Recreation DIVISION Cultural Affairs

Revenue Name Pack Square Park Rental Fees

Account Code See Below

Description of Revenue

Revenue derived from the closure of Pack Square Park for events.

Fee Schedule

		Accounts
Pack Square	\$100.00 per first three hours	110-4611-364-1000 C50151
	\$25 for each additional hour	110-4611-364-1000 C50151
Reuter Terrace and Roger McGuire Green	\$500.00 per first three hours	110-4611-364-1000 C50151
	\$100 for each additional hour	110-4611-364-1000 C50151

Note: Until the pavilion in Reuter Terrace is built, Reuter Terrace and Roger McGuire Green will be rented as one area. Once the pavilion is complete, the rental fee for the areas will be reassessed. Use of Roger McGuire Green includes use of the stage. Use of the stage may require use of the City/County Parking lot.

RESOLUTION NO. 09- 70

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE EARTH DAY EVENT LOCATED AT MARTIN LUTHER KING JR. PARK ON SATURDAY, APRIL 18, 2009 FROM 11:00 AM – 10:00 PM.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Earth Day event.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Earth Day event area.

The Asheville Earth Day event area is within the fenced boundaries of Martin Luther King Jr. Park, as set forth in Exhibit A, attached to this resolution.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Earth Day event on Saturday, April 18, 2009 from 11:00 AM – 10:00 PM.
3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Earth Day event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Earth Day event area,

or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

- 4. The location of the Asheville Earth Day event, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of April 2009.

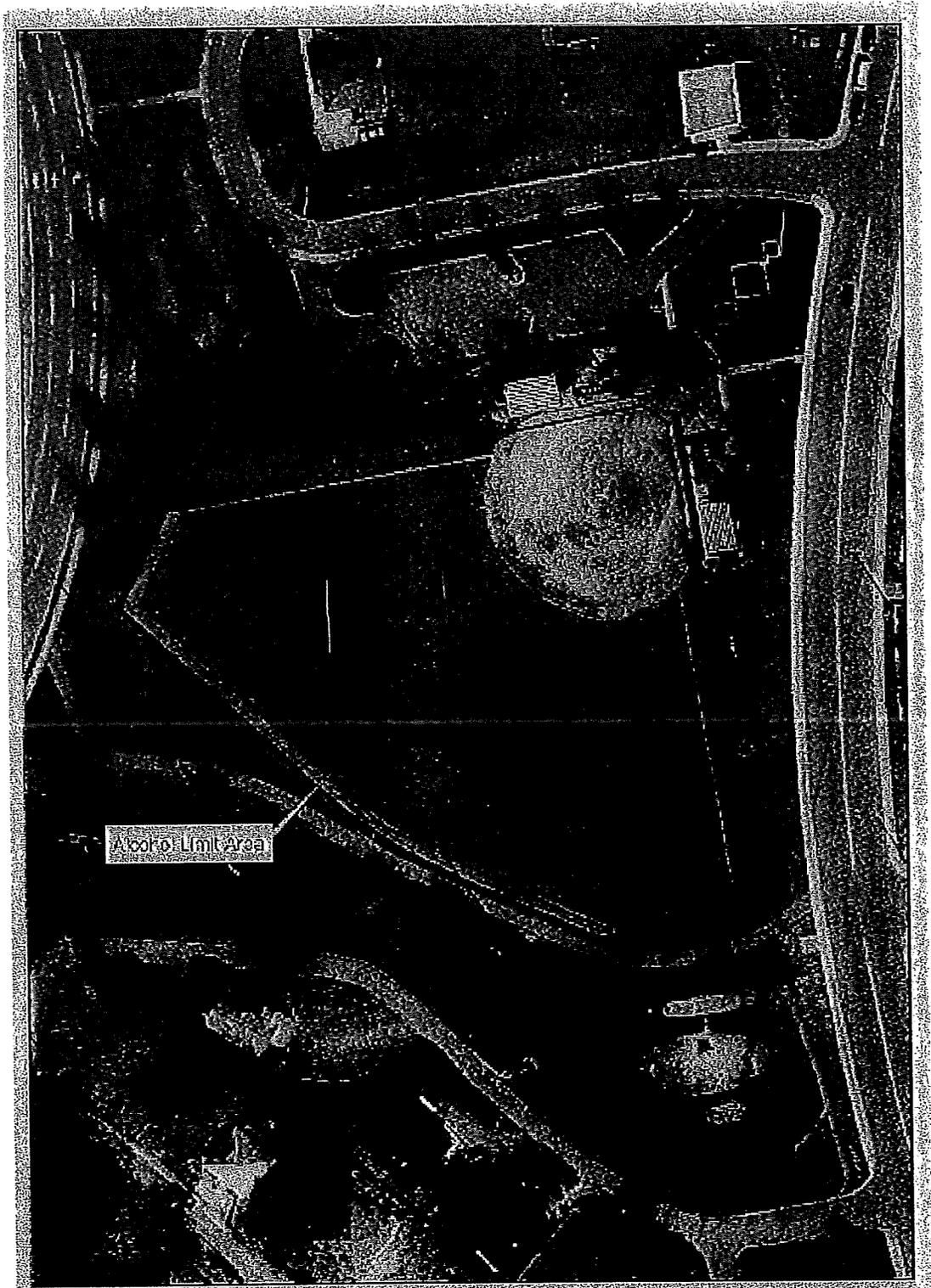
Magdalena Boulson
 City Clerk

[Signature]
 Mayor

Approved as to form:

[Signature]
 City Attorney

Magdalena Boulson
 City Clerk



Martin Luther King, Jr. Park

RESOLUTION NO. 09-71

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE REIMBURSEMENT OF FUNDS TO BE EXPENDED FOR BUS SERVICE TO THE TOWN OF BLACK MOUNTAIN

WHEREAS, the City is in need of, and in receipt of demand for, intercity transit service, specifically to the Black Mountain area east of the City of Asheville; and

WHEREAS, N.C.G.S. §160A-17.1, authorizes the City to apply for and accept grants-in-aid and loans from the federal and State governments; and

WHEREAS, the City has received a grant from NCDOT to reimburse the City Of Asheville for the cost of operating intercity service to Black Mountain; and

WHEREAS, City staff recommends that the City enter into an Agreement with NCDOT for the reimbursement of funds to be expended for service to Black Mountain.

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 the North Carolina Department of Transportation for the reimbursement of funds to be expended for service to Black Mountain.

Read, approved and adopted this the 14th day of April 2009.

Magdalen Baulson
City Clerk

Imogen B...
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 09-72

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE REIMBURSEMENT OF FUNDS TO BE EXPENDED FOR BUS SERVICE TO THE TOWN OF WEAVERVILLE

WHEREAS, the City is in need of, and in receipt of demand for, intercity transit service, specifically to the Weaverville area north of the City of Asheville; and

WHEREAS, N.C.G.S. §160A-17.1, authorizes the City to apply for and accept grants-in-aid and loans from the federal and State governments; and

WHEREAS, the City has received a grant from NCDOT to reimburse the City Of Asheville for the cost of operating intercity service to Weaverville; and

WHEREAS, City staff recommends that the City enter into an Agreement with NCDOT for the reimbursement of funds to be expended for service to Weaverville.

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 the North Carolina Department of Transportation for the reimbursement of funds to be expended for service to Weaverville.

Read, approved and adopted this the 14th day of April 2009.

Magdalen Bourleson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-73

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE ASHEVILLE BUNCOMBE TECHNICAL COLLEGE TO PURCHASE AND INSTALL A MODULAR HOME AT 711 FAIRVIEW ROAD

WHEREAS, pursuant to G.S. § 160A-461, any unit of local government may enter into an agreement with another unit in order to execute a joint undertaking; and

WHEREAS, the City is in need of a new structure for a police substation at 711 Fairview Road; and

WHEREAS, AB-Tech is wishing to create hands on learning experiences for its students; and

WHEREAS, AB-Tech has a modular home which suits the need of the City; and

WHEREAS, the City and AB-Tech wish to enter into an interlocal agreement so City can acquire and install a new structure for a police substation and at the same time AB-Tech can provide its students with hands on learning opportunities regarding the site preparation and installation of a modular home;

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

The Mayor is hereby authorized to enter into an Interlocal Agreement with Asheville – Buncombe Technical College for the purchase and installation of a modular home at 711 Fairview Road.

Read, approved and adopted this the 14th day of April 2009.

Magdalen Boulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09- 74

RESOLUTION AUTHORIZING THE DEMOLITION OF CITY OWNED PROPERTY
LOCATED AT 711 FAIRVIEW ROAD

WHEREAS, pursuant to N.C.G.S. § 160A-265, the City may sell or dispose of real or personal property it owns; and

WHEREAS, city government owns property located at 711 Fairview Road that has most recently been used as a substation for Asheville Police; and

WHEREAS, the Asheville City Council desires to upgrade this facility by entering a partnership with Asheville-Buncombe Technical Community College by constructing a modern structure to be used as a substation for Asheville Police; and

WHEREAS, the old structure will need to be removed in order to construct the new structure, and that a series of permits and approvals will be needed in order to facilitate such demolition, and

WHEREAS, city staff desires to conduct this demolition by the most effective and efficient means possible.

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

The City Manager of the City of Asheville is authorized to obtain all necessary permits, sign all necessary documentation and follow all necessary procedures to properly demolish the existing police substation located at 711 Fairview Road and replace it with a new structure for the current use of a substation for the Asheville Police Department.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Boulson
City Clerk

Jim Bullen
Mayor

Approved as to form:

Russ J. [Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-75

RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD

WHEREAS, the term of John Miall, as a member on the Civil Service Board, expires May 21, 2009;

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

Mr. John P. Miall Jr., 18 Northwood Road, Asheville, N.C., be and he is hereby reappointed as a member of the Civil Service Board to serve an additional two-year term, term to expire May 21, 2011, or until his successor has been appointed.

Read, approved and adopted this 14th day of April, 2009.

Magdalen Burlington
CITY CLERK

Jim M. Bailey
MAYOR

Approved as to form:

R. M. D. [Signature]
CITY ATTORNEY

Magdalen Burlington
City Clerk