

RESOLUTION NO. 09-9

RESOLUTION TO APPROVE THE NAME OF THE PARK ON MAPLE DRIVE IN THE HAW CREEK COMMUNITY AS MASTERS PARK IN HONOR OF HAZEL AND RORY MASTERS

WHEREAS, the City has authority pursuant to N.C.G.S. 160A-350 to create, establish, and operate parks and recreation programs; and

WHEREAS, the Recreation Advisory Board recommends naming the park on Maple Drive in the Haw Creek Community as Masters Park in honor of Hazel and Rory Masters; and

WHEREAS, the Masters lived in the Haw Creek community for over 90 years, and were the former owners of the park land; and

WHEREAS, the Masters were dedicated community servants in Haw Creek highlighted by their contributions to the Haw Creek Volunteer Fire Department and their neighbors throughout the Haw Creek community; and

WHEREAS, Hazel Masters passed away in 1993, followed by Rory Masters in 1998; and

WHEREAS, the action complies with the City of Asheville park facility naming policy;

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

The park on Maple Drive in the Haw Creek community be named Masters Park in honor of Hazel and Rory Masters.

Read, approved and adopted this 27th day of January, 2009.

Magdalen Bourleson
City Clerk

Jeremy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-10

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE PURCHASE OF WILDLAND PERSONAL PROTECTION AND FIREFIGHTING EQUIPMENT TO BE USED BY ASHEVILLE FIRE AND RESCUE

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

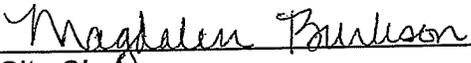
WHEREAS, the Department of Homeland Security, Federal Emergency Management Agency has awarded Asheville Fire and Rescue a matching grant in the amount of \$70,197.00 for the purchase of wildland personal protection and firefighting equipment to be used on-scene for suppressing grass, brush and woods fires, and

WHEREAS, Asheville Fire and Rescue regularly responds to such emergencies throughout the city and our region of Western North Carolina.

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

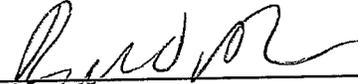
The City Manager is hereby authorized to enter into an agreement with the Department of Homeland Security, Federal Emergency Management Agency, for a matching grant in the amount of \$70,197.00 to purchase wildland personal protection and firefighting equipment to be used on-scene for suppressing grass, brush and woods fires.

Read, approved and adopted this 27th day of January, 2009.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 09-11

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WYATT & BOWMAN WASTE CONTAINER LLC TO PROVIDE BULK CONTAINER REFUSE/CARDBOARD COLLECTION SERVICES TO CITY OF ASHEVILLE FACILITIES

WHEREAS, the City of Asheville annually contract with private contractors to provide bulk container refuse/cardboard collection services to various City of Asheville facilities; and

WHEREAS, to remain competitive for the delivery of bulk container refuse/cardboard collection services, the City requested proposals; and

WHEREAS, Wyatt & Bowman Waste Container LLC, a company that has provided bulk container refuse/cardboard collection services to the City for the past five years, was the lowest responsive and responsible bidder out of four bids received; and

WHEREAS, the bids received were as follows:

Wyatt & Bowman Waste Container LLC	\$ 46,289.83	annual bid
G D S	\$ 52,539.22	annual bid
Daugherty Waste Management	\$ 66,740.00	annual bid
Consolidated Waste Services	\$ 70,741.81	annual bid

WHEREAS, City staff recommend that the City Council authorize the City Manager to enter into an agreement with Wyatt & Bowman Waste Container LLC for the provision of bulk container refuse/cardboard collection services to City of Asheville facilities.

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 with Wyatt & Bowman Waste Container LLC for the provision of bulk container refuse/cardboard collection services to City of Asheville facilities upon such terms and conditions approved by the City Attorney.

Read, approved and adopted this 27th day of January 2009.

Magdalena Bourleson
City Clerk

Brynn Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalena Bourleson
City Clerk

RESOLUTION NO. 09-12

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR NEIGHBORHOOD
STABILIZATION FUNDS

WHEREAS, the Asheville City Council recognizes the United States Congress passed the Housing and Economic Recovery Act (HERA) of 2008 to address the increasing number of foreclosed and abandoned homes and to slow the resulting destabilization of residential neighborhoods; and

WHEREAS, City Council recognizes that the City was identified by the U.S. Department of Housing and Urban Development, via the North Carolina Division of Community Assistance, as an eligible applicant for Neighborhood Stabilization Funds arising from HERA; and

WHEREAS, City Council's adopted 2008-2009 Strategic Operating Plan includes the proactive pursuit of strategies to increase the supply of affordable housing; and

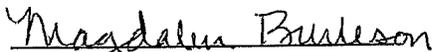
WHEREAS, The City of Asheville held a public hearing on January 27, 2009 for the purpose of obtaining public comment on a proposal to apply for HERA funds; and

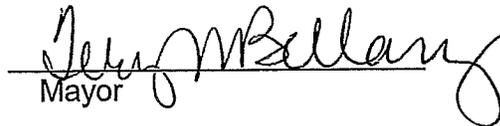
WHEREAS, the City of Asheville will use its existing internal technical capacity to apply for program funds and will sponsor the efficient use of award funds to administer the program if the application is successful,

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

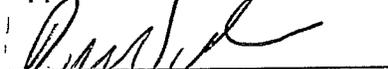
The Mayor is authorized to submit the City's completed application for 3 million dollars of Neighborhood Stabilization Program (NSP) funding via the North Carolina Department of Commerce, Division of Community Assistance.

Read, approved and adopted this 27th day of January, 2009.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 09-13

RESOLUTION ADOPTING CITY OF ASHEVILLE'S LEGISLATIVE PROGRAM FOR 2009 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the North Carolina General Assembly will convene on January 28, 2009 Regular Session; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and statewide interest where legislative action is needed or desired;

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

1. The "City of Asheville Legislative Agenda for 2009," attached hereto as Exhibit A, is hereby adopted;
2. The members of the N.C. General Assembly whose districts include the City of Asheville ("Asheville delegation") are respectfully requested to introduce legislation or take other appropriate action as to the City of Asheville Legislative Agenda for 2009;
3. The City Council offers the City's assistance to the Asheville delegation with respect to any of the items listed on the attached Exhibit A, including the provision of additional information and further resolutions of support for specific bills;
4. The City Attorney or City Clerk are hereby directed to transmit a copy of this resolution and any supporting information to the Asheville delegation in sufficient time to allow for research, drafting, and introduction of legislation.

BE IT FURTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the Asheville delegation for their service on behalf of the City of Asheville.

Read, approved and adopted this 27th day of January, 2009.

Magdalen Boulleson
City Clerk

Jimmy B. Sullivan
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulleson
City Clerk

EXHIBIT A

- a. Legislation providing for a dedicated source of funding for near term upgrades and capital improvements to the Asheville Civic Center, in an amount equal to a one percent room occupancy tax. This may take the form of an addition to the existing tax, authorized pursuant to N.C. Session Law 1983-908 (Part VI), or a requirement that an equivalent portion of the current tax be directed to the Civic Center. As demonstrated in the report prepared by Professor Inhyuck Ha of Western Carolina University (2006), and the report of the Civic Center Task Force (2006), the City of Asheville and the Civic Center itself are responsible for many of the room nights spent in Asheville, and should be supported in part by revenues from this tax, as other similar venues in North Carolina and the region are.
- b. Repeal of Sullivan Acts (N.C. Sess. Laws 1933-399, 2005-139, and 2005-140).
- c. Enable voluntary annexation of properties that request annexation by Asheville, but do not qualify because of proximity to Fletcher, which cannot annex into Buncombe County.
- d. Legislation authorizing the dedication of regular sessions of Buncombe County District Court for handling of civil or criminal matters relating to enforcement of City of Asheville "quality of life" ordinances (litter, noise, graffiti).
- e. Review the statutory criteria for incorporation of new municipalities to ensure that any new municipalities are in fact urban in nature and that meaningful level of municipal services is provided. This review may be done in connection with the on-going review of annexation laws.
- f. Legislation to assist the City in addressing the issue of non-consensual towing. The City is currently reviewing several options, some of which may require legislative authorization.
- g. Legislation clarifying the authority of the City of Asheville to place conditions on the sale of property.
- h. Strengthen local authority to address issues related to illegal immigration.
- i. The City of Asheville endorses and supports the Legislative Agenda of the North Carolina League of Municipalities.

RESOLUTION NO. 09-14RESOLUTION ESTABLISHING THE CITY OF ASHEVILLE'S FEDERAL PRIORITIES AND FEDERAL FUNDING REQUESTS FOR FY 2010-11

WHEREAS, the City has identified key legislative priorities, initiatives and projects that are important to the City and its citizens;

WHEREAS, the City desires to submit these priorities, initiatives and projects for consideration by the 111th US Congress; and

WHEREAS, the City wishes to work closely with the congressional delegation serving the City to achieve these priorities, initiatives and projects;

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

- 1) City Council establishes a federal agenda as outlined in Exhibits A and B attached to this resolution; and
- 2) The City Manager is authorized to submit the noted priorities, appropriations requests and legislative requests to Asheville's congressional delegation and staff for consideration in the 111th Congress.

Read, approved and adopted this the 27th day of January, 2009.

Magdalen Boulson
City Clerk

Greg Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

City of Asheville Federal Funding Requests
Adopted: January 27, 2009

EXHIBIT A

ENERGY CONSERVATION RETROFITS FOR CITY BUILDINGS

The Building Energy Conservation Retrofits appropriations will allow the City of Asheville to install programmable thermostats, light occupancy sensors, high energy efficient lighting in all 51 city owned buildings after which a holistic social marketing campaign will be conducted to encourage employee behavior change. The retrofits will provide significant cost savings through utilities and decrease the carbon footprint of the city organization, while providing a strong foundation for a social marketing program to effectively create sustainability behavior change.

Amount requested: \$749,200.

TRAFFIC SIGNAL PREEMPTION

A Traffic Signal Preemption System is an electrical device(s) that allow a traffic control signal to respond by giving priority to approaching response vehicles that are outfitted with special equipment. Such systems are designed to increase the safety of the public and responders, reduce emergency response times, and enhance public transit operations.

Amount requested: \$495,000.

REGIONAL PUBLIC SAFETY TRAINING FACILITY

The Regional Public Safety Training facility is a partnership between WNC local governments, state government and AB Tech. The facility will include an emergency vehicle driving pad, burn building, and a rescue tower. The project is a modular project and can be done in phases.

Amount requested: \$4 million.

BUS REPLACEMENT

The project entails the purchasing of fifteen (15) 30-foot hybrid buses to replace 75% of the fleet which are reaching their life-cycle, with more than ten (10) years in operations. This is a multi-year project that intends to replace the fleet in a three year period. The City is recommending buying hybrid buses, or buses using other energy efficient technology, instead of diesel. The use of alternative fuels will help the City to achieve the carbon emission reduction goals adopted by City Council. The project will affect positively the Western North Carolina population that lives in Asheville, Weaverville and Black Mountain and depends on transit to perform the daily activities, providing a more reliable and comfortable service. At the same time will bring benefits to the environment, reducing pollution and improving the quality of life.

Amount requested: \$7,875,000 over three (3) years (\$2,625,000/year).

City of Asheville Federal Legislative Agenda
Adopted: January 27, 2009

EXHIBIT B

- HR 1692 "The Fighting Gangs and Empowering Youth Act of 2007" which contains many things that focus on making sure that our youth have alternatives from gangs as well as increase penalties for gang activity.
- Senate Bill 1745 "Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2008" for support of our Weed and Seed program that is funded under this Act.
- "The Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003" (1) Sec. 9002 – extension of the highway-related taxes and trust fund; (2) Sec. 9003 – extension of tax benefits for alcohol fuels; (3) Sec. 9004 – private activity bonds for surface transportation infrastructure; and (4) Sec. 9005 – all alcohol fuel taxes transferred to highway trust fund.
- PL 110-140 "The Clean Energy Act of 2007" (HR 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy.
- S. 1675 "Local Community Radio Act of 2007" to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.
- S. 234 "Wireless Innovation Act" to make broadband available to unconnected neighborhoods and communities – especially rural and mountainous areas – by exploiting unused frequencies in the broadcast spectrum known as "white spaces."
- Support to fund the expansion of the ERC broadband and fiber optic network in the region for education, medical and emergency service support.
- Lend support to the Land of Sky Regional Council of Government request for funding for a Comprehensive Economic Development Strategy – Regional Growth Management Planning Initiative for Western North Carolina.
- Support funding for energy efficiency and conservation block grants.
- Continued prioritization of the completion of I-26 components through Asheville.
- Accelerated use of Federal resources in local action on Asheville's drug distribution network.
- Enthusiastic Federal enforcement of existing laws affecting illegal immigration in Asheville.

- Support expansion of the federal State Children's Health Insurance Program (SCHIP) to provide health insurance to more uninsured children in Asheville.
- Support increased federal funding via the Child Care and Development Block Grant, Social Services Block Grant, and Temporary Aid to Needy Families to support and expand the North Carolina child care subsidy program used by Asheville families.

RESOLUTION NO. 09-15

RECOMMENDATIONS FOR ECONOMIC STIMULUS PACKAGE

WHEREAS, The United States economy entered into a recession in December 2007 and it is widely agreed that economic stimulus is critical; and

WHEREAS, To stimulate the economy, President-elect Barack Obama is working closely with Congress to prepare an economic stimulus package of up to \$1 trillion they hope to pass soon after the President-elect's inauguration; and

WHEREAS, previous stimulus bills have proven most effective if legislation is enacted soon after the recession is identified, funds are spent quickly while unemployment is high and new jobs are created when needed; and

WHEREAS, North Carolina's jobless rate soared in December to 7.9 percent, the highest in 25 years; and

WHEREAS, on December 19th, the North Carolina Metropolitan Mayors Coalition, representing the 26 largest city mayors, released a \$2.8 billion list of shovel-ready public infrastructure projects that will immediately put citizens to work in construction, public safety, office, and retail jobs; and

WHEREAS, academic research indicates that the list of upgrades for roads, public buildings, water systems, and other essential infrastructure would create nearly 100,000 jobs; and

WHEREAS, the most efficient way to distribute federal funding is through existing federal programs; and

WHEREAS, economic stimulus legislation should allow for a substantial role for municipal government, making it as easy as possible for local funding recipients to access and spend stimulus funds;

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

The City of Asheville recommends that Congress consider the following recommendations as it begins work on an economic stimulus package:

1. Include funding for the Economic Development Administration's public works and infrastructure program, and Economic Adjustment assistance
2. Include funding for HUD's Community Development Block Grant Program (CDBG)
3. Include funding for Energy Efficiency and Conservation Block Grant Program (EECBG)
4. Distribute State revolving loan fund dollars as direct grants
5. Do not limit the Corps of Engineers' ability to spend stimulus funds
6. Distribute transportation stimulus funds through the Surface Transportation Program (STP)
7. Include funding for infrastructure improvements to our nation's arts and cultural institutions
8. Include funding for public school systems

- 9. Include funding for workforce development

FURTHERMORE, BE IT RESOLVED THAT:

The City of Asheville recommends that the State of North Carolina strongly partner with cities when deploying these funds to spur our local economies and choose a wide range of local infrastructure projects that will create long-term positive benefits for our citizens.

Read, approved and adopted this 27th day of January, 2009.

Magdalen Paulson
City Clerk

Will Bellamy
Mayor

Approved as to form:

RWD
City Attorney

Magdalen Paulson
City Clerk