

RESOLUTION OF APPRECIATION TO GREGORY H. GRAYSON

WHEREAS, Greg Grayson served as Chief of the Asheville Fire and Rescue Department (AFR) since November, 2000, and has resigned from his position as Fire and Rescue Chief effective May 25, 2009; and

WHEREAS, Greg developed a solid strategic plan of growth and improvement for AFR based on the operating priorities of safety, courtesy, excellent service, efficiency and continuous improvement; and

WHEREAS, Greg established SAFETY as a priority throughout AFR. He led the efforts in replacing AFR's entire fleet of front line fire apparatus, he provided leadership in implementation of a shift based safety officer program, he set the precedent for firefighters to obtain at least 240 hours of training annually and he provided leadership in developing a safer community by assisting in the creation of the Buncombe County modern regional emergency services training center; and

WHEREAS, Greg emphasized COURTESY and created a caring culture that has matured within AFR thus signifying one of his greatest accomplishments. Asheville firefighters have consistently stepped up to treat the people that they have encountered with dignity and respect. In the 2008 citizen survey, more than 90% of the citizens rated AFR excellent or very good and AFR was the highest rated department in all of city government; and

WHEREAS, Greg has maximized SERVICE to the community by opening two new fire stations, facilitating the construction of fire station 12, and acquiring property for three new fire stations. AFR's focus on service was evident by the increase of the department's insurance rate (ISO) by 9%. Greg also initiated the move and consolidation of the 9-1-1 emergency dispatch function with the Buncombe County Center; and

WHEREAS, Greg created EFFICIENCY as a priority for AFR when responding to 16,000 calls annually, Greg implemented the addition of three new companies (one ladder, one rescue and one response squad). The AFR continually has one of the lowest cost per calls rates in NC. Also, Greg facilitated productive working relationships between county staff, combination fire departments as well as the Local Firefighters IAFF Affiliate; and

WHEREAS, Greg established CONTINUOUS IMPROVEMENT as a targeted goal. He successfully led AFR to become an accredited fire and rescue department being one of only eight such accredited departments in NC. Greg has increased the number of AFR staff with advanced education degrees from 3% to over 40%, and several members of the department have earned the prestigious "Chief Fire Officer Designation." Greg has promoted over half of the department and AFR is clearly in the upper 50 percentile of fire departments in NC in regards to female and minority representation; and

WHEREAS, personally Greg has received numerous awards including, but not limited to: The Asheville Buncombe regions Excellence in Public Service Award as "Outstanding Executive Manager" in 2008; the City of Asheville's Excellence in Public Service Award as "Outstanding Executive Manager" in 2008; Chief Fire Officer Designation in 2003; and NC Advanced Firefighter Certificate in 2004; and

WHEREAS, Greg has earned the respect of other civic leaders and has served as President of the Buncombe County Fire Chief's Association; Vice-President of the Buncombe County Fire Chief's Association; Executive Board of Directors Asheville Chapter of American Red Cross; and Board of Directors of United Way of Asheville Buncombe County 2-1-1 Center; and

WHEREAS, Greg has succeeded in leaving the organization better than he found it and provided true leadership by believing in others throughout his time with the City of Asheville; and

WHEREAS, the City Council, by this resolution, wishes to express its great appreciation to Greg Grayson for meritorious service, loyalty and dedication to the City of Asheville and its citizens;

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

The City Council does hereby commend

GREGORY H. GRAYSON

for many years of valuable service and highly commends
him for the manner in which he has carried out his
responsibilities and duties.

Read, approved and adopted this 12th day of May, 2009.

Mayor

Magdalen Burlington

City Clerk

RESOLUTION NO. 09-85

RESOLUTION OF THE ASHEVILLE CITY COUNCIL IN OPPOSITION TO CTS CORPORATION'S REQUEST TO IMPLEMENT A VOLUNTARY REMEDIAL ACTION PROGRAM FOR THE FORMER CTS OF ASHEVILLE SITE, AS IS BEING CONSIDERED BY THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WHEREAS, the United States Environmental Protection Agency (USEPA) and the North Carolina Department of Environment and Natural Resources (NCDENR) have determined that the former CTS of Asheville site, located in the County of Buncombe, contains the presence of hazardous substances; and

WHEREAS, an investigation by the USEPA has determined that said substances have already contaminated the water wells of nearby residents, that said substances "are likely to migrate away from the [CTS] site once they reach the saturated zone," and that the conditions on the CTS site are an "immediate threat to the health and safety of nearby residents" (4 April 2002 EPA Action Memorandum); and

WHEREAS, the City of Asheville has already expended \$103,459.05 and Buncombe County has expended more than \$182,000 to extend water lines to the area potentially affected by the contamination to ensure a safe and reliable source of water for the residents; and

WHEREAS, CTS Corporation has requested that NCDENR enter into an agreement with CTS, pursuant to the Inactive Hazardous Sites Response Act of 1987 (IHSRA), to implement a voluntary remedial action program in an effort to clean up the contamination located at the former CTS of Asheville site; and

WHEREAS, pursuant to IHSRA, no one owner, operator, or other responsible party who voluntarily participates in the implementation of a remedial action program may be required to pay in excess of \$3,000,000.00 for the cost of implementing a remedial action program at a single inactive hazardous substance or waste disposal site; and

WHEREAS, the Asheville City Council supports a full and proper cleanup at the former CTS of Asheville site and has been advised: (1) that the cost of remediating the CTS of Asheville site has not yet been reliably estimated and could exceed \$3,000,000, and (2) that there are other potentially responsible parties who could become involved in the remediation effort; and

WHEREAS, entering into an agreement that would have the effect of limiting remediation expenditures or participation by other parties before the full extent of the remediation that will be required is known has the potential for negative effects on the health, safety, and welfare of Asheville area citizens, and on the environment in the French Broad River basin;

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

1. Conditions at the CTS of Asheville site, as described in the USEPA's 4 April 2002 Action Memorandum and other material, are a matter of grave concern to the Council.
2. A full, proper, and timely remediation of the CTS Asheville site is necessary for the continued health, safety and welfare of the citizens of the area and the surrounding environment.
3. The Department of Environment and Natural Resources of the State of North Carolina is respectfully requested: (a) to give strong consideration to whether conditions at the CTS of Asheville site constitute an imminent hazard pursuant to N.C.G.S. 130A-310.5(a); (b) to take appropriate action to ensure that the full extent of the contamination from the CTS Asheville site, and the full extent of the remediation required for said site, are known; and (c) deny the request of CTS Corporation to enter into a voluntary remediation agreement.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Burlington
City Clerk

Jim Ball
Mayor

Approved as to form:

City Attorney

Magdalen Burlington
City Clerk

RESOLUTION NO. 09-86

RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO SOUTHEAST ENERGY ALLIANCE TO PROMOTE ENERGY EFFICIENT COMMUNITY

WHEREAS, the City of Asheville (herein "City"), has taken a leadership role in operational sustainability by establishing an 80% reduction goal for greenhouse gas emissions produced by City services and by passing a resolution to build all new municipal facilities to specific Leadership in Energy and Environmental Design (LEED™) standards; and

WHEREAS, in October 2005, the mayor of the City of Asheville, attended the U.S. Conference of Mayors and signed the "Mayors Climate Protection Agreement," expressing the City's commitment to climate protection; and

WHEREAS, the City has a fiscal and social responsibility to conserve natural resources by understanding the direct connection between energy efficiency, economic development and local/regional quality of life; and

WHEREAS, the City will strive to be a model of energy, resource, and financial efficiency by improving the quality of life in the City to provide a bright economic future for citizens while at the same time protecting the local economy and local environment by promoting broad recycling programs, reduction in waste, energy efficient building systems, extensive use of renewable energy and the reuse of materials whenever possible; and

WHEREAS, the City hereby commits to emphatically sponsor and market energy efficiency, to pursue energy performance contracting as a tool for reducing energy usage in its public facilities and to seek 15-25% citizen participation with a 20%-40% energy and water reduction within five (5) years;

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

1. The City Manager of the City of Asheville is hereby authorized to submit a grant application to Southeast Energy Alliance for the establishment of a Local Energy Alliance (herein "Alliance").

2. The City Manager of the City of Asheville is further authorized to execute any and all documents to accept the award of grant, establish and administer the Alliance including but not limited to: (a) Designating the Land of Sky Regional Council (LOSRC), as the operating company for the Project; (b) Assigning permission of the community "attributes," such as carbon offsets, electricity demand response payments, renewable energy credits, and any other future pollution reduction payments, to the LOSRC; and (c) Identifying and assigning senior staff to the Alliance with periodic community/media announcements.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Bourleson
City Clerk

Ingram Bell
Mayor

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-87

RESOLUTION APPROVING A ROADSIDE SOLICITATION POLICY

WHEREAS, WHEREAS, pursuant to N.C.G.S. 20-175, the City has the authority to establish a policy to authorize roadside solicitation under certain circumstances; and

WHEREAS, the City of Asheville receives requests for permission to conduct roadside solicitation from various groups; and

WHEREAS, staff has developed a proposed policy to address roadside solicitation safety concerns to solicitors and the motoring public;

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

The City Council hereby approves the attached Roadside Solicitation Policy for the City of Asheville.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Boulson
City Clerk

Gregory B. Bell
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

Roadside Solicitation Policy

Policy Statement

In 2006, the North Carolina General Assembly passed legislation that permits roadside solicitation under certain circumstances. Pursuant to G.S. 20 -175; a local government shall have the authority to grant authorization for a person to stand in, on, or near a street or State roadway, within the local government's municipal corporate limits, to solicit a charitable contribution if the requirements of this subsection are met.

The intent of this policy is to set forth requirements for individuals, groups or organizations who request permission to solicit charitable donations within the municipal limits of the City of Asheville.

The City of Asheville reserves the right to modify or suspend the policy.

Requirements

Requirements for roadside solicitation include:

1. The soliciting organization must have appropriate legal authority to operate in North Carolina, with a business address in North Carolina, and someone in authority immediately available by telephone while the activity occurs.
2. The applicant shall also furnish to the City of Asheville advance proof of liability insurance in the amount of at least two million dollars (\$2,000,000) to cover damages that may arise from the solicitation. The insurance coverage must provide coverage for claims against any solicitor and agree to hold the City of Asheville harmless.
3. Roadside solicitation shall only be permitted at controlled intersections (traffic lights or stop signs).
4. Roadside solicitors shall not impede the flow of traffic.
5. Roadside solicitation shall be conducted from the right of way of public highways or streets.
6. Roadside solicitation shall be conducted during daylight hours only. The City may further set the hours and other circumstances during which the solicitation will occur, including the size and display of signs, number of persons, and other materials
7. Roadside solicitation shall be limited to no more than one group or organization per day citywide.
8. Individuals, groups or organizations shall be limited to a maximum of two events per year with duration of no more than two (2) days per event.
9. The submission of a safety plan is required.

- 10. All roadside solicitation participants shall wear traffic vest which conform to US DOT regulations.
- 11. Each individual participating in roadside solicitation shall wear or have available signs, clothing or articles that clearly delineate the identity of the individual, group or organization.
- 12. All applications and safety plans shall be reviewed and approved by Asheville Police Department and Asheville Fire and Rescue Department.

In the event the solicitation event or the solicitors shall create a nuisance, delay traffic, create threatening or hostile situations, any law enforcement officer with proper jurisdiction may order the solicitations to cease. Solicitors must comply with all other applicable laws

Any individual who fails to follow a law enforcement officer's lawful order may be charged with a Class 2 misdemeanor.

Application

A person seeking authorization to solicit charitable contributions shall file a written application with the City of Asheville. This application shall be filed not later than fourteen (14) days before the date the solicitation event is to occur. If there are multiple events or one event occurring on more than one day, each event shall be subject to the application and permit requirements of this subsection for each day the event is to be held, to include the application fee. Pursuant to G.S. 20 – 175, in no case shall the fee be greater than twenty-five dollars (\$25.00) per day per event.

The application must include:

- 1. Proof of legal authority to operate in North Carolina as a charitable organization;
- 2. A North Carolina business address;
- 3. Phone number of organization's person in authority who is immediately available while the solicitation occurs;
- 4. The date and time when the solicitation is to occur;
- 5. The location at which the solicitation is to occur;
- 6. The number of persons to be involved in the solicitation;
- 7. A safety plan as set forth by the City of Asheville Parks and Recreation Special Events Emergency Plan; and
- 8. Proof of liability insurance with the City of Asheville named as additionally insured

The City of Asheville, by acting under this section, does not waive, or limit, any immunity or create any new liability. The issuance of an authorization and the conducting of the solicitation authorized are not considered governmental functions of the City of Asheville.

RESOLUTION NO. 09-88

RESOLUTION AUTHORIZING THE ASHEVILLE FIREFIGHTER'S ASSOCIATION LOCAL 865 TO CONDUCT ROADSIDE SOLICITATION ON MAY 15, 2009 (RAIN DATE MAY 29, 2009) AND SEPTEMBER 18, 2009 (RAIN DATE SEPTEMBER 25, 2009) FOR THE PURPOSE OF COLLECTING MONEY FOR THE MUSCULAR DYSTROPHY ASSOCIATION

WHEREAS, N.C.G.S. 20 - 175 authorizes roadside solicitation under certain circumstances; and

WHEREAS, the Asheville Firefighter's Association has made application to the City of Asheville to conduct roadside solicitation on May 15, 2009 (rain date May 29, 2009) and September 18, 2009 (rain date May 25, 2009) for the purpose of collecting money for the Muscular Dystrophy Association; and

WHEREAS, the City has established a policy to review and approve requests for roadside solicitation;

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

The Asheville Firefighter's Association's request to conduct roadside solicitation on May 15, 2009 (rain date May 29, 2009) and September 18, 2009 (rain date September 25, 2009) is granted.

Read, approved and adopted this 12th day of May, 2009.

Magdalena Boulson
City Clerk

Ingrit Bellamy
Mayor

Approved as to form:

Allen Dea
City Attorney

Magdalena Boulson
City Clerk

RESOLUTION NO. 09- 89

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ASHEVILLE AND
COUNTY OF BUNCOMBE FOR THE 2009 BYRNE JUSTICE ASSISTANCE GRANT
(JAG) PROGRAM: LOCAL SOLICITATION

WHEREAS, the JAG Program provides federal funding for law enforcement operations;

WHEREAS, the Grant apportions grant funding between city and county law enforcement operations based on a federal distribution formula; and

WHEREAS, the City and County find receiving the grant under the terms of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates each party for the services or functions under this agreement.

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 the 2009 Byrne Justice Assistance Program: Local Solicitation and execute a memorandum of understanding between the City of Asheville, NC and County of Buncombe, NC for the same.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Boulson
City Clerk

Gregory Bell
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09- 90

RESOLUTION AUTHORIZING THE CITY TO APPLY FOR FEDERAL TRANSIT ADMINISTRATION FUNDING FOR TRANSIT INVESTMENTS FOR GREENHOUSE GAS AND ENERGY REDUCTION GRANT APPLICATION AND AUTHORIZATION TO ACCEPT AND EXECUTE SAID GRANT

WHEREAS, the Federal Transit Administration funding for Transit Investments for Greenhouse Gas and Energy Reduction grant is available to transit agencies for capital projects that either reduce greenhouse gas emissions and reduce energy consumption, or both; and

WHEREAS, City of Asheville, as designated recipient, is consolidating projects from Buncombe County's and Henderson County's transit agencies and applying on their behalf; and

WHEREAS, City of Asheville's Transit System is applying for additional funding to be able to replace the transit fleet; 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.

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 funding for Transit Investments for Greenhouse Gas and Energy Reduction grant.

The Council of the City of Asheville authorizes the Mayor of the City of Asheville to execute documents to accept this grant award.

Read, approved and adopted this 12th day of May, 2009.

Magdalena Burlison
City Clerk

John B. Bell
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Burlison
City Clerk

RESOLUTION NO. 09-91

RESOLUTION AUTHORIZING SUBMISSION OF A SUBSTANTIAL AMDENDMENT TO THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2008-09 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, WHEREAS, City Council adopted an Action Plan on April 22, 2008, for the use of funds in FY 2008-09; and

WHEREAS, the City expects to receive funding of \$509,460 under the Homelessness Prevention and Rapid Re-Housing Program (HPRP), which have been made available to the city per Division A, Title XII of the American Recovery and Reinvestment Act of 2009,

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

1. Council approves the submission to HUD of the Substantial Amendment to its Consolidated Annual Action Plan for 2008-09 setting forth the City's plan to accept and distribute \$509,460 under the Homelessness Prevention and Rapid Re-Housing Program (HPRP), and.
2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Substantial Amendment to the Consolidated Action Plan.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Brouson
CITY CLERK

Greg Bell
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Brouson
City Clerk

Resolution No. 09-92

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2009-10 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2005-2010; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2009-10; and

WHEREAS, three public hearings have been held to obtain citizen input and comments on the draft plan, including a public hearing in front of Council on April 28, 2009, and the draft plan has been made available to the public;

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

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2009-10 which is incorporated by reference as if fully set forth herein.
2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Bouleson
CITY CLERK

Imogen Ballou
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Bouleson
City Clerk

Consolidated Action Plan 2009 Funding Sources

CDBG

Entitlement Grant		1,232,927
Funds for re-allocation from completed projects:		-
Unbudgeted 2007-08 program income		62,166
Unbudgeted 2008-09 program income (estimate)		139,058
Estimated Program Income for 2009-10:		66,463
Land sales	-	
Rents	15,463	
Loan Repayments	51,000	
Total CDBG Funds Available For Allocation		1,500,614
Restricted CDBG Funds		
Estimated Program Income due to Subrecipients:		9,000
Mountain Housing Opportunities	8,000	
Mountain BizCapital	1,000	
Estimated Section 108 program income (to be applied to repayment of S.108 obligations)		73,691
Total Restricted CDBG funds		82,961
HOME		
HOME Entitlement Grant		1,462,387
American Dream Downpayment Initiative		11,500
HOME Contingency balance		-
Funds for re-allocation from completed project		80,000
Prospect Park	80,000	-
Program Income (Asheville)		-
Total HOME Funds Available		1,553,887

Summary of Proposed Use of Funds

Agency	Project	Proj ID	CDBG	HOME	Other	Total
AAHH	Housing Services	1	70,000		101,105	171,105
ABCRC	Fair Housing	2	45,000		215,000	260,000
COA	Transit Improvements	3	50,000		0	50,000
COA	N. Louisiana Street Sidewalks	4	117,000		45,250	162,250
COA	Homeless Initiative Coordinator	5	18,000		33,000	51,000
CCCS	Financial/Housing Couns. & Ed.	6	37,430		912,308	949,738
CCCS	Homebase Housing Counseling	7	40,000		83,253	123,253
HM	Domestic Violence Services	8	8,000		394,168	402,168
HB	Homeless Programs	9	94,400		341,220	435,620
HB	Supportive Housing Services	10	30,000		408,396	438,396
HACA	Asheville GO- Employ. & Training	11	90,611		135,500	226,111
MHO	Emergency Repair Tier I	12	150,000		2,708	152,708
MHO	Emergency Repair Tier II	13	25,000		3,725	28,725
MHO	Housing Services	14	150,000		26,400	176,400
MBW	Micro Business Development	15	150,000		1,112,000	1,262,000
MBC	Small Business Loan Fund	16	26,000		168,437	194,437
PLS	Homelessness Prevention	17	30,000		187,230	217,230
PLS	Resource Development	18	18,000		0	18,000
WNCGBC	Weed & Seed Weatherization Svc	19	41,208		95,050	136,258
COA	Section 108 Debt Service	20	2,849		0	2,849
COA	Program Administration	21	235,268		0	235,268
COA	Unallocated Funds		71,848		146,520	212,122
AAHH	Brotherton Subdivision	22		79,000	2,500,562	2,579,562
MHO	Direct Homebuyer Assistance	23		198,085	202,750	400,835
CCCS	Tenant Based Rental Assistance	24		20,000	0	20,000
HCHH	Shuey Knolls Subdivision	25		125,000	1,512,000	1,637,000
HB	Tenant Based Rental Assistance	26		40,000	0	40,000
HAC	Mapleton Development	27		100,000	664,939	764,939
HACA	Tenant Based Rental Assistance	28		64,782	3,300,000	3,364,782
CHCMC	Homeowner Rehab	29		30,000	0	30,000
CHCMC	Single Family Home Construction	30		50,000	104,450	154,450
MHO	Affordable Rental Housing II	31		25,000	45,000	70,000
MHO	ADDI	32		11,500	0	11,500
MHO	Rural Home Rehabilitation	33		97,183	236,089	333,272
MHO	Self-Help Homeownership	34		19,437	1,623,263	1,642,700
MHO	Single-Family House Rehabilitation	35		25,000	125,500	150,500
MHO	Westmore Apartments	36		225,000	7,933,000	8,158,000
WCCA	Estatoe Apartments	37		100,000	2,938,300	3,038,300
COA	HOME Administration	38		131,587	0	131,587
CHDO	CHDO Operating Expenses	39		65,793	0	65,793
Total			1,500,614	1,553,887	25,728,503	28,630,23

Agency Index: AAHH - Asheville Area Habitat for Humanity; ABCRC - Asheville Buncombe Community Relations Council; CCCS - Consumer Credit Counseling Service (OnTrack); CHCMC - Community Housing Coalition of Madison County; COA - City of Asheville; HAC - Housing Assistance Corporation; HACA - Housing Authority of the City of Asheville; HB - Homeward Bound of Asheville; HCHH - Henderson County Habitat for Humanity; HM - Helpmate; MHO - Mountain Housing Opportunities.; MBC - Mountain BizCapital; MBW - Mountain BizWorks; PLS - Pisgah Legal Services; WCCA - Western Carolina Community Action; WNCGBC - Western North Carolina Green Building Council

RESOLUTION NO. 09- 93

RESOLUTION TO ESTABLISH MULTIPLE PERMITTING OF THE PACK SQUARE AREA IN
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, Pack Square area of the park is scheduled to open April/May 2009, and

WHEREAS, the City Council of the City of Asheville adopted on April 14, 2009 a resolution amending the fees and charges manual to establish a park usage fee in the amount of \$100 for the first three hours and \$25 for each additional hour for the Pack Square area in Pack Square Park; and

WHEREAS, the Pack Square area consists of 3 distinct sub areas, as indicated on the map, attached hereto as Exhibit A, each of which may accommodate events without requiring the use of other sub areas.

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

The park usage fee established in the Fees and Charges Manual for the Pack Square area in Pack Square Park shall apply to Area A (the lawn area) within the Pack Square area. Areas B and C are not subject to the park usage fee and are available for use separately and subject to other permit fees established in the Fees and Charges Manual, where applicable.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Boulson
CITY CLERK

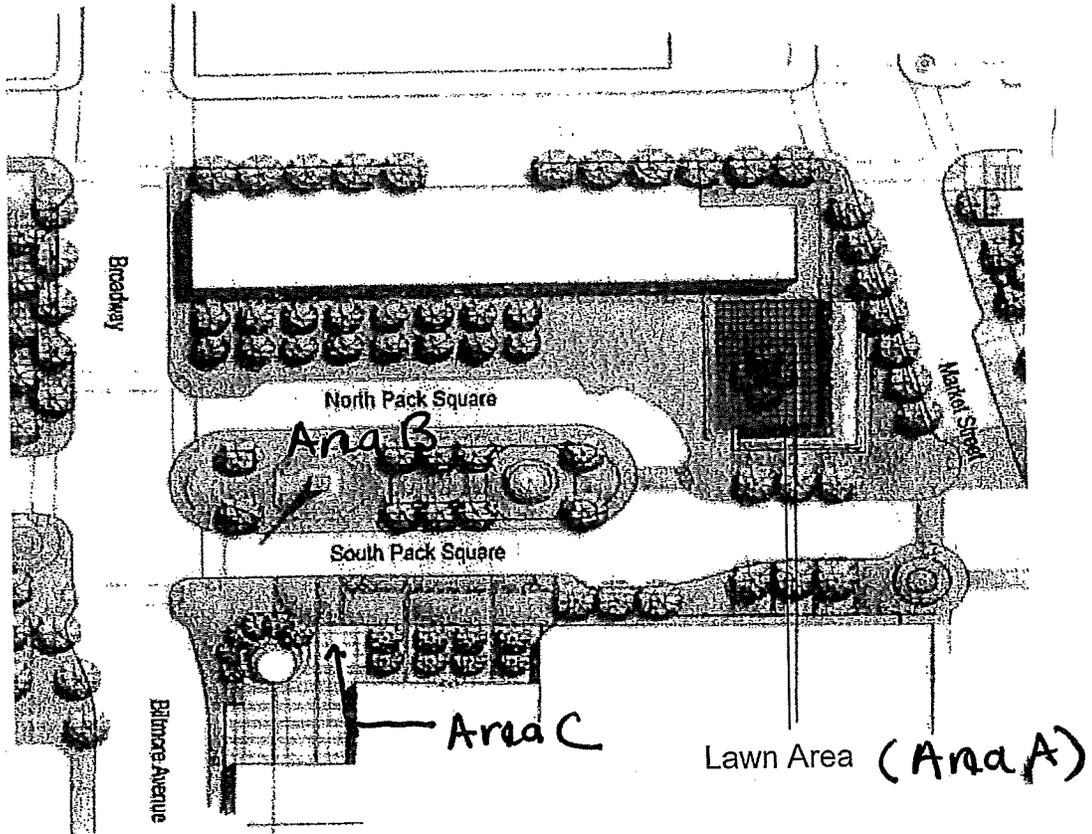
Jim Bulley
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

Pack Square Park—Pack Square



RESOLUTION NO. 09- 94

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THREE (3) EASEMENT DONATIONS (PIN# 9649-23-7361-00000, 9649-23-8213-00000, and 9649-23-8163-00000) FROM 265 BROADWAY, LLC FOR THE PURPOSES OF IMPLEMENTING PHASE IV OF THE REED CREEK GREENWAY

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method, and is authorized pursuant to G.S. 160A-353 to accept any gift, grant or bequest of real property for parks and recreation programs, and to hold such property subject to such terms and conditions as may be imposed by the grantor; and

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

WHEREAS, the Reed Creek Greenway is a 1.0 mile alternative, off-road transportation corridor that will connect the University of North Carolina, Asheville, the future Momentum Children's Science Museum and the Montford neighborhood to downtown Asheville; and

WHEREAS, property owners may offer to donate or convey to the City of Asheville all or portions of property or easements over property so that the property may be used for parks and greenway systems; and

WHEREAS, 265 Broadway, LLC has offered to donate easements through three (3) properties (PIN# 9649-23-7361-00000, 9649-23-8213-00000, and 9649-23-8163-00000) for the purposes of implementing Phase IV of the Reed Creek Greenway

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

The Mayor is hereby authorized to accept on behalf of the City of Asheville, subject to review and approval of the conveyance documents by the City Attorney, the donation and conveyance of the three (3) easements through real property offered by 265 Broadway, LLC (PIN# 9649-23-7361-00000, 9649-23-8213-00000, and 9649-23-8163-00000) for the purposes of implementing Phase IV of the Reed Creek Greenway.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Boulton
City Clerk

Gregory B. Baker
Mayor

Approved as to form:

Russell J. ...
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 09-95

RESOLUTION AUTHORIZING THE FEE SIMPLE ACQUISITION OF A 0.214 ACRE PORTION OF REAL PROPERTY IDENTIFIED AS PIN # 9649-14-5085-00000 FOR THE PURPOSES OF IMPLEMENTING PHASE II OF THE REED CREEK GREENWAY

WHEREAS, N.C.G.S. § 160A-353 authorizes cities in North Carolina to acquire real property for parks and recreation programs and facilities by gift, grant, purchase, lease, exercise of eminent domain, or any other lawful method; and

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

WHEREAS, The Reed Creek Greenway is a 1.0 mile alternative, off-road transportation corridor that will connect the University of North Carolina, Asheville, the future Momentum Children's Science Museum and the Montford neighborhood to downtown Asheville; and

WHEREAS, A 0.214 portion of property on Broadway Street, identified as a portion of PIN # 9649-14-5085-00000, is necessary to implement Phase II of the Reed Creek Greenway; and

WHEREAS, said property has been appraised by Richard Smith of Dry Ridge Appraisal, LLC; and

WHEREAS, said appraisals have been reviewed and a fair market value consistent with the appraisal has been established at \$20,000 and recommended by the City's Real Estate Manager; and

WHEREAS, 100% of the funding for the stated purchase has been allocated by City Council via the FY 08/09 capital budget,

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

1. The appraisals by Richard Smith of Dry Ridge Appraisal, LLC and the review and recommendation by the City's Real Estate Manager are hereby accepted to establish \$20,000 as the fair market value;
2. The Mayor is hereby authorized on behalf of the City of Asheville execute all documents necessary to complete the transaction and purchase of a 0.214 acre portion of PIN # 9649-14-5085-00000, subject to the prior approval of the City attorney.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Boulson
City Clerk

Jim Bell
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-96

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL ON THE DATES OF FRIDAY, MAY 29, 2009 FROM 5:00 PM – 10:00 PM, SATURDAY, MAY 30, 2009 FROM 10:00 AM – 10:00 PM, AND SUNDAY, MAY 31, 2009 FROM 12:00 PM – 6:00 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 Mountain Sports Festival.

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 Mountain Sports Festival event area.

The Mountain Sports Festival event area is within the fenced boundaries of Carrier Park, as shown on the attached Exhibit A.

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 Mountain Sports Festival on Friday, May 29, 2009 from 5:00 PM – 10:00 PM, Saturday, May 30, 2009 from 10:00 AM – 10:00 PM, and Sunday, May 31, 2009 from 12:00 PM – 6:00 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 Mountain Sports Festival 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 Mountain Sports Festival 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 Mountain Sports Festival, 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 12th day of May 2009.

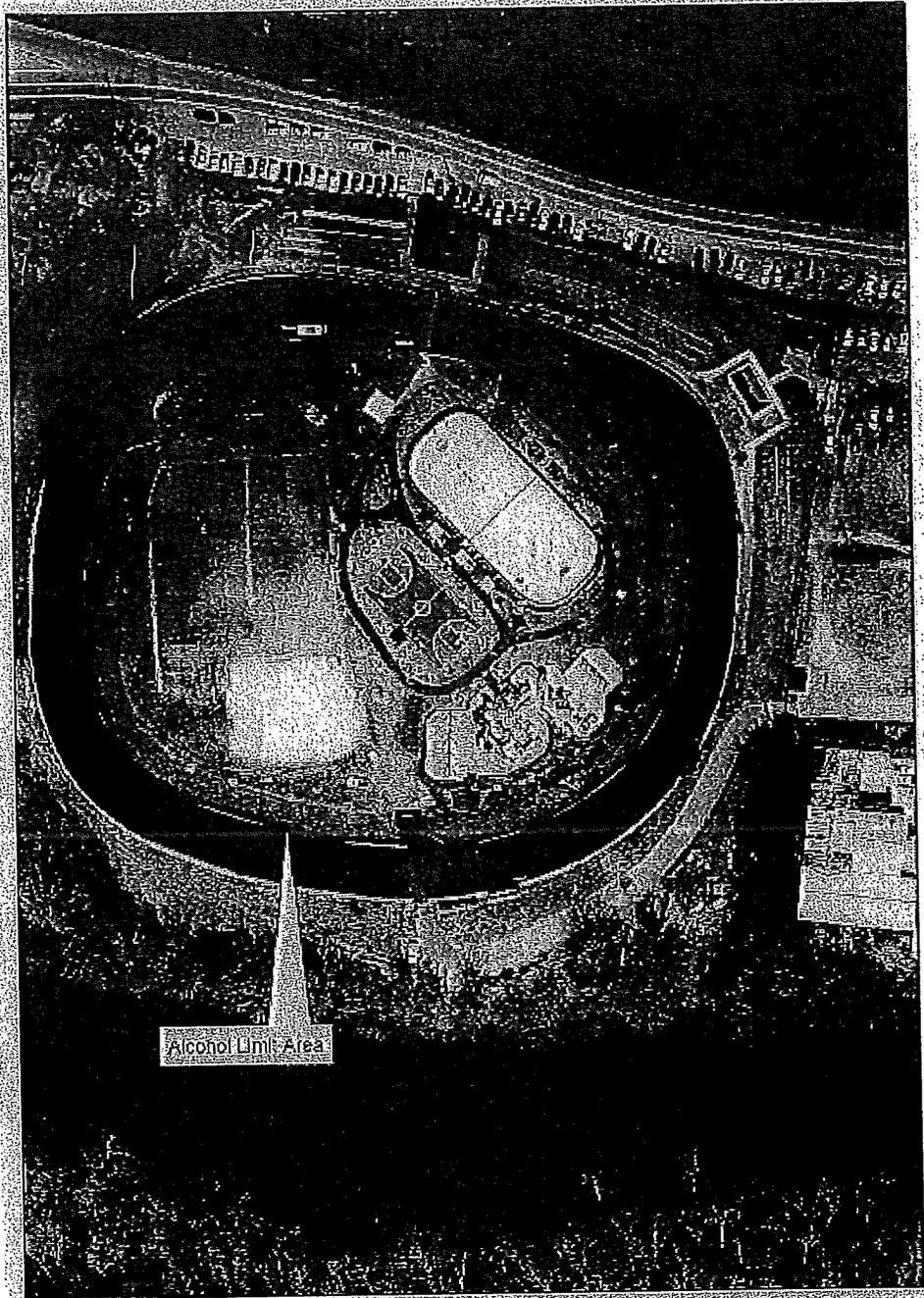
Magdalen Boulson
City Clerk

Jim Bullen
Mayor (10)

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk



Alcohol Limit Area

Carrier Park

RESOLUTION NO. 09-97

RESOLUTION MAKING PROVISION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER FIVE ON THE DATES OF FRIDAY, MAY 15, 2009 FROM 5:00 PM – 9:30 PM, FRIDAY, JUNE 19, 2009 FROM 5:00 PM – 9:30 PM, FRIDAY, JULY 17, 2009 FROM 5:00 PM – 9:30 PM, FRIDAY, AUGUST 21, 2009 FROM 5:00 PM – 9:30 PM AND FRIDAY, SEPTEMBER 18, 2009 FROM 5:00 PM – 9:30 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 Downtown After Five.

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 Downtown After Five event area.

The Downtown After Five event area is within the 100 block of Lexington Avenue, as shown on the attached Exhibit A.

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 Downtown After Five on Friday, May 15, 2009 from 5:00 PM – 9:30 PM, Friday, June 19, 2009 from 5:00 PM – 9:30 PM, Friday, July 17, 2009 from 5:00 PM – 9:30 PM, Friday, August 21, 2009 from 5:00 PM – 9:30 PM, and Friday, September 18, 2009 from 5:00 PM – 9:30 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 Downtown After Five 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 Downtown After Five 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 Downtown After Five, 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 12th day of May 2009.

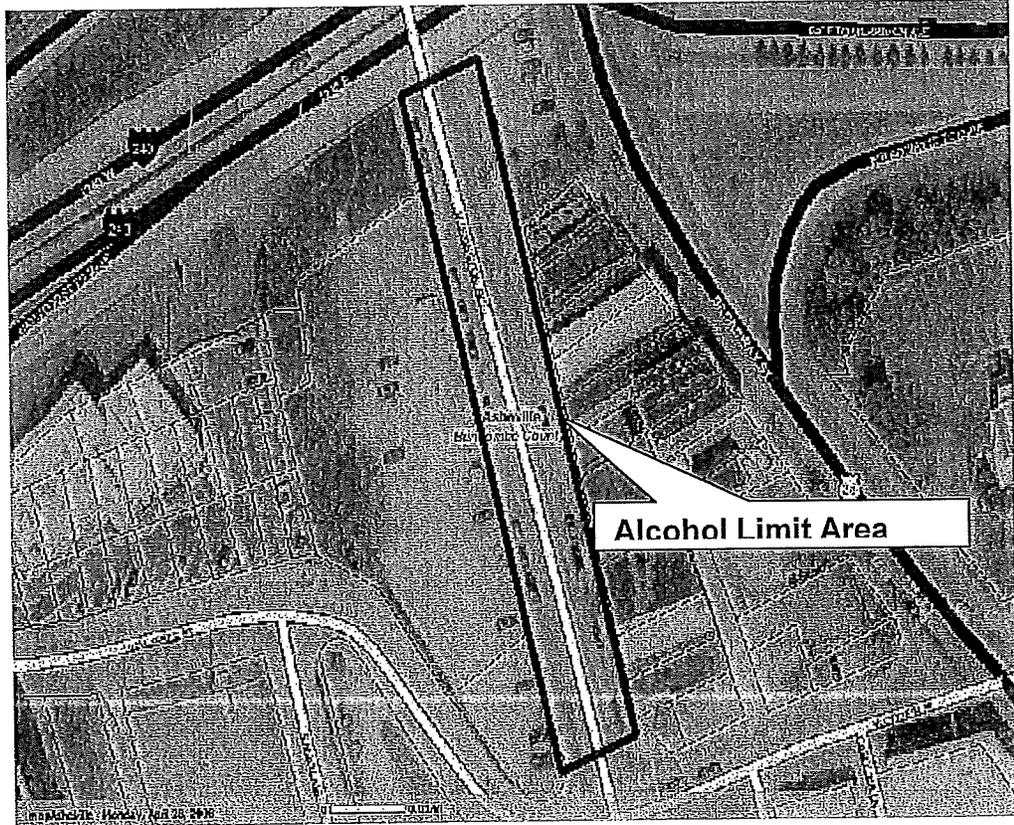
Magdalen Boulson
City Clerk

Gregory B. Ballew
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk



Lexington Avenue (100 Block)

RESOLUTION NO. 09-98

RESOLUTION REQUESTING FEDERAL FUNDING FOR AN AUTOMATED VEHICLE LOCATION SYSTEM

WHEREAS, the current Highway and Transit Authorization bill entitled, "Safe, Accountable, Flexible, Efficient Transportation Equity Act, a Legacy for Users," (SAFETEA-LU) is at the end of its six-year period (2004-2009); and

WHEREAS, the House Committee on Transportation and Infrastructure is accepting funding requests to be included in the upcoming Highway and Transit Authorization bill that will replace SAFETEA-LU; and

WHEREAS, the City is recommending the acquisition of an Automated Vehicle Location system as part of the modernization effort of the transit fleet; and

WHEREAS, the City is requesting federal funding for an AVL system in the amount of \$416,000 to be included in the new bill;

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

The Council of the City of Asheville supports the request for funding for the Automated Vehicle Location system in the amount of \$416,000.

Read, approved and adopted this 12th day of May, 2009.

Magdalen Boulson
City Clerk

Jim Buller
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk