

RESOLUTION NO. 09-1

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR A \$500,000 GRANT OR LAND ACQUISITION COSTS FOR THE BEAUCATCHER OVERLOOK PARK PROPERTY.

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WHEREAS, pursuant to G.S 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to a lease-purchase agreement for Beaucatcher Overlook Park; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources, Division of Parks and Recreation in the North Carolina Parks and Recreation Trust Fund; and

WHEREAS, the City of Asheville is requesting financial assistance in the amount of \$500,000 from the North Carolina Parks and Recreation Trust Fund which requires a dollar for dollar cash match; and

WHEREAS, in the event a grant is awarded by the Department of Environment and Natural Resources, the City of Asheville certifies and assures it has the ability and intention to provide the dollar for dollar cash match of the grant amount; and

WHEREAS, the City of Asheville agrees to comply with all State and Federal permits and applicable laws; and

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project.

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

The Mayor be authorized to apply for and enter into an agreement with the North Carolina Department of Environment and Natural Resources for a \$500,000 grant for the land acquisition costs for the Beaucatcher Overlook Park property.

Read, approved and adopted this 13<sup>th</sup> day of January, 2009.

Magdalen Burlington  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Burlington  
City Clerk

RESOLUTION NO. 09-2

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY OFF OF PATTON AVENUE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unnamed alley off of Patton Avenue to public use; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close an unopened and unnamed alley off of Patton Avenue.
2. A public hearing on the question of the closing of the unopened and unnamed alley off of Patton Avenue, located east of Pin No. 9648.05-19-3877 and west of Pin No. 9648.05-19-4848, as shown in Plat Book 1 at Page 36 and more particularly described in deed book 1459 at page 51 is hereby called for Tuesday, February 10, 2009, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on February 10, 2009.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned alley. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 13th day of January, 2009.

Magdalen Boulson  
City Clerk

Jeff Bell  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 09-3RESOLUTION ACCEPTING COUNTRY MEADOWS DRIVE, BAITY DRIVE, NICHOLAS DRIVE, AND BRANDI DRIVE 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, Country Meadows Drive, Baity Drive, Nicholas Drive, and Brandi Drive are located in the corporate limits of the City of Asheville; and

WHEREAS, Country Meadows Drive, Baity Drive, Nicholas Drive, and Brandi Drive were constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, dedication of the 45-foot right-of-way for Country Meadows Drive has been recorded in Plat Book 74 Page 33; and

WHEREAS, dedication of the 45-foot right-of-way for Baity Drive has been recorded in Plat Book 74 Page 33; and

WHEREAS, dedication of the 45-foot right-of-way for Nicholas Drive has been recorded in Plat Book 74 Page 33; and

WHEREAS, dedication of the 45-foot right-of-way for Brandi Drive has been recorded in Plat Book 74 Page 33; and

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

Country Meadows Drive, Baity Drive, Nicholas Drive, and Brandi Drive are accepted by the City of Asheville for maintenance as indicated on the attached maps.

Read, approved and adopted this 13<sup>th</sup> day of January, 2009.

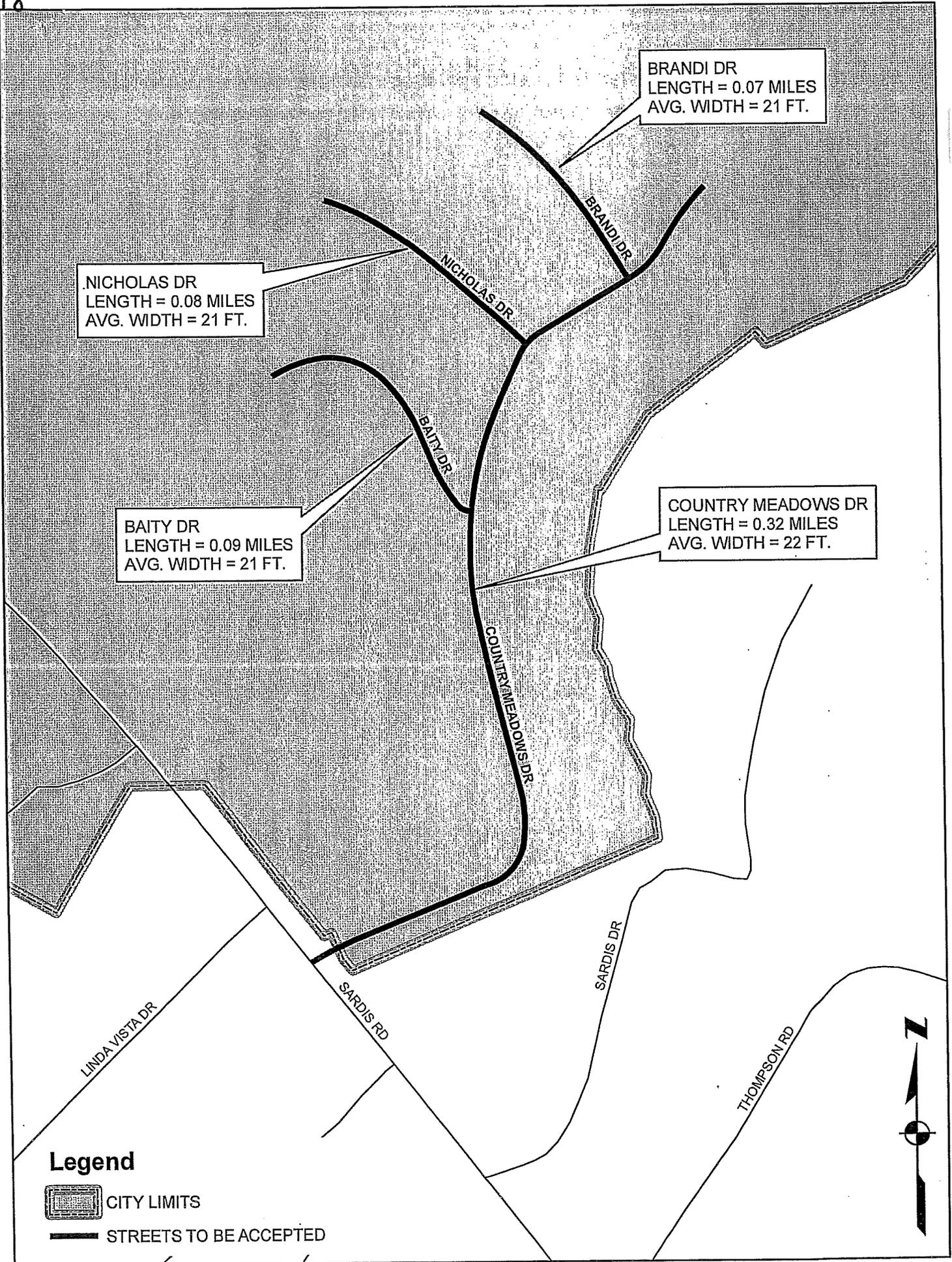
Madalene Paulson  
City Clerk

July M Bellamy  
Mayor

Approved as to form:

Paul J. [Signature]  
City Attorney

Madalene Paulson  
City Clerk



## RESOLUTION NO. 09-4

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF COMMERCE FOR RENEWAL OF TWO URBAN PROGRESS ZONES WITHIN THE CITY OF ASHEVILLE

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WHEREAS, Urban Progress Zones are an economic development tool created by the State of North Carolina pursuant to Article 3A of Chapter 105 of the N.C. General Statutes (the "William J. Lee Quality Jobs and Business Expansion Act") for the purpose of encouraging business growth within distressed communities; and

WHEREAS, the City of Asheville seeks to promote economic development within the City of Asheville and in distressed communities therein; and

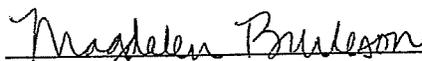
WHEREAS, the City of Asheville is eligible to apply for designation or renewal of Urban Progress Zones within the municipal boundary; and

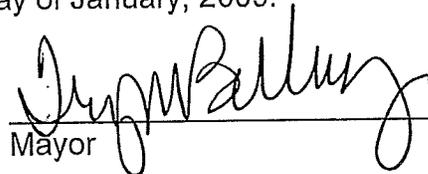
WHEREAS, areas within the City of Asheville are eligible for renewal of previously designated Urban Progress Zones;

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

The City of Asheville is authorized to submit, by and through the City Manager, formal applications to the North Carolina Department of Commerce for renewal of Urban Progress Zones 1 and 2 in the City of Asheville, as shown on attached Exhibit A..

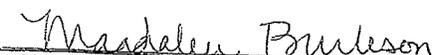
Read, approved and adopted this 13<sup>th</sup> day of January, 2009.

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

  
 \_\_\_\_\_  
 Mayor

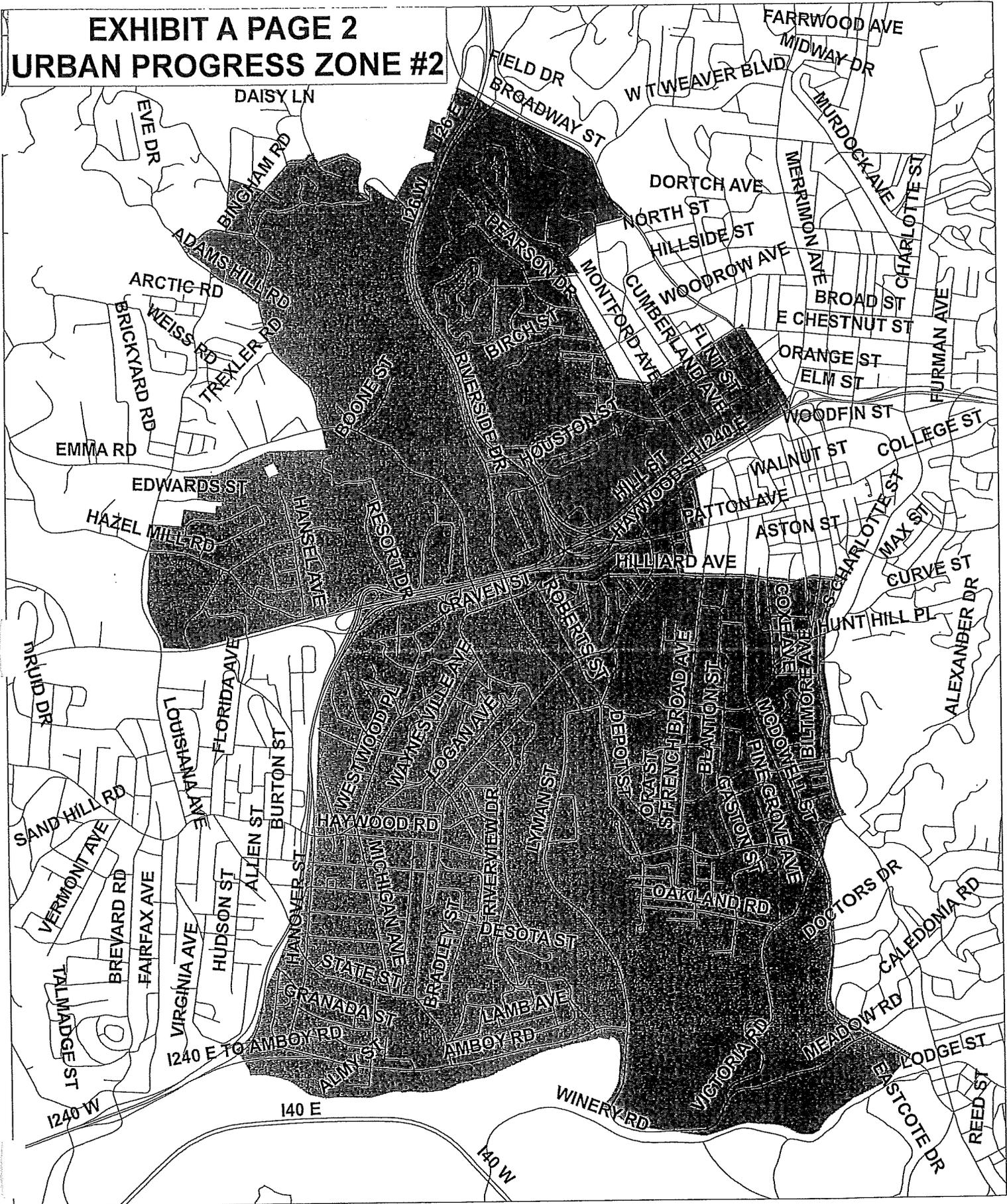
Approved as to form:

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

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



# EXHIBIT A PAGE 2 URBAN PROGRESS ZONE #2



## Legend

 Asheville Urban Progress Zone 2

402

RESOLUTION NO. 09-5

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUILDING GROUP

WHEREAS, it is necessary for the City to enter into an agreement to complete the abatement of mold and cleaning of the City Hall ventilation system from the basement to the 6<sup>th</sup>. Floor; and

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, cleaning of the ventilation system to remove contaminants i.e., mold and other allergens;

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 The Building Group in the amount of \$119, 012.83 for ventilation cleaning and mold abatement 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 the 13<sup>th</sup> day of January, 2009.

Magdalen Boulson  
City Clerk

Jeff Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 09- 6

RESOLUTION MODIFYING THE 2009 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

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

The City Council worksessions scheduled on the 3<sup>rd</sup> Tuesday of each month be, and the same are, hereby cancelled.

Read, approved and adopted this 13<sup>th</sup> day of January, 2009.

Magdalen Paulson  
CITY CLERK

Leigh Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Paulson  
City Clerk

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FIT COMMUNITY DESIGNATION IN COLLABORATION WITH HEALTHY BUNCOMBE, AND TO SUPPORT THE WEST END/CLINGMAN AVENUE AND THE SOUTH FRENCH BROAD NEIGHBORHOOD ASSOCIATIONS EFFORTS TO PURSUE A FIT COMMUNITY GRANT FOR PROGRAMS AT ASTON PARK

WHEREAS, pursuant to G.S 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is in agreement to collaborate with Healthy Buncombe to pursue a second three-year Fit Community Designation application to the North Carolina Health and Wellness Trust Fund; and

WHEREAS, the City of Asheville supports the West End/Clingman Avenue and the South French Broad Neighborhood Associations efforts to pursue a \$60,000 Fit Community grant for programs at Aston Park; and

WHEREAS, in the event a grant is awarded, the City of Asheville will serve as the fiscal agent for the grant funds; and

WHEREAS, the City of Asheville agrees to comply with all State and Federal permits and applicable laws; and

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project;

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

The City Manager be authorized to apply for the Fit Community Designation in collaboration with Healthy Buncombe, and to support the West End/Clingman Avenue and the South French Broad Neighborhood Associations efforts to pursue a Fit Community grant for programs at Aston Park.

Read, approved and adopted this 13<sup>th</sup> day of January, 2009.

Magdalen Burlison  
City Clerk

Jerry Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 09-8

RESOLUTION OF SUPPORT AND ADMINISTRATION FOR A SAFE ROUTES TO SCHOOL GRANT APPLICATION AND AUTHORIZATION TO ACCEPT SAID GRANT

WHEREAS, the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established the Safe Routes to School Program to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools; and

WHEREAS, SAFETEA-LU mandates that the North Carolina Department of Transportation administers the Safe Routes to School program within North Carolina; and  
WHEREAS, the North Carolina Department of Transportation has announced a Call for Proposals for the second cycle of North Carolina's Safe Routes to School Reimbursement Program; and

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

WHEREAS, the City of Asheville is able to administer a Safe Routes to School Grant;

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 Safe Routes to School Grant to make pedestrian improvements in Haw Creek.

The Council of the City of Asheville authorizes the Manager of the City of Asheville to execute documents to accept Safe Routes to School grant awards.

Read, approved and adopted this 13<sup>th</sup> day of January, 2009.

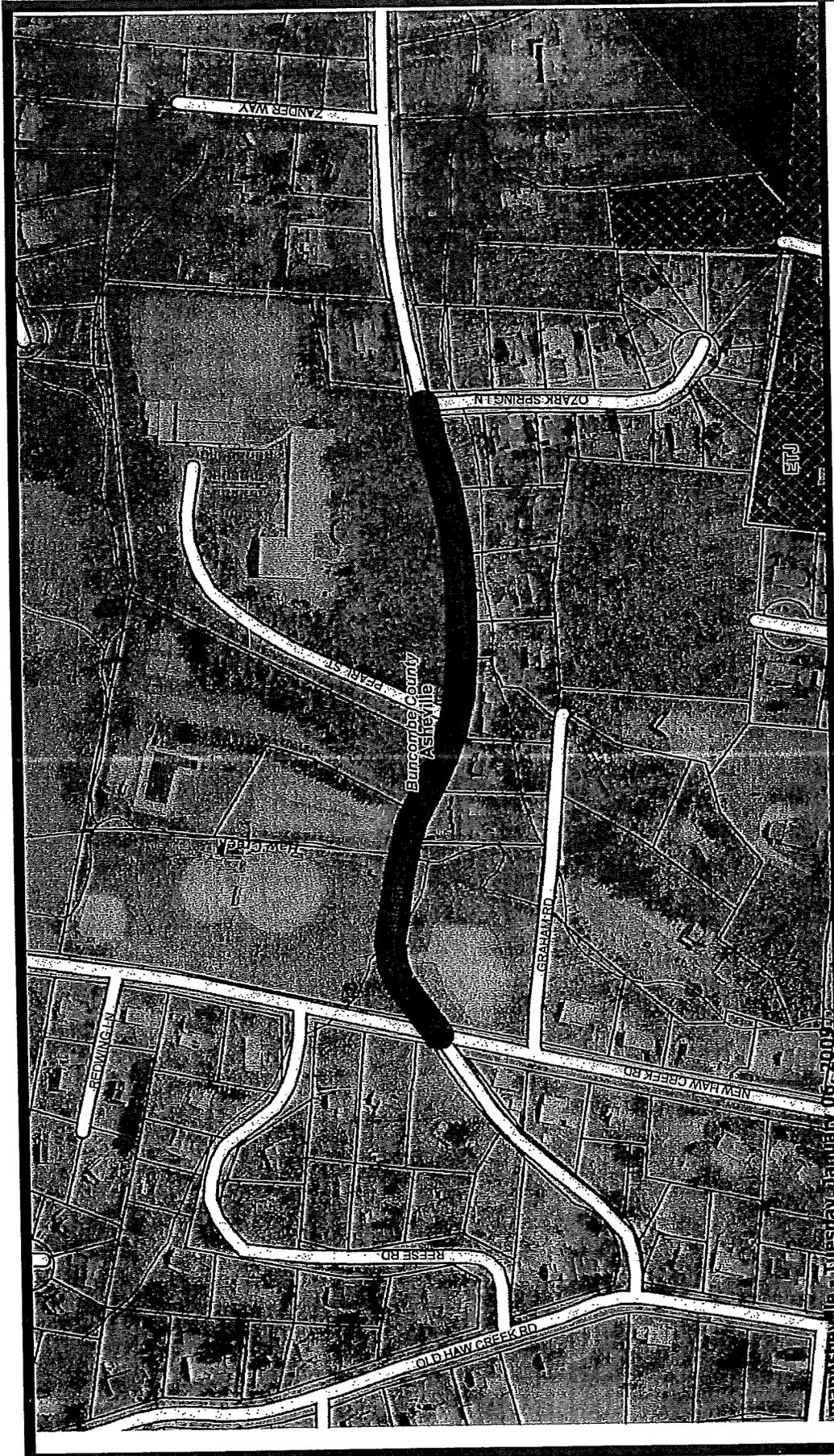
Magdalena Baulson  
City Clerk

Jurgm Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalena Baulson  
City Clerk



### Haw Creek Safe Routes to School Proposal

Map Created by: map Asheville - Standard GIS  
 Data Source: City of Asheville GIS  
 Map Scale: 1:3564  
 Printed on: Tuesday, January 06, 2009



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