RESOLUTION NO. 09-35

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WALKER PARKING CONSULTANTS FOR WALL STREET AND RANKIN AVENUE PARKING GARAGES RESTORATION

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, professional engineering services are required to determine structural conditions and repairs needed therein; and

WHEREAS, pursuant to N.C.G.S. 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, the amount of the Agreement is $116,750.00 and the monies have been budgeted in the Transportation & Engineering's 2008/2009 Fiscal Year 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 Walker Parking Consultants, not to exceed $125,000.00 for engineering services for Wall Street and Rankin Avenue Parking Garages Restoration, with contingency funds, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 24th day of February, 2009.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

444

RESOLUTION NO. 09- 36

RESOLUTION AUTHORIZING THE CITY MANAGER EXCHANGE SPECIALIZED FIRE APPARATUS WITH BRINDLEE MOUNTAIN FIRE APPARATUS, LLC. FOR THE ACQUISITION OF A CUSTOM HEAVY DUTY RESCUE TRUCK

WHEREAS, pursuant to N.C.G.S. § 160A-271, the City may exchange personal property belonging to the City to acquire new personal property so long as the City receives fair consideration for the exchanged property; and

WHEREAS, the City is wishing to exchange the following:

1999 International Tanker
1994 Volvo/American Eagle Heavy Rescue
1992 Grumman 102' Aerial
1994 KME 55' Quint
1994 KME 75' Firestix Aerial
1992 KME 52' Snozzle
1997 Freightliner 3D Hazmat
1993 KME 75' Firestix Aerial (not available until after 9-1-09)
with a cumulative fair market value of $176,000.00 for:

1996 Pierce All Wheel Drive Heavy Duty Rescue Truck with a Fair Market Value of $176,000.00: and

WHEREAS, the City has given public notice of said transaction for a minimum of ten (10) days as set forth in N.C.G.S. § 160A-271.

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

The City Manager is hereby authorized to exchange the equipment listed above for the equipment listed above and sign any documents on behalf of the City which may arise during this transaction.

Read, approved and adopted this the 24th day of February, 2009.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-37

RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO CREATE A POLICY FOR AWARDING RETIRING POLICE OFFICERS THEIR SERVICE WEAPON

WHEREAS, pursuant to North Carolina General Statute Section 20-187.2, the local body of a law enforcement agency may award a surviving member or the officers family or a retiring policy officer, the officer service weapon; and

WHEREAS, pursuant to N.C.G.S. Sec. 160A-163, the City Council has the authority to create retirement benefits for its employees; and

WHEREAS, the City Council desires to create a policy whereby officers who retire in good standing with the department or the surviving member of the officers family may require the side arm of the officer, upon the security of a handgun permit as set forth in N.C.G.S. Sec. 14-402 et seq. or 14-409.1 et seq. or without a permit provided that the weapon has been rendered incapable of being fired; and

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

That the City Manager or his or her designee is hereby authorized to award to surviving spouses, or if unsurvived by a spouse, surviving children of a law enforcement officer killed in the line of duty or who was a member of the Asheville Police Department at the time of death, and retiring law enforcement officers, upon request and at no cost, the service side arm issued to the deceased or retiring officer in accordance with North Carolina General Statute 20-187.2.

Read, approved and adopted this 24 day of February, 2009.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

446

RESOLUTION NO. 09 - 38

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT WITH MCGILL & ASSOCIATES TO PREPARE ENGINEERING AND CONSTRUCTION DOCUMENTS FOR SANITARY SEWER INSTALLATION IN THE SARDIS ROAD AREA OF THE 2007 ANNEXATION

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 initial contract with McGill & Associates to perform preliminary surveying and engineering was executed on September 16, 2008; and

WHEREAS, there are specific guidelines contained in the North Carolina General Statutes for the provision of sewer lines when a municipality annexes properties; and

WHEREAS, City Council has approved the Annexation Services Plan for the Sardis Road area on May 22, 2007, which indicates that approximately 6,455 linear feet of 8 inch sewer line be installed to bring the service to substantially the same level as other parts of the City.; and

WHEREAS, the work produced from contract would help to fulfill the City's obligation as outlined in the 2007 Annexation Services Plan for the Sardis Road area; and

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

The City Manager is authorized to enter into a Professional Services Contract with McGill & Associates to prepare construction plans and documents, as well as obtain the required easements to install sanitary sewer in the Sardis Road area, as outlined in the 2007 Annexation Services Plan.

Read, approved and adopted this 24th day of February, 2009.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 09-39

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT, 3-37-0005-034-2009

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

WHEREAS, the Federal Aviation Administration ("FAA") has offered a grant agreement to the Asheville Regional Airport Authority in the amount of $1889,029; 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 agreement; and

WHEREAS, the FAA has approved the North General Aviation Expansion Project;

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

The Mayor be and is hereby authorized to execute the FAA Grant Agreement, Project No. 3-37-0005-034-2009, in the amount of $1,899,029.

Read, approved and adopted this 24th day of February, 2009.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

448

RESOLUTION NO. 09- 40

RESOLUTION AUTHORIZING EXECUTION OF AN EASEMENT ACROSS CITY PROPERTY ON RESERVOIR ROAD – MCCAULEY DRIVE (WHITE FAWN RESERVOIR)

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

WHEREAS, the City Council has determined that it is in the public interest to grant an easement to Progress Energy Carolinas, Inc. across certain property located adjacent to Reservoir Road and McCauley Drive, as shown on Exhibit A, attached hereto;

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

The City Manager be, and is hereby, authorized to execute an easement to Progress Energy across City property adjacent to Reservoir Road and McCauley Drive, the form of said easement to be approved by the City Attorney.

Read, approved and adopted this 24th day of February, 2009.

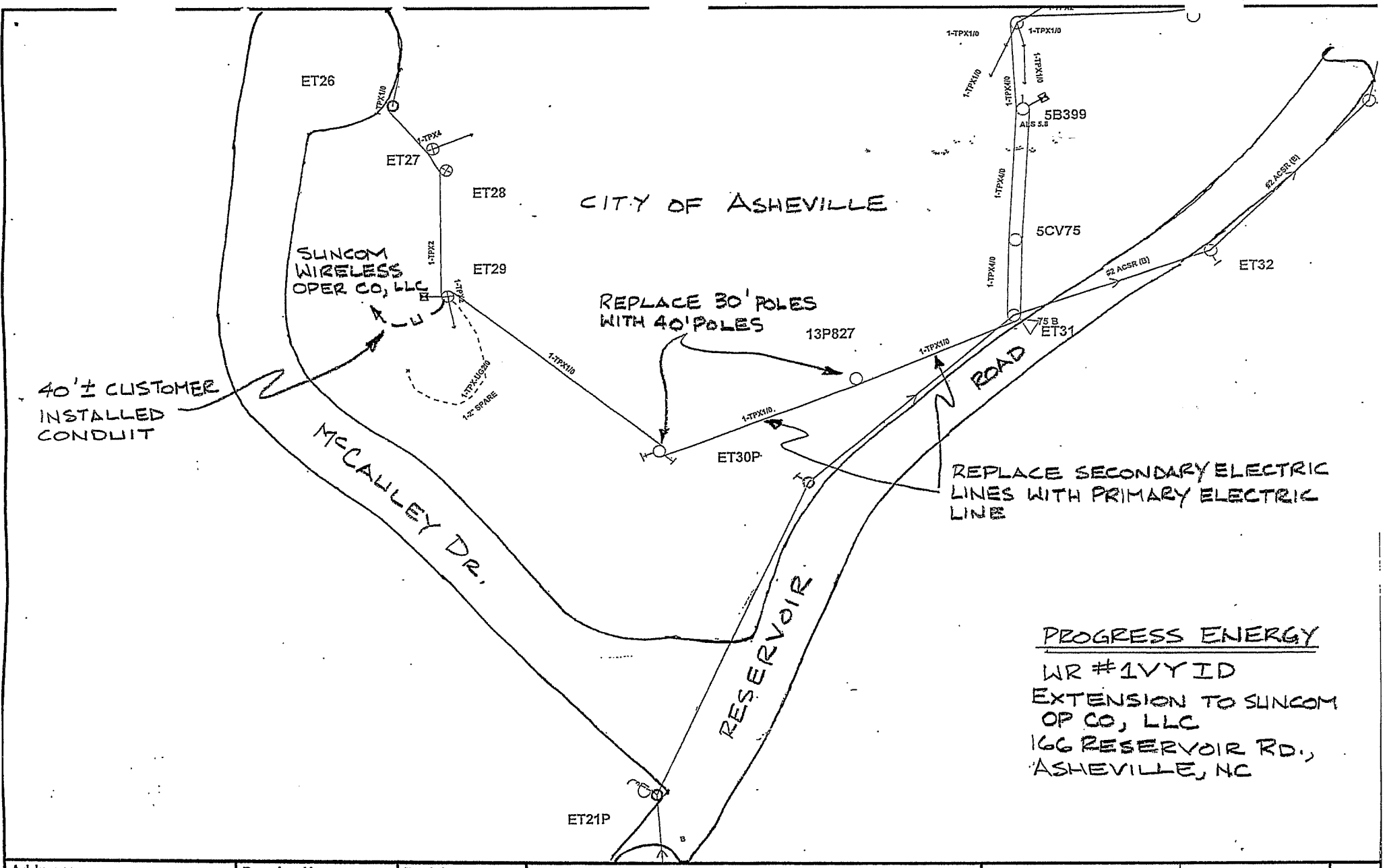
Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
CITY CLERK



PROGRESS ENERGY

WR #1VYID
EXTENSION TO SUNCOM OP CO, LLC
166 RESERVOIR RD.,
ASHEVILLE, NC

Address:	Drawing No:	Revision	Progress Energy	Work Request	Svc Coord.	Sheet 1 of 1
	City/Town, State:			Drawn McMinn, Ray	Approved	
Contact:				Checked	Date 1/13/2009	
				Operating Center	Scale NONE	

449

450

RESOLUTION NO. 09-41

RESOLUTION AUTHORIZING THE ADOPTION OF THE PARKS, RECREATION, CULTURAL ARTS AND GREENWAYS MASTER PLAN

WHEREAS, the City has the authority pursuant to Article 18 of N.C.G.S. Chapter 160a to create, establish, and operate parks and recreation programs; and

WHEREAS, GreenPlay LLC was contracted to lead the master plan process supported by a volunteer and staff steering committee that worked with GreenPlay to guide the process; and

WHEREAS, over 1,000 people participated in the public input process; and

WHEREAS, the master plan is a long-range planning document presented in goals, strategies and action steps that creates a vision and a guideline for a coordinated effort to deliver parks, greenways, recreation and cultural arts services over the next 10 to 15 years; and

WHEREAS, the master plan does not commit City Council to a funding timeline for implementation, and the recommendations in the plan will be implemented as funding opportunities become available; and

WHEREAS, staff agrees with the master plan and the recommendations as presented, but recommends:

1) Goal #2: Improve administrative effectiveness and transparency as it pertains to the role of citizen boards, commissions and committees and relationship with staff, each other and to City Council. Staff recommends that staff and the Recreation Advisory Board further assess citizen board, commission and committee development to determine a model that is a best match for operations, which will be brought back to Council at a later date for consideration.

2) Timetable for Capital Improvement Projects: Rather than assign CIP projects to a five-year incremental timeline, staff recommends prioritizing the projects based on expressed community interest and a plan to preserve the existing infrastructure of parks and recreation facilities which may be adjusted and implemented as funding becomes available;

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

The Mayor is hereby authorized to adopt the Parks, Recreation, Cultural Arts and Greenways Master Plan.

Read, approved and adopted this 24th day of February, 2009.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 09- 42

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A SAFE ROUTES TO SCHOOL DEMONSTRATION PROJECT

WHEREAS, the City of Asheville applied for a Safe Routes to School demonstration grant through the North Carolina Department of Transportation in the amount of $250,000 for pedestrian infrastructure improvements in the vicinity of Emma Elementary School; and

WHEREAS, the City Council of the City of Asheville adopted a resolution supporting the grant application on February 12, 2008; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) awarded the grant to the City of Asheville;

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

That said project is hereby formally approved by the City Council of the City of Asheville and that the City Manager and Clerk of this City are hereby empowered to sign and execute the municipal agreement with the North Carolina Department of Transportation.

Read, approved and adopted this the 24th day of February 2009.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

452

RESOLUTION NO. 09-43

RESOLUTION AUTHORIZING THE LAYOUT OF THE 2009 BELE CHERE FESTIVAL

WHEREAS, the City has the power to regulate the use of public streets and to close any street temporarily pursuant to N.C.G.S. 160A-296; and

WHEREAS, the 2009 Bele Chere Festival will be held on July 24-26, 2009, and requires downtown streets to be closed prior to and during the three-day event; and

WHEREAS, as downtown Asheville continues to develop, adjustments to the festival layout are necessary. The map attached hereto as Exhibit A, shows the streets that will have festival activities (indicated in orange) as well as street closings (indicated in red); and

WHEREAS, festival staff developed the festival layout and has been approved by representatives from the Asheville Fire Department and the Asheville Police Department; and

WHEREAS, the layout was reviewed and approved by the Bele Chere Advisory Board at its regular meeting on January 28, 2009, and by the Recreation Advisory Board at its regular meeting on February 9, 2009;

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

The attached layout of the 2009 Bele Chere Festival is approved.

Read, approved and adopted this 24th day of February, 2009.

Magdalen Bowleson
City Clerk

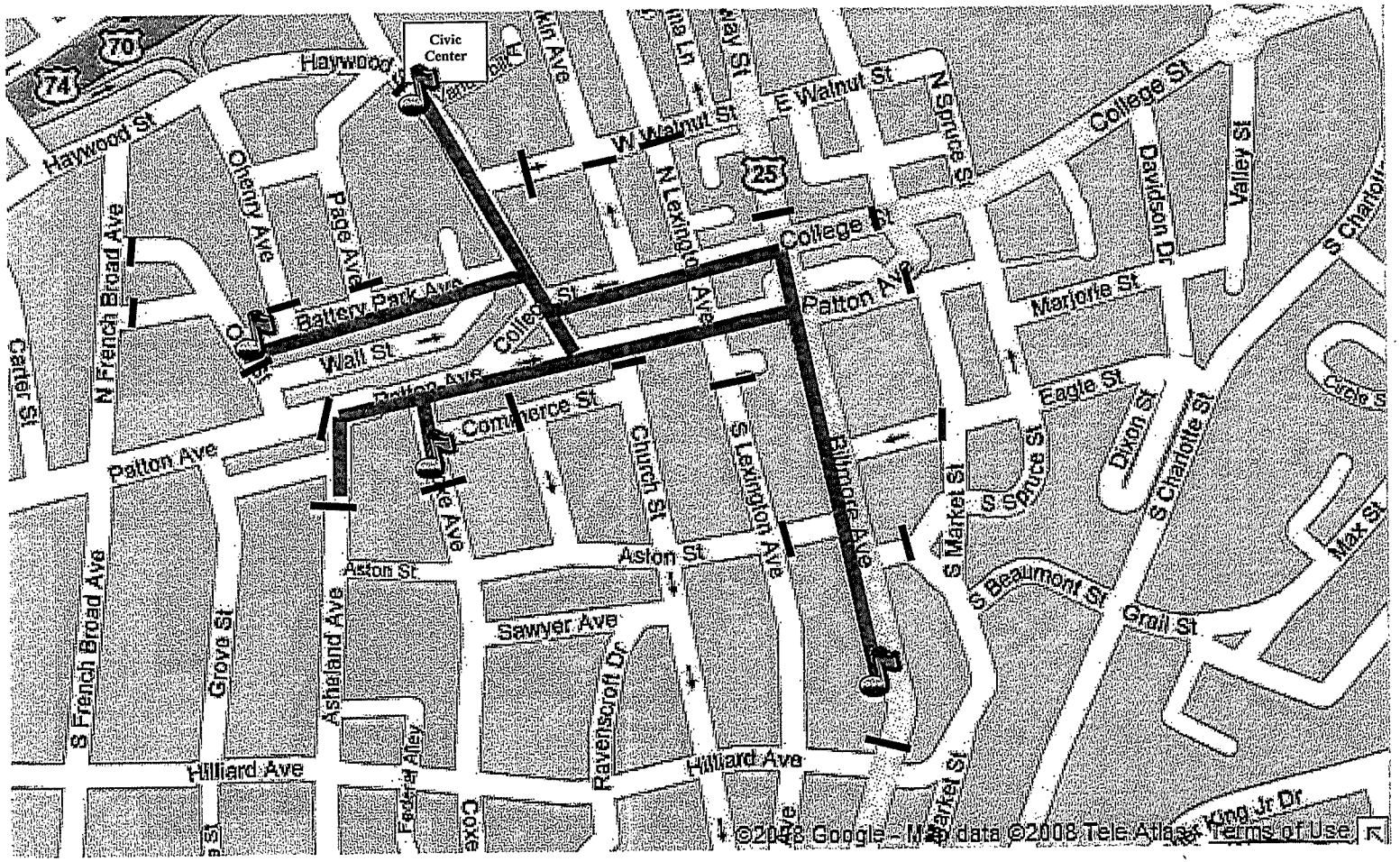
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

Bele Chere Festival
July 24 – 26, 2009
Proposed Layout and Street Closings



Key:
DOT Roads
Programmed Streets
Barricades
Stages

454

Resolution No. 09-44

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

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

WHEREAS, there is currently an unallocated balance exceeding $718,599 in the Housing Trust Fund, including both appropriated funds and loan repayments; and

WHEREAS, three (3) 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 and has made recommendations to Council,

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

Loans be made from the City of Asheville's Housing Trust Fund to the following affordable housing developers upon the terms recommended by the Housing and Community Development Committee:

1. $300,000 to Mountain Housing Opportunities Inc. for 72 rental units at Westmore.
   $170,000 to Mountain Housing Opportunities for the Westmore project when an anticipated $480,000 is returned to the Housing Trust Fund though an early repayment of a loan to Mountain Housing Opportunities Inc. for the Crowell Park development.
2. $200,000 to Michael Figura, Eco Concepts Development LLC for 10 condominium units for sale at Sulphur Springs.
3. $200,000 to Kirk Booth, Beaucatcher Properties LLC for 12 single family rental units at 57 Nancy Street.

Read, approved and adopted this 24th day of February, 2009.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson

RESOLUTION NO. 09-45

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR THE PURPOSE OF PERFORMING CERTAIN CONSTRUCTION AND REPAIR WORK ON COUNTY PROPERTY

WHEREAS, the City and the County have the authority, pursuant to Article 8 of N.C.G.S. Chapter 143, to maintain and repair public facilities, and to make expenditures for such purposes; and

WHEREAS, due to the construction of the Buncombe County Jail Annex, the streets surrounding the detention center need milling, paving and re-striping as well as miscellaneous paving or patching and driveway cuts where needed; and

WHEREAS, the City of Asheville through the Public Works Department has estimated that the aforementioned work including materials and labor will cost approximately $157,508.62;

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

The City Manager for and on behalf of the City of Asheville is authorized to enter into a contract with the County of Buncombe, a body corporate and politic, for the milling, paving, re-striping and miscellaneous patching and driveway cuts, subject to compliance with N.C.G.S. 143-135, as the same may be amended.

Read, approved and adopted this 24th day of February, 2009.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk