

RESOLUTION NO. 10-235

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH URBAN TRANS CONSULTANTS INC. FOR THE DEVELOPMENT OF A TRANSIT MARKETING PROGRAM FOR THE CITY OF ASHEVILLE TRANSIT SERVICES.

WHEREAS, the City of Asheville has authority pursuant to Article 3, Section 160A-20.1 of the North Carolina General Statutes to enter into contracts with private entities; and

WHEREAS, the City issued a Request for Proposals (RFP) to engage an external consultant to develop a Marketing Program for the City's Transit System to boost ridership and improve the public image of public transportation; and

WHEREAS, after reviewing the Responses to the RFP submitted by seven companies, City staff recommends that the City enter into a contract with Urban Trans Consultants, Inc.;

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 Urban Trans Consultants, Inc. for the development of a Transit Marketing Program for the City of Asheville Transit System, and to execute any charge orders up to the budgeted amount.

Read, approved and adopted this the 9th day of November, 2010.

Magdalena Boulton
City Clerk

Steve Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Boulton
City Clerk

RESOLUTION NO. 10- 236

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:

- (1) The Asheville City Council will hold a worksession on December 14, 2010, from 3:00 p.m. – 5:00 p.m. in the First Floor North Conference Room of City Hall to review annexation policy direction and legislative objectives.

Read, approved and adopted this 9th day of November, 2010.

Magdalen Boulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 10-237

RESOLUTION TO ACCEPT A DONATION FROM THE COMMUNITY ACTION OPPORTUNITIES OF THE ROOF AT THE REID CENTER ANNEX.

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-353 to accept any gift, grant or bequest of real or personal property for parks and recreation programs, including all buildings, structures and equipment necessary or useful in connection therewith, and to hold such property subject to such terms and conditions as may be imposed by the grantor; and

WHEREAS, the City of Asheville is interested in enhancing its parks and recreation system throughout the corporate limits of the City of Asheville; and

WHEREAS, the Community Action Opportunities has completed the installation of the roof at the Reid Center Annex, and successfully met the requirements of the roof installation agreement; and

WHEREAS, the Community Action Opportunities is now donating the roof valued at \$59,437.75 to the City of Asheville; and

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

The City Manager is hereby authorized to accept on behalf of the City of Asheville the donation of the roof at the Reid Center Annex offered by the Community Action Opportunities.

Read, approved and adopted this 9th day of November, 2010.

Magdalen Bourleson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 10-238

RESOLUTION AUTHORIZING THE CITY MANAGER TO WITHDRAW AWARD OF THE CONTRACT WITH MATRIX SYSTEMS FOR A KEY CARD ACCESS AND CAMERA SECURITY SYSTEM FOR THE CITY OF ASHEVILLE

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. §143-129.8 and N.C.G.S. §143-135.9 bids were solicited for the project known as Key Card Access and Camera Security System; and

WHEREAS, pursuant to Resolution no. 10-62, adopted March 9, 2010, the contract was awarded to Matrix Systems; and

WHEREAS, it has since been determined that Matrix Systems does not possess appropriate licenses to engage in the alarm systems business in North Carolina, and is not able to perform the contract;

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

The City Manager is hereby authorized to withdraw the award of the contract on behalf of the City of Asheville with Matrix Systems for \$239,049 for the Key Card Access and Camera Security System for the City of Asheville, and take other appropriate steps to terminate said contract.

Read, approved and adopted this the 9th day of November, 2010.

Magdalen Baulson
City Clerk

Angie Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 10-239

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RHS PROTECTION FOR A KEY CARD ACCESS AND CAMERA SECURITY SYSTEM FOR THE CITY OF ASHEVILLE

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 of Asheville needs to install and upgrade security systems for safety and accountability purposes; and

WHEREAS, the amount of the Agreement is \$260,650 and the monies have been budgeted in the Asheville Police Department's and Risk Management's Fiscal Year Budgets.

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 on behalf of the City of Asheville with RHS Protection for \$260,650 for the Key Card Access and Camera Security System for The City of Asheville and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 9th day of November, 2010.

Magdalen Burlison
City Clerk

Angela Bellamy
Mayor

Approved as to form:

Kevin Doherty
City Attorney

Magdalen Burlison
City Clerk

RESOLUTION NO. 10-240

RESOLUTION ADOPTING A TRANSFORMATIONAL DEVELOPMENT PROJECTS INCENTIVE POLICY FOR THE CITY OF ASHEVILLE

WHEREAS, pursuant to the "Local Development Act of 1925," NCGS 158-7.1, the City is authorized to make appropriations for the purposes of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial and commercial plants in or near the City; encouraging the building of railroads or other purposes which, in the discretion of the City Council, will increase the population, taxable property, agricultural industries, and business prospects of the City; and

WHEREAS, the Asheville City Council believes it important to support development meeting thresholds that support major elements of the Council's Strategic Plan and the City's 2025 Comprehensive Plan; and

WHEREAS, the Council believes it important to specify the elements it considers important to see in such "transformational" development such as easy access (walkability and transit) to major employment centers and areas proposed for redevelopment, that offer jobs as well as affordable and workforce housing elements; and

WHEREAS, the Council wishes to create thresholds for development projects to apply to the Council for such support;

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

The City Council of Asheville adopts the attached Transformational Development Projects Incentive Policy, subject to revisions of Preferred Element 3..

Read, approved and adopted this 9th day of November, 2010.

Magdalen Burlison
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burlison
City Clerk

Proposed Transformational Development Policy & Incentives

11/12/10

This policy is intended to provide incentives to encourage infill development projects in the City of Asheville. *Approval of any requested Economic Incentive Grant (EIG) will require a public hearing and approval by the City Council.*

To qualify for City Council evaluation a project must:

- 1 Demonstrate how it fulfills important public purposes that should include *elements such as creating jobs, installing desired public infrastructure, using a substantial level of green building techniques, and if housing is included it must provide a percentage of affordable and/or workforce level housing units.*
- 2 Demonstrate that it directly addresses annual strategic goals set by the City Council
- 3 Be located in currently active defined "redevelopment" areas; or in areas within 1/4 mile of *any major highway corridor in the City*; or in a targeted or voluntary annexation area.
- 4 Have a floor area ratio exceeding 1.0 and be located on an area of land larger than *one-half acre, except in the downtown CBD where the size would be one-fourth acre.*
- 5 Have a minimum ratio greater than 3:1 private investment to public assistance.
- 6 Demonstrate a minimum 20% equity participation from the entity requesting the incentive assistance.
- 7 Agree to assume any costs related to a legal challenge of the EIG.

Projects must meet a majority of the following preferred elements:

- 1 Include a minimum of 20% square feet of non-residential (job creation) uses, such as, but not limited to: office, retail, manufacturing, restaurant, civic, cultural, or entertainment.
- 2 Include pedestrian or open space amenities noted in the appropriate master plan for the location proposed.
- 3 Demonstrate a high level of the use of "green" and sustainable building techniques and products as determined by meeting an outside agency certification standard (*such as, but not limited to, meeting LEED standards, and achieving the Healthy Built certification and using Energy Star appliances, or meeting other standards to the satisfaction of the Council*) or by using a reclaimed brownfield site.
This element to be reviewed by SACEE Committee for additional thoughts.
- 4 If housing is provided, the housing element of the project must include a minimum of 10% defined "affordable" housing units and a minimum of 40% "workforce" housing units. Any affordable or workforce housing provided would be required to remain at the designated level of affordability level for up to 15 years, at the discretion of the Council.
 - * "Affordable" rents are defined as rents that require payment of no more than 30% of gross income for a household with an income at 80% of the area median income.
 - * "Workforce" rents are to be defined as rents that require payment of no more than 30% of gross income for a household with an income at 120% of the area median income.
- 5 Will require residential units *that are sold as condominium residences* to be the primary residence of the occupants for the length of the life of the incentive.
- 6 Demonstrate that 70% of all permanent jobs created will, for the life of the incentive, pay competitive salaries for similar jobs in Buncombe County. This will be verified in an annual report to be submitted to the City Manager for the life of the incentive.

If the City Council extends support the following assistance will be available at the discretion of the Council:

Economic Incentive Grant Agreement

An amount equivalent to City property taxes (in excess of currently assessed taxes), annually applied, that will be generated by the project for the first five years of its operation after construction is complete. *A public hearing will be required at the City Council before such a grant agreement can be approved by the Council.*

Affordable housing elements are eligible for use of the Asheville Housing Trust Fund under policy guidelines previously established by the Council.

50% fee rebate for the following fees and charges under policy guidelines previously established by the Council:

- Zoning permit fees
- Building permit fees
- Driveway permit fees
- Grading permit fees
- Plan Review fees
- Water service connection fees

RESOLUTION NO. 10-241

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:

- (1) The Asheville City Council will hold a community meeting on Tuesday, November 30, 2010, at 6:30 p.m. at the Reid Center, 133 Livingston Street, Asheville, North Carolina.

Read, approved and adopted this 9th day of November, 2010.

Magdalen Boulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 10-242

RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the term of Wilfred Lack, as a member on the Alcoholic Beverage Control Board, expires November 13, 2010;

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

Mr. Wilfred Lack, 319 Sulphur Springs Road, Asheville, N.C., be and he is hereby appointed as a member of the Alcoholic Beverage Control Board, to serve a three year term, term to expire November 13, 2013, or until his successor has been appointed.

Read, approved and adopted this 9th day of November, 2010.

Magdalena Paulson
CITY CLERK

John M Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalena Paulson
City Clerk

RESOLUTION NO. 10-243

RESOLUTION A APPOINTING MEMBER TO THE RIVER DISTRICT DESIGN REVIEW COMMITTEE

WHEREAS, the term of Pattiy Torno (owner of property within the River District) expired on September 1, 2010;

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

Mr. Randy Shull, 99 Horizon Hill Road, Asheville, N.C., be and he is hereby appointed, as one of the two owners of property within the River District, to serve a three year term, term to expire September 1, 2013, or until his successor has been appointed.

Read, approved and adopted this 9th day of November, 2010.

Magdalen Boulson
CITY CLERK

Jerry Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk