

RESOLUTION NO. 13 - 1

RESOLUTION SUPPORTING STAFF TO DESIGNATE CERTAIN ON-STREET AND OFF-STREET PARKING SPACES FOR CAR SHARING PURPOSES

WHEREAS, pursuant to NCGS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction and pursuant to NCGS # 160A-301, the City may regulate the parking of vehicles on the public streets and also parking in off-street parking lots, garages, and other facilities owned by the City; and

WHEREAS, City Ordinance Sec. # 19-143 authorizes the traffic engineer to designate areas where parking is prohibited, limited, restricted, or allowed; and

WHEREAS, recent studies indicate that car sharing programs serve a public purpose by providing an alternate means of transportation, reducing traffic congestion by encouraging alternate means to individual vehicle use, and by lessening the environmental impacts of commuting; and

WHEREAS, the City's Downtown Master Plan encourages the expansion of convenient choices for Downtown access and mobility and specifically provides for the action step of dedicating some public parking spaces for use by shared-car services to expand mobility choices; and

WHEREAS, the City Council's Strategic Operating Plan encourages alternative options for downtown parking and supports diversified job growth and business development; and

WHEREAS, a car sharing program compliments the City's overall transportation system; and

WHEREAS, the City desires to support the public purposes of a car sharing program by providing parking resources;

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

City Council supports staff (traffic engineer) to designate certain on-street parking spaces for car sharing purposes on an as-needed basis and for staff (traffic engineer) to designate certain off-street parking spaces (surface parking lots and parking garages) for use by specific car share companies on an as-needed basis.

Read, approved and adopted this 8th day of January, 2013.

Magdalen Boulson
City Clerk

AmB Schann
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13-2

RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR MAYOR TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF ENVIRONMENT AND NATURAL RESOURCES RECREATION TRAILS PROGRAM GRANT FOR CONSTRUCTION COSTS FOR THE BEAUCATCHER GREENWAY

WHEREAS, pursuant to G.S 160A-17.1 the City of Asheville is authorized to apply for and accept grants from the Federal and State government; and

WHEREAS, the City of Asheville is committed to the development and construction of Beaucatcher Greenway; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources, Division of Parks and Recreation in the Recreation Trails Program; and

WHEREAS, the City of Asheville is requesting a grant in the amount not to exceed \$200,000 from the Recreation Trails Program which requires a cash, in-kind, or force labor match of 25 percent of the requested amount (\$50,000); and

WHEREAS, in the event a grant is awarded, the City of Asheville certifies and assures it has the ability and intention to provide the 25 percent match of the grant amount; and

WHEREAS, the City of Asheville agrees to comply with all State and Federal permits and applicable laws; and

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project;

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

The City Manager and/or Mayor shall be authorized to apply for and enter into an agreement with the North Carolina Department of Environment and Natural Resources Recreation Trails Program for a grant not to exceed \$200,000 for the development and construction of the Beaucatcher Greenway.

Read, approved, and adopted this 8th day of January 2013.

Magdalen Boulleson
City Clerk

Imogen Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION NO. 13-3

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SITEWORK STUDIOS FOR ARCHITECTURAL AND ENGINEERING CONSTRUCTION DOCUMENTS FOR THE CLINGMAN FOREST AND TOWN BRANCH GREENWAYS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, City Council adopted the Parks, Recreation Cultural Arts and Greenways Master Plan that identifies the Clingman Forest and Town Branch as a priority greenways; and

WHEREAS, on February 22, 2011, the City Council approved the Cooperative Agreement with the Federal Transportation Administration for the use of TIGER II Planning Grant funds, including the allocation of funds for Greenways; and

WHEREAS, City Council directed staff to pursue land acquisition for strategic parcels of property along the Clingman Forest and Town Branch Greenways; and

WHEREAS, the City Council has approved funding via the Capital Improvement Project budget for Stormwater and Greenways;

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 Sitework Studios for an amount not to exceed \$370,000 for the Clingman Forest and Town Branch Greenways architectural and engineering construction documents 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 8th day of January, 2013.

Magdalen Boursion
City Clerk

Angie Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boursion
City Clerk

RESOLUTION NO. 13- 4

RESOLUTION REQUESTING INCLUSION OF ITEM FOR N.C. LEAGUE OF MUNICIPALITIES' LEGISLATIVE ADVOCACY AGENDA FOR 2013: RETENTION OF LOCAL CONTROL OVER PUBLIC ENTERPRISE UTILITY SYSTEMS.

WHEREAS, North Carolina municipalities are authorized to own and operate utility systems for the benefit of their citizens, including water, sewer, gas and electric systems; and

WHEREAS, the North Carolina General Assembly in 2011 and 2012 commissioned studies and enacted legislation that could result in the City of Asheville being divested of ownership and operational control of its water system; and

WHEREAS, the City has neither requested nor consented to any of these legislative actions; and

WHEREAS, said legislative actions would establish a precedent for any municipality in the State with respect to any utility that it owns and operates and is therefore a matter of concern for every municipality in the State; and

WHEREAS, the North Carolina League of Municipalities represents all municipalities in the State, and has previously expressed its objection to the legislative actions affecting Asheville;

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

1. That the North Carolina League of Municipalities is hereby respectfully requested to include among its Legislative Advocacy Goals for 2013 an item that reads substantially as follows:

To oppose legislation that weakens or removes local control over public utility systems.

2. The City Manager and City Attorney are hereby authorized to forward this resolution to the North Carolina League of Municipalities, and to provide such information and assistance as may be required in order to carry out this resolution.

Read, approved, and adopted this 8th day of January, 2013.

Magdalen Bourleson
CITY CLERK

Angela Bellamy
MAYOR

APPROVED AS TO FORM:

Mark N. Dotson
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 13- 5

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TAYLOR & MURPHY CONSTRUCTION COMPANY, INC. FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 91 RIVERSIDE DRIVE KNOWN AS THE ICE HOUSE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the structure at 91 Riverside Drive is dilapidated structurally unsound, and a public nuisance; and

WHEREAS, informal bids were solicited for the demolition of the structure with Taylor & Murphy Construction Co. Inc. submitting the lowest responsible and responsive bid; and

WHEREAS, the demolition of the structure at 91 Riverside Drive supports and enhances the City's strategic goal of implementing strategies to significantly improve public safety in neighborhoods and promote sustainable high-density infill growth in the River District;

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

The City Manager is hereby authorized to execute a contract with Taylor & Murphy Construction Company, Inc. to perform the demolition of the structure located at 91 Riverside Drive, including execute any and all change orders up to the budgeted amount of \$225,000.

Read, approved and adopted this the 8th day of January, 2013.

Magdalen Baulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 13- 6

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

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, two (2) qualified applications for Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals from Beucatcher Properties, LLC and Givens Estates, Inc., and has made its recommendation to Council to approve the loans;

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

1. A loan of \$75,000 amortized at 4.50% interest for 30 years to Beucatcher Properties, LLC for the development of Four (4) single-family rental homes on Marigold Street (PIN no. 964793621700000) and Chapel Park Place (PIN no. 964794966500000); conditioned on obtaining site control at Chapel Park Place; to be made immediately available for disbursement following loan closing. These Four (4) units to be restricted to families earning 80% or less of the Area Median Income.
2. A loan of \$75,000 at 2.00% annual interest-only with principal deferred for twenty (20) years to Beucatcher Properties, LLC for the development of Four (4) one-bedroom accessory apartments on Marigold Street and Chapel Park Place; conditioned on obtaining site control at Chapel Park Place;; to be made immediately available for disbursement following loan closing. These Four (4) units to be restricted to families earning 60% or less of the Area Median Income and Two (2) of these units to be reserved for persons transitioning from homelessness.
3. A loan of \$270,000 amortized at 2.00% interest for 30 years to Givens Estates, Inc. for the development of One Hundred Twenty (120) multifamily units for seniors on Gerber Road (PIN no. 965526468400000); all funds to be made immediately available for disbursement following loan closing. These One Hundred Twenty (120) units to be restricted to families earning 60% or less of the area median income.

Read, approved and adopted this 8th day of January, 2013.

Magdalena Bourleson
CITY CLERK

Jim Bellamy
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalena Bourleson
City Clerk

RESOLUTION NO. 13- 7

RESOLUTION TO ALLOCATE FAIR HOUSING ASSISTANCE PROGRAM FUNDS

WHEREAS, the City of Asheville is the recipient of Fair Housing Assistance Program (FHAP) funds from the US Department of Housing and Urban Development; and

WHEREAS, these funds must be expended for activities that affirmatively further fair housing; and

WHEREAS, the City has received a proposal from the Asheville Buncombe Community Relations Council to use FHAP funds to continue to develop and implement a fair housing marketing, outreach and training program;

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

1. A subgrant of Fair Housing Assistance Program funds in the amount of \$15,000 be made to the Asheville Buncombe Community Relations Council for the purpose of developing and implementing a fair housing marketing, outreach and training program.
2. Council authorizes the City Manager to sign the contract and grant agreement, after approval by the City Attorney.

Read, approved and adopted this 8th day of January, 2013.

Magdalena Boulton
CITY CLERK

Tom Bellamy
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalena Boulton
City Clerk

RESOLUTION NO. 13 - 8

RESOLUTION DIRECTING SOLICITING PROPOSALS FOR PREPARATION OF FORM-BASED ZONING REGULATIONS FOR HAYWOOD ROAD CORRIDOR

WHEREAS, the City has the authority, pursuant to N.C.G.S. 160A-381 to prepare and adopt zoning ordinances, and is authorized, pursuant to N.C.G.S. 160A-20.1 to enter into contracts with private entities to carry out any public purpose; and

WHEREAS, a need has been identified for revised zoning regulations in the Haywood Road corridor from Craven Street west to Patton Avenue; and

WHEREAS, Council has determined that the concept of form-based zoning would be a sound approach for the zoning of said corridor;

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

The City Manager or his designee be, and is hereby, directed to solicit proposals for preparation of form-based zoning regulations for the Haywood Street corridor.

Read, approved and adopted this 8th day of January, 2013.

Magdalen Boulton
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Andot
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 13-9

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, the terms of Richard Fort (Alternate member) and Phillip Hardin (Alternate member), as members on the Board of Adjustment, expired on January 21, 2013;

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

(1) Mr. Richard Fort, 9 Westview Road, Asheville, N.C., be and he is hereby reappointed, as an Alternate member to the Board of Adjustment, to serve a three year term, term to expire January 21, 2016, or until his successor has been appointed.

(2) Mr. Phillip Hardin, 48 Woodvale Avenue, Asheville, N.C., be and he is hereby reappointed, as an Alternate member to the Board of Adjustment, to serve another three year term, term to expire January 21, 2016, or until his successor has been appointed.

Read, approved and adopted this 8th day of January, 2013.

Magdalen Burleson
CITY CLERK

Tom Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 13-10

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Councilman Chris Pelly as a member of the Metropolitan Sewerage District Board of Directors, expired on January 19, 2013;

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

Mr. Chris Pelly, 95 Cisco Road, Asheville, N.C., be and he is hereby reappointed, as a member on the Metropolitan Sewerage District Board of Directors, to serve a three year term, term to expire January 19, 2016, or until his successor has been appointed.

Read, approved and adopted this 8th day of January, 2013.

Magdalen Bourleson
CITY CLERK

Andy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk