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RESOLUTION NO. 09-46

RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH BELL ATLANTIC MOBILE OF ASHEVILLE, INC. FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 57 CRESTWOOD DRIVE, ARDEN, NC

WHEREAS, the City of Asheville is the owner of real property located at 57 Crestwood Drive, Arden. NC, identified as PIN #965459509700000; and

WHEREAS, Bell Atlantic Mobile of Asheville, Inc. d/b/a/ Verizon Wireless, a telecommunications company, has offered to enter into a license agreement in order to operate antennas and related equipment upon the property at 57 Crestwood Drive; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 10 days' public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed license agreement on February 27, 2009, in the Asheville Citizen-Times; and

WHEREAS, the initial term of the license agreement will be for five (5) years with the option to renew for one (1) additional five (5) year period; and

WHEREAS, the City has no anticipated need for the property during the term of the license;

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

Pursuant to North Carolina General Statute sec. 160A-272, the City Manager is hereby authorized to execute the License Agreement between the City of Asheville and Bell Atlantic Mobile of Asheville, Inc. d/b/a Verizon Wireless for antennas and related equipment at 57 Crestwood Drive, at an initial license fee rate of $30,000 per year with 4% annual escalations.

Read, approved and adopted this 10th day of March, 2009.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 09-47

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENTS CALLING FOR THE INSTALLATION AND UPGRADE OF POWER UTILITY LINE ACROSS PROPERTY AT THE ASHEVILLE REGIONAL AIRPORT

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

WHEREAS, pursuant to the lease agreement between the City and the Asheville Regional Airport Authority, the Authority has the power to negotiate easements, subject to approval and execution by the City; and

WHEREAS, the Authority has expressed a need for easements to Progress Energy Carolinas, Inc. across certain property located at the Asheville Regional Airport, as shown on Exhibits A1 and A2, attached hereto, and has requested that the City Council approve and authorize execution of easements for this purposes; and

WHEREAS, the City Council has determined that the requested easements are in the public interest;

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 easements to Progress Energy across City property at the Asheville Regional Airport, subject to final approval by the Airport Authority, the form of said easements to be approved by the City Attorney.

Read, approved and adopted this 10th day of March, 2009.

Magdalen Burleson
City Clerk

Mayor

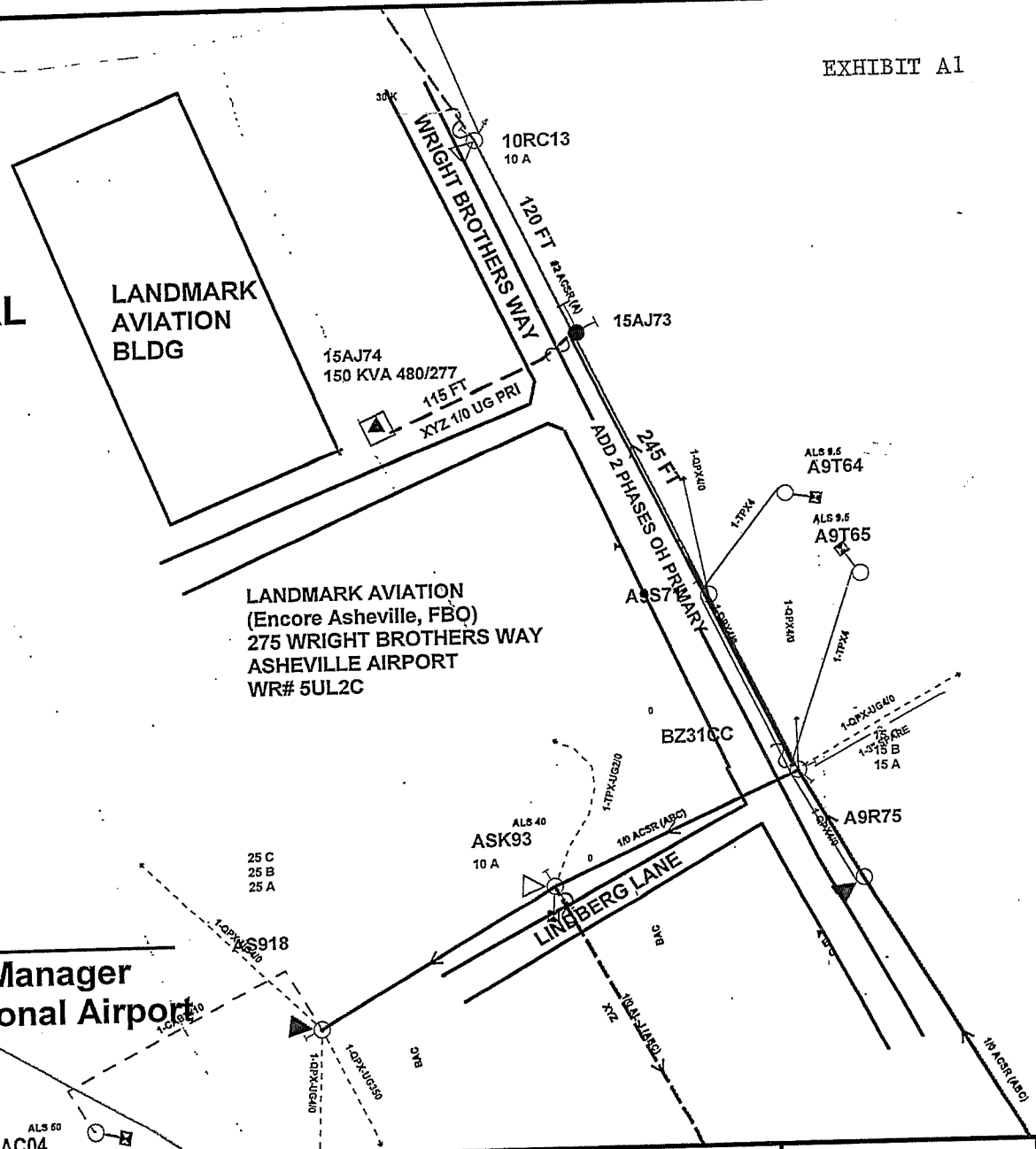
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A1

CITY OF ASHEVILLE ASHEVILLE REGIONAL AIRPORT

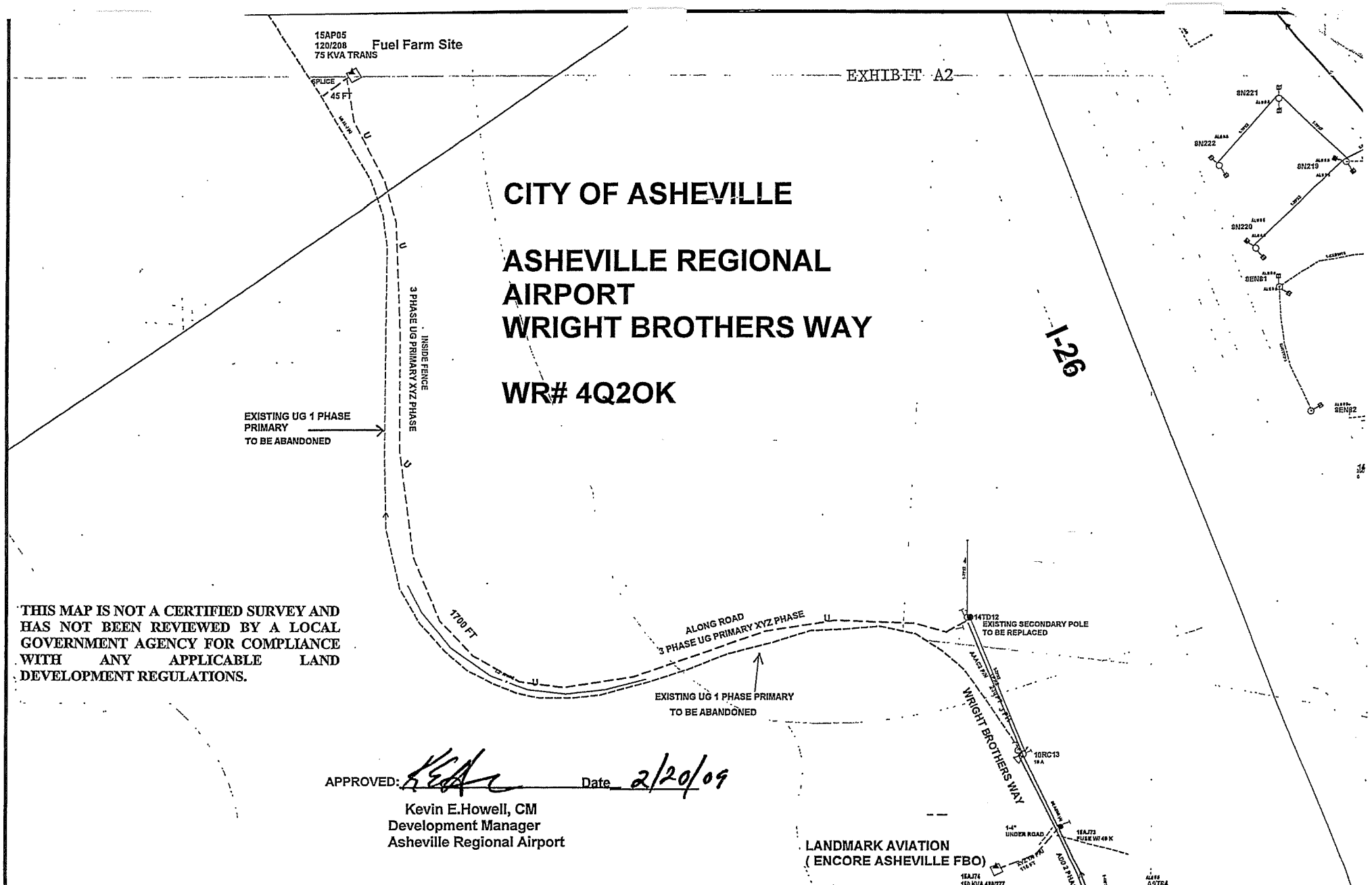


THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

Approved: _____
Development Manager
Asheville Regional Airport

Address: WRIGHT BROTHERS WAY	Drawing No: undefined	Revision undefined	Progress Energy	Work Request 5UL2C	Svc Coord. JOHN MULLIS	Sheet 1
	City/Town, State: ASHEVILLE REGIONAL AIRPORT			Drawn Mullis, John	Approved undefined	of
Contact: undefined				Checked undefined	Date 2/12/2009	1
				Operating Center undefined	Scale 1 in = 100 ft	

EXHIBIT A2



CITY OF ASHEVILLE

ASHEVILLE REGIONAL AIRPORT WRIGHT BROTHERS WAY

WR# 4Q2OK

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

APPROVED: [signature] Date 2/20/09

Kevin E.Howell, CM
Development Manager
Asheville Regional Airport

Address: WRIGHT BROTHERS WAY	Drawing No: undefined	Revision undefined	Progress Energy	Work Request 4Q2OK132	Svc Coord. JOHN MULLIS	Sheet 1
	City/Town, State: ASHEVILLE AIRPORT			Drawn Mullis, John	Approved undefined	
Contact: undefined				Checked undefined	Date 2/20/2009	of 1
				Operating Center undefined	Scale 1 in = 200 ft	

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RESOLUTION NO. 09-48

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH SITE DEVELOPMENT CORPORATION TO CONSTRUCT THE FRENCH BROAD RIVER CORRIDOR CONNECTOR

WHEREAS, the City 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, City Council identified infrastructure investment, pedestrian safety, and multi-modal transportation in their 2009 goals; and

WHEREAS, the French Broad River Corridor Connector will provide a vital link between two sections of the existing French Broad River Greenway and will increase pedestrian safety; and

WHEREAS, the French Broad River Corridor Connector will provide increased recreational opportunity for bicyclists and pedestrians; and

WHEREAS, 80% of the total contract amount is funded by a North Carolina Department of Transportation Enhancement grant, and 20% is allocated by City Council via the FY 01/02 capital budget; and

WHEREAS, Site Development Corporation was selected as the lowest, responsible bidder as part of a formal bidding process; and

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

The City Manager is hereby authorized on behalf of the City of Asheville to enter into a construction contract with Site Development Corporation in an amount not to exceed $90,000 and any change orders within the budgeted amount to construct the French Broad River Corridor Connector provided the award of contract is approved by the North Carolina Department of Transportation.

Read, approved and adopted this 10th day of March, 2009.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 09-49

RESOLUTION TO ENCOURAGE STATE LEGISLATORS TO PROVIDE ENABLING LEGISLATION TO NORTH CAROLINA MUNICIPALITIES TO PROVIDE AN ENERGY EFFICIENCY FINANCING MODEL TO PROPERTY OWNERS

WHEREAS, the City of Asheville strives to reduce barriers for property owners to invest in energy efficiency and renewable energy; and

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

The members of the N.C. General Assembly whose district includes the City of Asheville are respectfully requested to consider the introduction of legislation in the 2009 regular session of the North Carolina General Assembly to enable North Carolina municipalities or, in the alternative, the City of Asheville, to add energy efficiency and renewable energy improvements as improvements eligible for financing through the use of special assessments, as provided in Article 10 of Chapter 160A of the North Carolina General Statutes.

Read, approved and adopted this 10th day of March, 2009.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 09-50

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, On November 11, 2008, City Council adopted Resolution No. 08-227 establishing the Homeless Initiative Advisory Committee (HIAC); and

WHEREAS, City Council has three vacant seats to be filled;

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

(1) Ms. Wanda Lanier, 30 Winding Road, Asheville, N.C., be and she is hereby appointed to the Homeless Initiative Advisory Committee to serve a three year term, term to expire November 1, 2011, or until her successor has been appointed.

(2) Mr. Stephen Bolden, 1256 Sweeten Creek Road, Asheville, N.C., be and he is hereby appointed to the Homeless Initiative Advisory Committee to serve a three year term, term to expire November 1, 2011, or until his successor has been appointed.

(3) Mr. Gerald Hixson, 200 Tunnel Road, Asheville, N.C., be and he is hereby appointed to the Homeless Initiative Advisory Committee to serve a two year term, term to expire November 1, 2010, or until his successor has been appointed.

Read, approved and adopted this 10th day of March, 2009.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-51

RESOLUTION APPOINTING A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, Ms. Joyce Dorr has resigned from the HUB Community Economic Development Alliance, thus leaving an unexpired term until August 22, 2009;

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

Mr. Richard Stiles, 34 Courtland Avenue, Asheville, N.C. be and he is hereby appointed to the HUB Community Economic Development Alliance to serve the unexpired term of Ms. Dorr, term to expire August 22, 2009, and then to serve a full three-year term, term to expire August 22, 2012, or until his successor has been appointed.

Read, approved and adopted this 10th day of March, 2009.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 09-52

RESOLUTION APPOINTING JOHN P. MIALL JR. AS CHAIR OF THE ASHEVILLE CIVIL SERVICE BOARD

WHEREAS, the Civil Service Law for the City of Asheville, Section 2 of Chapter 303 of the 1999 Session Laws of the North Carolina General Assembly, provides that the Chair of the Civil Service Board shall be appointed annually by the City Council; and

WHEREAS, John P. Miall, Jr. is a qualified voter residing in the City of Asheville, a member of the Civil Service Board, currently serving as the Temporary Chair, and otherwise possesses the qualifications for appointment as the Chair of the Board; and

WHEREAS, John P. Miall Jr. is receptive to serving as Chair of the Civil Service Board;

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

John P. Miall Jr. is hereby appointed as the Chair of the Asheville Civil Service Board effective March 10, 2009, or until his successor is duly and annually appointed by the City Council, as provided by law.

Read, approved and adopted this 10th day of March, 2009.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk