

RESOLUTION NO. 10- 13

RESOLUTION APPOINTING A MEMBER TO THE AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE

WHEREAS, as Councilman Carl Mumpower is no longer a member of the Asheville City Council, there currently exists a vacancy on the Americans with Disabilities Act Compliance Committee;

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

Councilman Gordon Smith be and he is hereby appointed as the elected representative to the Americans with Disabilities Act Compliance Committee to serve a term according to the length of his Council term of office.

Read, approved and adopted this 26th day of January, 2010.

Magdalen Bourleson
CITY CLERK

Angus Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 10- 14

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, Councilwoman Cape is no longer a member of City Council, thus there is a vacancy for an ex-officio non-voting City Council member;

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

Councilman Davis be and he is hereby appointed to serve as the ex-officio non-voting City Council member on the Citizens/Police Advisory Committee to serve a term according to the length of his Council term of office.

Read, approved and adopted this 26th day of January, 2010.

Magdalen Bureson
CITY CLERK

Angela Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bureson
City Clerk

RESOLUTION NO. 10-15

RESOLUTION APPOINTING A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE BOARD

WHEREAS, the membership of the HUB Community Economic Development Alliance Board consists of several appointments, one being a City Council Planning & Economic Development Committee member; and

WHEREAS, Robin Cape (Planning & Economic Development Committee member) is no longer a member of the Asheville City Council, thus creating a vacancy;

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

Councilman Gordon Smith be and he is hereby appointed to serve as the City Council Planning & Economic Development Committee member to the HUB Community Economic Development Alliance Board, until such time as he is no longer a member of the City Council Planning & Economic Development Committee.

Read, approved and adopted this 26th day of January, 2010.

Magdalen Bourleson
CITY CLERK

Angela Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 10-16

RESOLUTION APPOINTING THE CHAIRMAN TO THE POLICE OFFICERS AND
FIREFIGHTERS DISABILITY REVIEW BOARD

WHEREAS, there is a need to appoint the Vice-Mayor to serve as the Chairman of the Police Officers and Firefighters Disability Review Board;

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

Vice-Mayor Brownie Newman be and he is hereby appointed as the City Council representative, to serve as Chairman, to the Police Officers and Firefighters Disability Review Board to serve a term according to the length of his Vice-Mayor term of office.

Read, approved and adopted this 26th day of January, 2010.

Magdalen Boulson
CITY CLERK

Angie Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 10- 17

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, as former Council Member Carl Mumpower is no longer a member of the Asheville City Council, there currently exists for an ex-officio non-voting City Council representative on the Buncombe County Tourism Development Authority;

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

Councilman Jan Davis be and he is hereby appointed as the ex-officio non-voting City Council representative on the Buncombe County Tourism Development Authority to serve a term according to the length of his Council term of office.

Read, approved and adopted this 26th day of January, 2010.

Magdalen Baulson
CITY CLERK

Ingobellary
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 10-18

RESOLUTION TO APPROVE THE ASSIGNMENT OF THE LEASE FOR THE USE OF MCCORMICK FIELD FROM PALACE BASEBALL, L.L.C. TO DEWINE SEEDS – SILVER DOLLAR BASEBALL, L.L.C.

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-489 to operate auditoriums and coliseums; and

WHEREAS, the City has the authority pursuant to G.S. 160a-20.1 to enter into contracts with private entities in furtherance of any public purpose that the City is authorized by law to engage in; and

WHEREAS, on July 1, 2005, the City entered into a lease with Asheville Tourist Baseball Club, Inc. for the use of McCormick Field; and

WHEREAS, on October 25, 2005, City Council approved the assignment of lease for use from Asheville Tourist Baseball Club, Inc. to Palace Baseball, L.L.C.; and

WHEREAS, on January 5, 2010, Palace Baseball, L.L.C. entered into an asset purchase agreement with DeWine Seeds – Silver Dollar Baseball, L.L.C.; and

WHEREAS, pursuant to Section 46 of the McCormick Field Lease, the City must approve any assignment of the lease; and

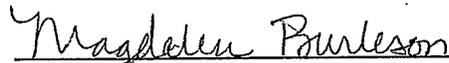
WHEREAS, DeWine Seeds – Silver Dollar Baseball, L.L.C. is a suitable company to own and operate a baseball team in Asheville, North Carolina at McCormick Field;

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

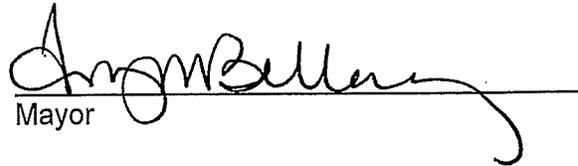
1. In accordance with Section 46 of the McCormick Field Lease dated July 1, 2005, the City Council hereby consents to the assignment of said Lease from Palace Baseball, L.L.C. to DeWine Seeds – Silver Dollar Baseball, L.L.C.'

2. The City Manager be, and is hereby, authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 26th day of January, 2010.



 City Clerk

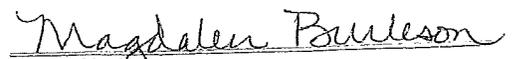


 Mayor

Approved as to form:



 City Attorney



 City Clerk

RESOLUTION NO. 10- 19

RESOLUTION AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION SECTION 5309 BUS AND BUS FACILITIES LIVABILITY INITIATIVE PROGRAM GRANTS

WHEREAS, the Federal Transit Administration funding for Section 5309 Bus and Bus Facilities Livability Initiative Program Grants is available to transit agencies for capital projects to improve mobility and create livable communities; and

WHEREAS, the City of Asheville's Transit System is applying for additional funding to be able to replace most of its aged 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 OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council supports the application for funding for Section 5309 Bus and Bus Facilities Livability Initiative Program Grants in order to purchase three diesel buses and two hybrid diesel-electric buses. In addition, the City of Asheville City Council authorizes the Mayor to execute the appropriate documents to accept the grant, if it is awarded.

Read, approved and adopted this 26th day of January 2010.

Magdalen Baulson
City Clerk

Ang Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 10- 20

RESOLUTION AMENDING THE 2010 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 Asheville City Council will hold a worksession in the First Floor North Conference Room of City Hall, located at 70 Court Plaza, Asheville, North Carolina, on (1) Tuesday, February 9, 2010, at 2:00 p.m.; and (2) Tuesday, March 9, 2010, at 3:00 p.m.

Read, approved and adopted this 26th day of January, 2010.

Magdalen Boulson
CITY CLERK

Greg Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION 10-21

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH J.L.S. COMPANY, LLC, FOR THE PROJECT KNOWN AS KIMBERLY AVENUE RESURFACING, TIP # U-5187/CITY OF ASHEVILLE PROJECT # ARRA 09-10-04

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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Kimberly Avenue Resurfacing; and

WHEREAS, J.L.S. Company, LLC, of Arden, North Carolina, was the lowest responsible bidder for the Project, in the amount of \$539,995.00; and

WHEREAS, the Project involves the furnishing of labor, material, equipment, and incidentals for the milling, repair, resurfacing and pavement markings on Kimberly Avenue; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Office of Economic Development (Minority Business Plan compliance) with all officers recommending approval of the bid.

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

The City Manager of the City of Asheville is hereby authorized to execute on behalf of the City of Asheville the contract with J.L.S. Company, LLC, in the amount of \$539,995.00 for the construction of and further authorized to execute any change orders to said contract or documents which may arise during construction of said contract or documents which may arise during the construction of said project up to the budgeted amount, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this the 26th day of January, 2010.

Magdalen Paulson
City Clerk

Ignacio Beltrán
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 10- 22 _____

RESOLUTION TO OFFICIALLY ADOPT THE WATER SYSTEM MASTER PLAN AS
PREPARED BY JORDAN, JONES & GOULDING IN MAY 2009

WHEREAS, the City of Asheville Water Resources Department determined the need to update the Water System Master Plan; and

WHEREAS, on June 19, 2007, the Asheville City Council authorized the City Manager to sign a contract with Jordan, Jones & Goulding (JJG) in the amount of \$550,000 to update the Water System Master Plan; and

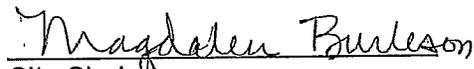
WHEREAS, Jordan, Jones & Goulding completed the Master Plan in May 2009 and is now presenting it before the Asheville City Council; and

WHEREAS, Water Resources Department Staff recommend that City Council officially adopt the Master Plan to use as a guide for future improvements to the water system.

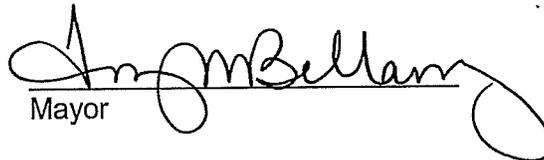
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Water System Master Plan as prepared by Jordan, Jones & Goulding is officially adopted, including all text, maps, tables, charts and other documentation incorporated within the Master Plan.

Read, approved and adopted this 26th day of January, 2010.



City Clerk

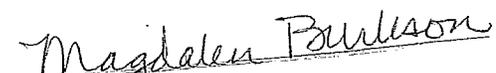


Mayor

Approved as to form:



City Attorney



City Clerk

RESOLUTION NO. 10-23

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A 90 DAY EXTENSION AGREEMENT WITH WNC COMMUNITY MEDIA CENTER (FORMERLY URTV, INC.) FOR THE MANAGEMENT OF PUBLIC ACCESS FOR A PERIOD OF NINETY DAYS.

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, the City has supported a local public access channel since November 2004; and

WHEREAS, the agreement with URTV, Inc., for the management of the public access channel expired November 23, 2009, and has been continuing on a month-by-month basis; and

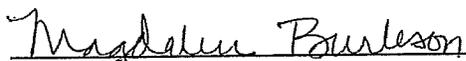
WHEREAS, the City Council wishes to extend the management agreement with URTV, Inc. for a period of 90 days while a longer term agreement is negotiated;

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

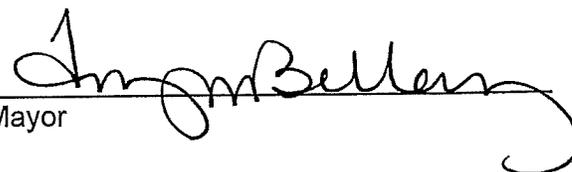
1. The Mayor is hereby authorized to sign a 90 day extension Public Access Management Agreement between the City of Asheville and WNC Community Media Center (formerly URTV, Inc.).

2. The City Manager shall provide City Council with an update on the longer term agreement no later than March 2010.

Read, approved and adopted this 26th day of January, 2010.

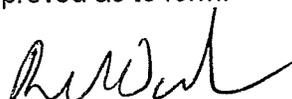


 City Clerk



 Mayor

Approved as to form:



 City Attorney



 City Clerk

RESOLUTION NO. 10- 24

RESOLUTION TO AMEND THE CITY'S HOUSING TRUST FUND GUIDELINES

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, the program guidelines have been amended from time to time, most recently in December, 2006; and

WHEREAS, reduced funding and a reassessment of housing needs have made changes to the Fund's guidelines advisable; and

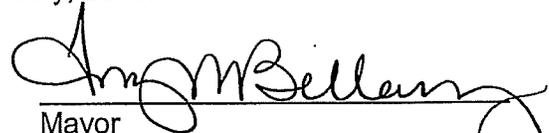
WHEREAS, the City Council's Housing and Community Development Committee has reviewed the guidelines and made recommendations to Council regarding the priorities, terms and eligible uses of the Housing Trust Fund;

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

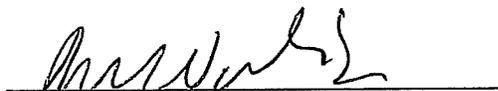
1. The Housing Trust Fund program guidelines be amended and the guidelines dated March 1, 2010, are adopted.

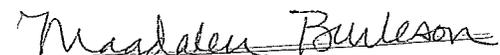
Read, approved and adopted this 26th day of January, 2010.


City Clerk


Mayor

Approved As To Form:


City Attorney


City Clerk

RESOLUTION NO. 10-25

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE GREENWAY COMMISSION

WHEREAS, the term of Phyllis Stiles, as a member of the Asheville Greenway Commission, expired on December 31, 2009; and

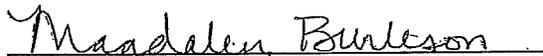
WHEREAS, there currently exists a vacancy until December 31, 2010, left by Pastor Russ Pierce;

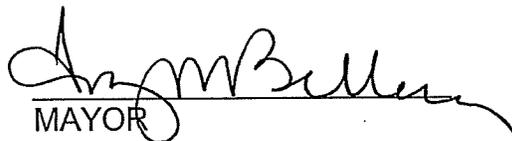
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. M. James Grode, 109 Estes Court, Asheville, N.C., be and he is hereby appointed, as a member of the Asheville Greenway Commission, to serve a three year term, term to expire December 31, 2012, or until his successor has been appointed.

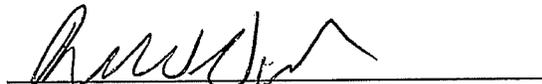
(2) Mr. Stephen Jones, 24 Westhaven Drive, Asheville, N.C., be and he is hereby appointed, as a member of the Asheville Greenway Commission, to serve the unexpired term of Rev. Pierce, term to expire December 31, 2010, or until his successor has been appointed.

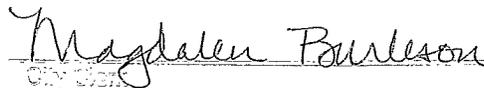
Read, approved and adopted this 26th day of January, 2010.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


CITY CLERK