

RESOLUTION NO. 09-214

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SUNGARD / THE FOR MAINTENANCE COVERAGE FROM JULY 1, 2009, TO JUNE 30, 2010

WHEREAS, pursuant to N.C.G.S. 160A-11, the City may enter into contracts with third party vendors; and

WHEREAS, the City requires maintenance coverage of its HTE Software; and

WHEREAS, the service renewal agreement provides for a fixed rate maintenance cost for repair or upgrade of THE software for another one year period; and

WHEREAS, the City of Asheville and SunGuard / HTE wish to renew the service agreement; and

WHEREAS, the cost of the service is \$129,548, and the amount is budgeted in the FY 2009-2010 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 an agreement with SunGuard / HTE on behalf of the City of Asheville in the amount of \$129,548 for the purpose of maintaining the City's HTE Software.

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

Magdalen Bureson
City Clerk

Imogen Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bureson
City Clerk

RESOLUTION NO. 09-215RESOLUTION 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:

(1) The formal meeting on Tuesday, December, 8, 2009, is changed to an organizational meeting only beginning at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of the City Hall Building.

(2) A formal meeting has been scheduled on Tuesday, December 15, 2009, beginning at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of the City Hall Building.

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

Magdalen Boulson
CITY CLERK

Sam Bellamy
MAYOR

Approved as to form:

Richard
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 09 - 216

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR INSTALLING HIGHWAY/RAILWAY GRADE CROSSING CANTILEVER SIGNALS AT THE INTERSECTION OF RIVERSIDE DRIVE AND NORFOLK SOUTHERN RAILWAY TRACKS (CROSSING # 720-409S) IN ASHEVILLE

WHEREAS, the North Carolina Department of Transportation (NCDOT), an agency of the State of North Carolina, pursuant to the provisions of GS # 136-18(12) proposes to contract with the Federal Highway Administration (FHWA) to obtain Federal-Aid funds for safety improvements at certain highway/railway at-grade crossings on the municipal street system throughout the state; and

WHEREAS, this project consists of the installation of certain automatic warning devices at the intersection of Riverside Drive and Norfolk Southern railway tracks (Crossing # 720-409S); and

WHEREAS, the City will reimburse the NCDOT 0% of any and all expenses incurred in the planning, design, and installation of the automatic warning devices and 100% of the costs not reimbursed by the Federal Highway Administration (FHWA); and

WHEREAS, it is necessary for the City to enter into a contract with the NCDOT to provide for the installation and maintenance of the automatic warning devices on the municipal street system in order to carry out the subject project and to promote the public interest and general welfare of the City; and

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

The installation of highway/railway grade crossing cantilever signals at the intersection of Riverside Drive and Norfolk Southern railway tracks (Crossing # 720-409S) in Asheville is hereby formally approved by the City Council of the City of Asheville and that the City Manager is hereby empowered to sign and execute the Municipal Agreement with the North Carolina Department of Transportation.

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

Maddalen Boulson
City Clerk

Imogen Sellan
Mayor

Approved as to form:
[Signature]
City Attorney

Maddalen Boulson
City Clerk

RESOLUTION NO. 09-217

RESOLUTION AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL TO ALLOW FOR DISCOUNTS FOR PARKING FEES FOR INDIVIDUALS OR AGENCIES THAT HOLD 5 OR MORE MONTHLY PARKING SPACES IN THE CIVIC CENTER GARAGE OR PURCHASE 300 OR MORE HOURLY PARKING PASSES FOR ANY GARAGE

WHEREAS, pursuant to N.C.G.S. 160A-301(b), the City may regulate and impose fees for parking lots owned by the City; and

WHEREAS, the City of Asheville owns and operates three parking garages in the City of Asheville; and

WHEREAS, the city wants to encourage long term parkers to park in an off-street parking garage; and

WHEREAS, the City supports and encourages small business development;

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

The City of Asheville Fees and Charges Manual be, and is hereby, modified to include the following:

1. Fifteen percent (15%) discount for ten or more monthly parking spaces owned by one individual or agency in the Civic Center Garage;
2. Ten percent (10%) discount for five to nine monthly parking spaces owned by one individual or agency in the Civic Center Garage;
3. Fifteen percent (15%) discount for 300 or more bulk vouchers purchased at one time by the same individual or agency for hourly parking in any City operated parking garage.

Read, approved and adopted this the 13th of October 2009.

Magdalen Bruleson
City Clerk

Sam Bellamy
Mayor

Approved as to form:

h.w.d.
City Attorney

Magdalen Bruleson
City Clerk

RESOLUTION NO. 09-218

RESOLUTION AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL TO ALLOW FOR THE FARE INCREASE FOR THE BLACK MOUNTAIN INTERCITY SERVICE – ROUTE 28

WHEREAS, the North Carolina Department of Transportation (NCDOT) informed the City of Asheville that the intercity funding for routes 28 and 54 (Black Mountain and Weaverville, respectively) would be discontinued effective November 1, 2009; and

WHEREAS, the City and the Town of Black Mountain feel strongly that route 28 provides an important transportation function along the eastern side of Buncombe County; and

WHEREAS, NCDOT has tentatively approved extending the funding for route 28 through June 30, 2010, provided certain criteria is met; and

WHEREAS, NCDOT is funding approximately 90% of the total cost, and has requested the City to redesign the route and increase revenues to match the investment; and

WHEREAS, the City has redesigned the route to comply with Circular 5311(f); and

WHEREAS, the City has been successful in increasing partnership contributions and has proposed a new fare structure to increase the farebox revenue and passes to encourage riders to use the route; and

WHEREAS, pursuant to N.C.G.S. 160A-17.1, a city is authorized to enter into contracts and accept grants and loans from the federal and State governments for any function authorized by law; and

WHEREAS, the provision of public transportation is authorized by Article 10 and Article 25 of the North Carolina general statutes;

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

The City of Asheville Fees and Charges Manual be modified to include the following:

- 1. Cash fare from Asheville to Swannanoa - \$1.50
- 2. Cash fare from Asheville to Black Mountain - \$1.75
- 3. Discount pass from Asheville to Swannanoa - \$1.50
- 4. Discount pass from Asheville to Black Mountain - \$1.00
- 5. Monthly pass Route 28 - \$55.00
- 6. Monthly discount pass Route 28 - \$27.50

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

Magdalen Bourleson
City Clerk

Imogen Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-219

RESOLUTION AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL TO ALLOW FOR A FEE ADJUSTMENT POLICY FOR THE MUNICIPAL GOLF COURSE

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, the City Council of the City of Asheville adopted on September 26, 1995, a revised Fees and Charges Manual which includes fees and charges, which manual is updated annually with the adoption of the City's budget; and

WHEREAS, in the fall of 2008, the Recreation Board recommended to City Council the full slate of proposed FY 2009-2010 fees charged for services of the Asheville Parks, Recreation and Cultural Arts Department; and

WHEREAS, the Recreation Board's recommended fees included fees charged at the Asheville Municipal Golf Course, which were approved by City Council; and

WHEREAS, since 2008, change in the local golf market, economy and changes to the structure and expectations of the golf course budget have occurred; and

WHEREAS, the golf course is set up as an enterprise fund and is expected to operate within a balanced budget with no subsidy from the City of Asheville general fund; and

WHEREAS, managers need the tools to make adjustments to the golf course revenue and expenses during the course of the fiscal year as changes in the local golf market, economy and golf conditions vary; and

WHEREAS, in the last fiscal year, local golf courses have adjusted golf fees down and offered golf incentives during this particularly difficult economic period; and

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

The City of Asheville Fees and Charges Manual be modified to include the following:

Fee Adjustment Policy for the Municipal Golf Course

- The setting of the seasonal fees within the fee ranges would be proposed by staff and reviewed and approved by the Director of the Parks, Recreation and Cultural Arts Department and the Finance Director prior to implementation.
- If it is deemed necessary to change fees during a season there would be a minimum two week public posting at the golf course prior to fees being changed.
- Golf Course fees will be set with sensitivity to the surrounding market. Prior to fee being adjusted, staff will produce a competitive analysis of specific fees in the market, and fees will be set to optimize total revenues and balance the budget.
- Golf Course fees will never be adjusted higher than fees adopted by City Council during the annual fees & charges process.

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

Magdalen Bourleson
City Clerk

Imogen Bellur
Mayor

Approved as to form:

Russell
City Attorney

Magdalen Bourleson
City Clerk