

RESOLUTION NO. 15-156

RESOLUTION APPROVING NAMING THE U.S. CELLULAR CENTER LOBBY IN HONOR OF CITY COUNCIL MEMBER JAN DAVIS

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities; and

WHEREAS, City Council Member Jan Davis has been a leader and advocate of the Civic Center for over three decades; and

WHEREAS, the Asheville Civic Center Commission unanimously recommended renaming the Lobby area of the U.S. Cellular Center to the 'Jan Davis Lobby'; and

WHEREAS, Asheville City Council would like to honor Council Member Davis' honorable service and leadership by naming the U.S. Cellular Center Lobby after him; and

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

The U.S. Cellular Center lobby be named after Council Member Jan Davis.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Boulson
City Clerk

Esther Masheine
Mayor

Approved as to form:

Ben Liu
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15- 157

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY CONTRACTS OR DOCUMENTS ASSOCIATED WITH THE RAFTELIS FOUNDATION ELEMENTARY SCHOLARSHIP FOR THE ACCEPTANCE OF A SCHOLARSHIP

WHEREAS, the City has an active Stormwater Educational outreach program; and

WHEREAS, the opportunity to receive this scholarship will assist in the City's continuing efforts to promote water quality and environmental stewardship; and,

WHEREAS, the Raftelis Foundation Elementary Scholarship program has awarded the City with \$1,000 toward the continuing efforts of promoting water resource stewardship;

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

The City Manager is hereby authorized execute any necessary contracts or documents associated with the Raftelis Foundation Elementary Scholarship, subject to approval by the City Attorney, for the acceptance of the scholarship in the amount of \$1,000.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Paulson
City Clerk

Ed Ho Markover
Mayor

Approved as to form:

Griffin
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 15-158

RESOLUTION FOR THE CITY OF ASHEVILLE TO BE THE LOCAL GOVERNMENT FOR THE PARTNER FOR THE ASHEVILLE AREA ARTS COUNCIL'S APPLICATION 2016 NEA **OUR TOWN** GRANT

WHEREAS, at its meeting on July 21, 2015, the Planning and Economic Development Committee of City Council presents for consideration the grant criteria and applicable outcomes; and

WHEREAS, the grant, if awarded, will require a partnership between the City of Asheville and the Asheville Area Arts Council on the proposed project; and

WHEREAS, the approval will allow for the Asheville Area Arts Council to meet the required grant deadlines;

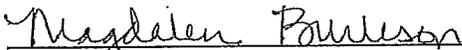
WHEREAS, the grant, if awarded, requires a non-federal dollar for dollar match to be covered by the Asheville Area Arts Council;

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

(1) The City of Asheville will be the local government partner for the Asheville Arts Council's application for the 2016 NEA *Our Town* Grant.

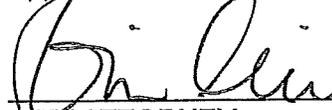
(2) Staff be directed to include funding for the match, in an amount of not to exceed \$25,000, in the proposed Fiscal Year 2016-17 budget that will be presented to City Council in the spring of 2016.

Read, approved and adopted this 25th day of August 2015.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY


City Clerk

RESOLUTION NO. 15- 159

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CAVANAUGH AND ASSOCIATES, P.A., TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FOR THE VAULT RENEWALS AND DISTRICT METERING AREAS (DMA) ZONE METERING PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Cavanaugh and Associates, P.A., was selected by Staff via a Request for Qualifications process to perform engineering services related to the Vault Renewals and DMA Zone Metering Project; and

WHEREAS, unknown site issues and meter technology issues require the extension of contract times, redesign of some project sites and additional troubleshooting of meter technology issues; and

WHEREAS, a change order in the amount of \$8,000 is needed to increase the engineering design services contract for Cavanaugh and Associates, P.A., in the amount of \$8,000.00 from a total project budget of \$190,136 to \$198,136;

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

The City Manager is hereby authorized to execute a change order with Cavanaugh and Associates, P.A., to increase the engineering design services contract in the amount of \$8,000 from a total project budget of \$190,136 to \$198,136 for the Vault Renewals and District Metering Areas (DMA) Zone Metering Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the estimated budgeted amount.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Burlington
City Clerk

Edna M. Miller
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlington
City Clerk

RESOLUTION NO. 15-160

RESOLUTION FOR THE CITY OF ASHEVILLE TO APPLY FOR THE NORTH CAROLINA APPALACHIAN REGIONAL COMMISSION EMERGING OPPORTUNITIES GRANT PROGRAM

WHEREAS, at its meeting on August 18, 2015, the Planning and Economic Development Committee of City Council recommended City Council consideration the ARC Emerging Opportunities grant; and

WHEREAS, the grant, if awarded, will provide for a comprehensive research study that evaluates the entrepreneurial impact of outdoor special events; and

WHEREAS, the resulting data will be used as a basis for sound policy recommendations that enhance and motivate entrepreneurial activity through the employment of outdoor special event projects;

WHEREAS, the grant, if awarded, requires a dollar for dollar match to be provided by the City of Asheville;

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

- (1) The City of Asheville will apply for the NC ARC Emerging Opportunities Grant
- (2) Staff will use funding for the match, in an amount of not to exceed \$25,000, from the current Community & Economic Development budget

Read, approved and adopted this 25th day of August 2015.

Magdalen Bourleson
CITY CLERK

Steve Hinkle
MAYOR

Approved as to form:
[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15- 161

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEXINGTON AVENUE ARTS & FUN FESTIVAL ON THE DATE OF SUNDAY, SEPTEMBER 6, 2015 FROM 12:00 PM – 9:00 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 Lexington Avenue Arts & Fun 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 Lexington Avenue Arts & Fun Festival event area, as set forth on Exhibit A, attached.

Lexington Avenue Arts & Fun Festival event area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 Overpass, Walnut Street between the intersections of Carolina Lane & Rankin Avenue, and Hiwassee between the intersection of Rankin Avenue and Lexington Avenue.

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 Lexington Avenue Arts & Fun Festival on Sunday, September 6, 2015 from 12:00 p.m. to 9:00 p.m.;

- 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 Lexington Avenue Arts & Fun 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 Lexington Avenue Arts & Fun 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 Lexington Avenue Arts & Fun 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 25th day of August, 2015.

Magdalen Burselson
 City Clerk

Steve Hoke
 Mayor

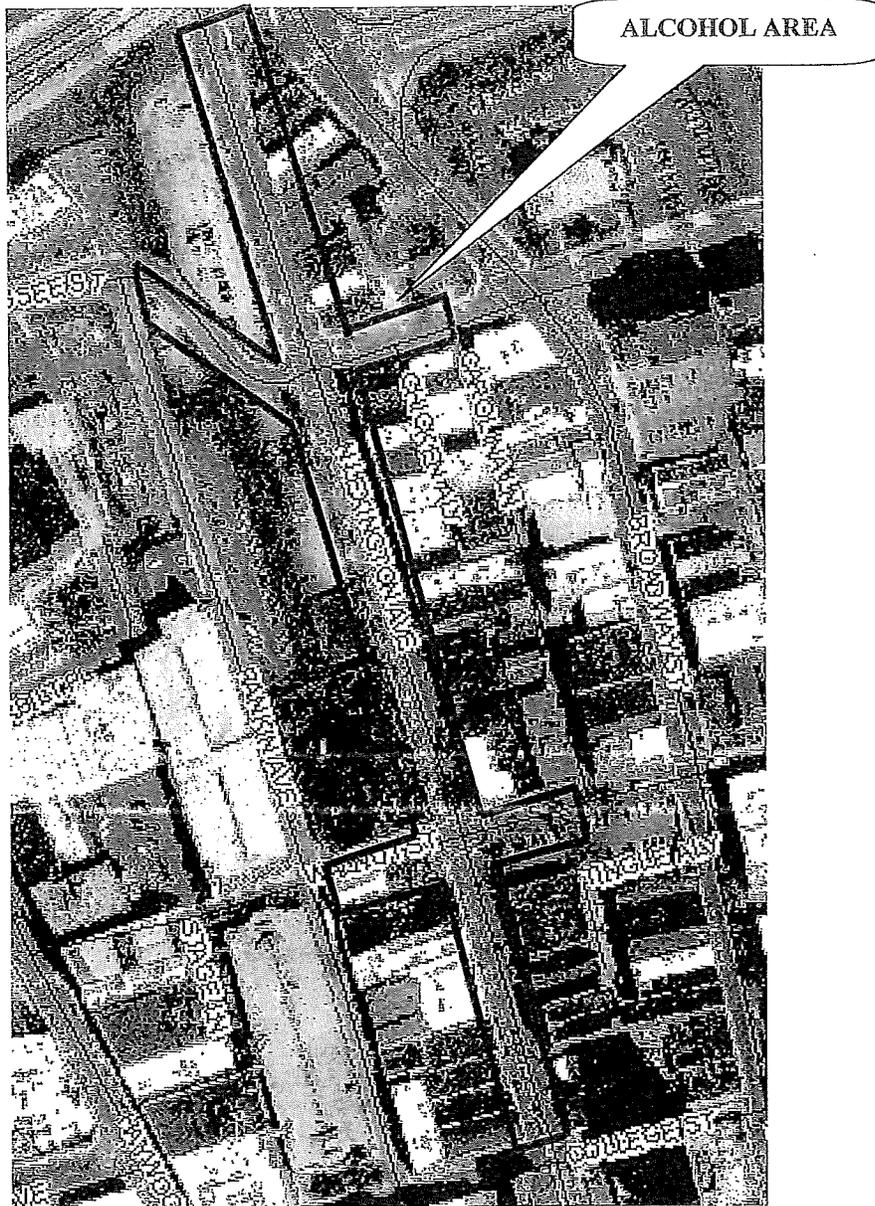
Approved as to form:

[Signature]
 City Attorney

Magdalen Burselson
 City Clerk

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Exhibit A



RESOLUTION NO. 15- 162

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST ON THE DATE OF SATURDAY, OCTOBER 10, 2015 FROM 1:00 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 Oktoberfest.

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 Oktoberfest event area, as set forth in Exhibit A, attached.

The Oktoberfest event area is within the boundaries of Woodfin Street between the intersections of Central Avenue and Oak Street.

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 Oktoberfest on Saturday, October 10, 2015 from 1:00 p.m. – 6:00 p.m.

- 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 Oktoberfest 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 Oktoberfest 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 Oktoberfest, 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 25th day of August, 2015.

Magdalen Boulson
City Clerk

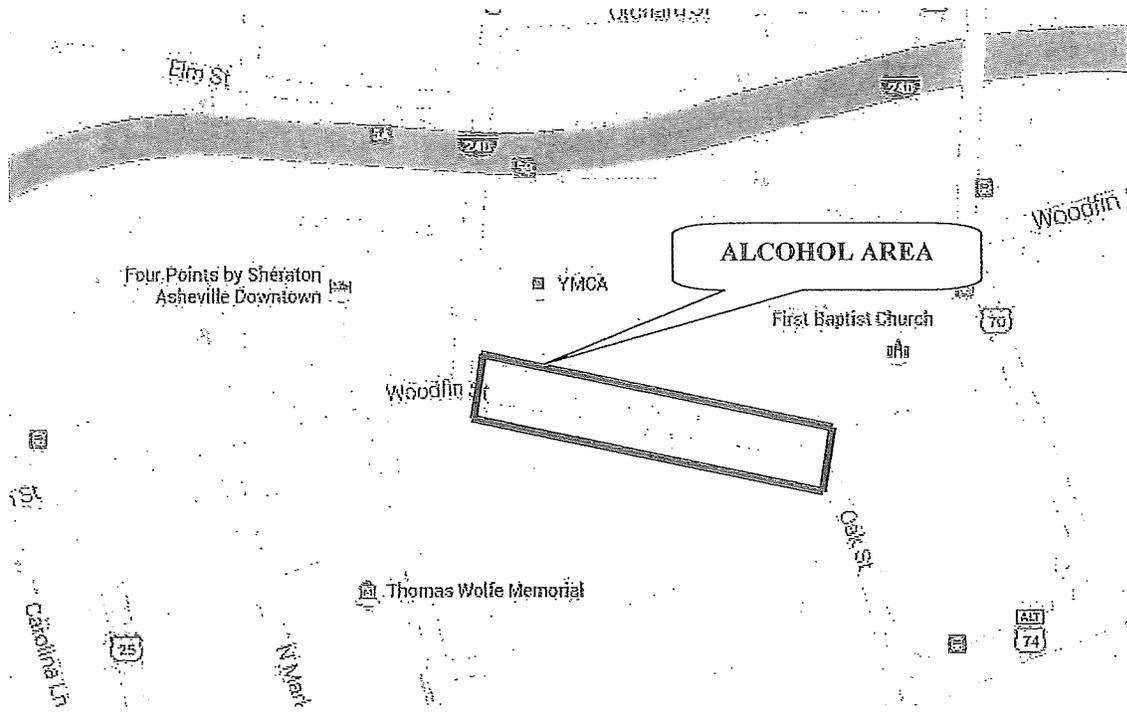
Eden Miller
Mayor

Approved as to form:

Billie
City Attorney

Magdalen Boulson
City Clerk

EXHIBIT A



RESOLUTION NO. 15- 163

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOWLIN HALLOWEEN ON THE DATE OF SATURDAY, OCTOBER 31, 2015 FROM 12:00 PM – 4:00 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 Howlin Halloween.

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 Howlin Halloween event area, as set forth on Exhibit A, attached.

The Howlin Halloween event area is within the boundaries of Carrier Park located at 220 Amboy Road.

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 Howlin Halloween on Saturday, October 31, 2015 from 12:00 p.m. – 4:00 p.m.
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 Howlin Halloween 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 Howlin Halloween 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 Howlin Halloween, 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 25th day of August, 2015.

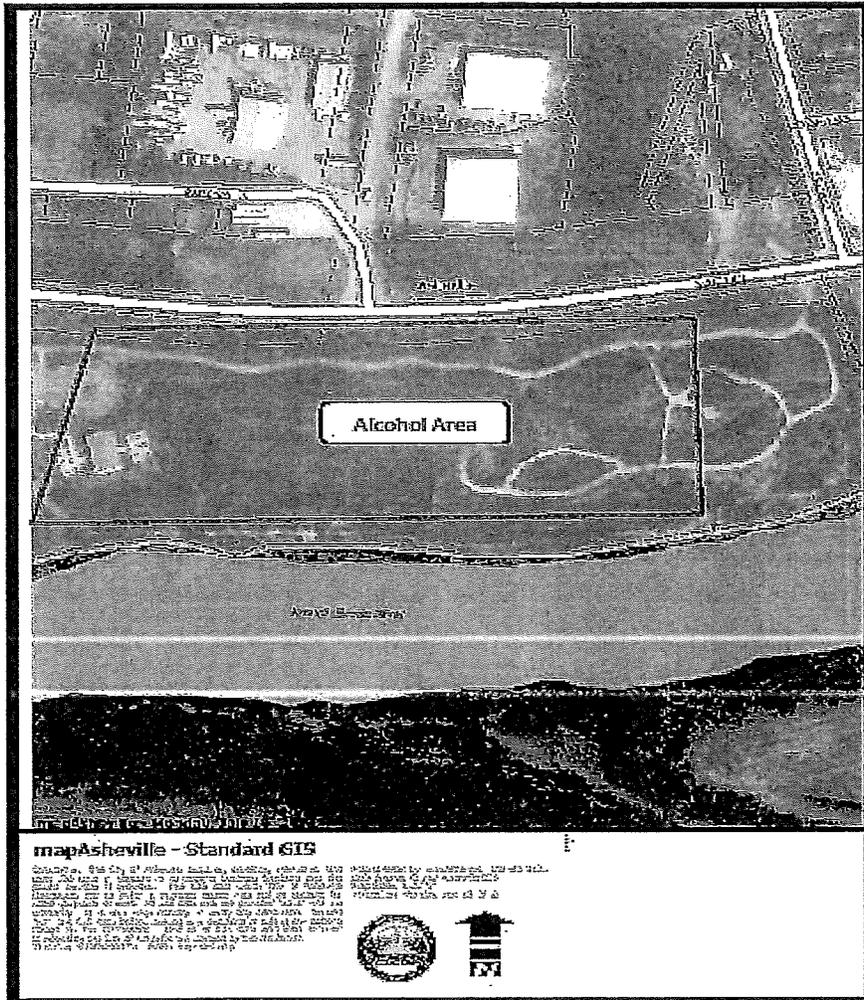
Magdalen Boulleson
City Clerk

Steve Mark
Mayor

Approved as to form.
Bill O'Leary
City Attorney

Magdalen Boulleson
City Clerk

Exhibit A



RESOLUTION NO. 15- 164

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC. FOR THE PROJECT KNOWN AS HAYWOOD ROAD MULTIMODAL IMPROVEMENTS

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, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as Haywood Road Multimodal Improvements, City of Asheville Project # ENG-12-13-013; and

WHEREAS, Patton Construction Group, Inc. was the lowest responsible bidder for the project, in the amount of \$243,750.00; and

WHEREAS, the project involves the furnishing of labor, material, equipment and incidentals for the installation of curb and gutter, sidewalks, drive aprons, ADA ramps, retaining walls, striping and utility adjustment; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$243,750.00 plus a contingency of 15% (\$36,562) with Patton Construction Group, Inc. for the project known as Haywood Road Multimodal Improvements, City of Asheville Project # ENG-12-13-013 and is further authorized to execute any change orders to said contract which may arise during construction of said project up to the budgeted amount of \$280,312.

Read, approved and adopted this the 25th day of August, 2015.

Magdalena Bouleson
City Clerk

Steve Mark
Mayor

Approved as to form:
Chris Liu
City Attorney

Magdalena Bouleson
City Clerk

RESOLUTION NO. 15-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CHANGE ORDER FOR AN EXISTING CONTRACT WITH COLEJENEST & STONE FOR THE PURPOSE OF COMPLETING PROFESSIONAL DESIGN SERVICES FOR THE CRAVEN STREET IMPROVEMENT PROJECT

WHEREAS, on June 12, 2012, City Council approved the City Manager to enter into a professional services contract agreement with ColeJenest & Stone for the design of the Craven Street Improvement project; and

WHEREAS, the City wishes to finalize the design efforts and perform construction inspection during the construction of the project; and

WHEREAS, the City wishes to be environmental sustainable by not diverting the Brownfield material to another permitted site and utilize the material on site where available; and

WHEREAS, the City wishes to complete major construction in advance of the New Belgium Brewery opening;

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

The City Manager is hereby authorized to negotiate and execute a change order with ColeJenest & Stone for the additional professional services associated with the Craven Street Improvement project. The total professional services contract is not to exceed \$1,047,656.50.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Boulson
City Clerk

Alan H. H. H.
Mayor

Approved as to form:
Jim Lee
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-166

RESOLUTION RATIFYING THE CONTRACT BETWEEN THE CITY AND PATTON CONSTRUCTION GROUP FOR THE EMERGENCY REPAIRS OF A FAILED DRAINAGE SYSTEM RESULTING IN A HOLE IN THE PARKING LOT OF CITY OWNED REAL PROPERTY LOCATED AT 174 S. CHARLOTTE STREET

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

WHEREAS pursuant to N.C.G.S. § 143-131, (informal bidding), and City adopted contracting policies, the City is required to engage in good faith efforts to solicit Historically Underutilized Business participation in construction and repair projects bids; and

WHEREAS, pursuant to City adopted contracting policies, all construction, repair and general services contracts in the amount of \$100,000 or more must receive prior City Council approval; and

WHEREAS, due to the quick formation of a hole due to a failed storm drainage system at the Water Maintenance Facility located at 174 S. Charlotte Street, that represented a present, immediate and existing emergency, solicitation of historically underutilized businesses and obtaining prior consent from Council to effectuate the repairs could not be done without jeopardizing public safety; and

WHEREAS, due to the urgency of the situation, dispensing with the informal bidding and City adopted contracting policies requirements, City staff entered into a contract with Patton Construction Group to perform emergency repairs to the sinkhole that formed at the Water Maintenance Facility located at 174 S. Charlotte Street, such facility currently being leased to White Labs;

WHEREAS, White Labs has agreed to pay 50% of the total cost of the project;

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

The contract entered into between the City of Asheville and Patton Construction Group for emergency repairs to the Water Maintenance Facility located at 174 S. Charlotte Street, currently leased to White Labs, is hereby ratified for a cost not to exceed \$190,233.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Bouleson
City Clerk

Alan Mark
Mayor

Approved as to form:
Billie
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 15- 167

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH RIVERTOP CONSTRUCTION, INC. FOR THE PROJECT KNOWN AS DOWNTOWN CLEANING

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 Downtown Cleaning, City of Asheville Project # DC-16-01; and

WHEREAS, Rivertop Construction, Inc. of Swannanoa, NC was the lowest responsible bidder for the project, in the amount of \$250,026, and

WHEREAS, the project involves the pressure washing of City owned sidewalks and removal of undesirable vegetation from City owned sidewalks, tree grates and curblines in the Central Business District; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid,

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$250,026.00 plus a contingency of 15% (\$37,504) with Rivertop Contracting Inc. for the project known as Downtown Cleaning, City of Asheville Project # DC-16-01. The City Manager is also authorized to execute any change orders to said contract which may arise during the execution of said project up to the budgeted amount of \$300,000.

Read, approved and adopted this the 25th day of August 2015.

Magdalen Paulson
City Clerk

Ed Arrington
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 15- 168

RESOLUTION TO ACCEPT ADDITIONAL EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina has received Emergency Solution Grant (ESG) funds for FY 2014 from the US Department of Housing and Urban Development; and

WHEREAS, the State made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded the City, as fiscal agent, an additional \$40,188;

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

1. The City of Asheville accept \$40,188 in additional funds for the Emergency Solutions Grant FY14-15;
2. Council authorizes the City Manager to sign all necessary amendment documents with the State of North Carolina and subgrant agreements with funded agencies, after approval by the City Attorney.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Boulson
CITY CLERK

Don Rork
MAYOR

Approved As To Form:
Billie
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-169

RESOLUTION REQUESTING THE LOCAL DELEGATION OF THE NORTH CAROLINA GENERAL ASSEMBLY FOR THE CITY OF ASHEVILLE OPPOSE SALES TAX REDISTRIBUTION LEGISLATION

WHEREAS, proposed Sales Tax Redistribution legislation seeks to revise Chapter 105 of the North Carolina General Statutes in a manner that would drastically alter the statutory structure of the collection and distribution of sales tax generated by local governments throughout the State of North Carolina; and

WHEREAS, since enactment, sales taxes in North Carolina have been a primary funding source for the municipalities and counties of the State and considered the "property" of those local governments who provide the resources and infrastructure to generate the sales taxes; and

WHEREAS, historically sales taxes have been distributed on the "point of sale" basis due in large part to the fairness of the concept that those who pay for the infrastructure supporting sales should be entitled to collect the tax spawned by their investment; and

WHEREAS, Sales Tax Redistribution legislative proposals have the stated purpose of taking revenues away from the place where they were generated and redistributing it to counties and municipalities that are less prosperous areas; and

WHEREAS, in doing so the legislation provides a windfall to local governments, who have not provided the resources and infrastructure necessary to generate significant sales taxes for their local community, by taking it from the local governments whose communities and budgets bear the physical and fiscal brunt of the costs of development. In effect, the legislation proposes to socialize sales tax revenues and redistribute them under the guise of fairness; and

WHEREAS, the taking of an asset statutorily vested in the local governments of North Carolina and redistributing it on the basis of a currently perceived "fairness" will be financially devastating to the City of Asheville, as well as many other counties and municipalities in the State, forcing them to make up the difference by increasing ad valorem taxes. Gifting the sales tax revenues on a per capita distribution is tantamount to a tax increase mandated by the Legislature; and

WHEREAS, the State finds itself with a budget surplus which could be used to address the infrastructure needs of small poor communities that have an insufficient tax base to raise the revenues needed; and

WHEREAS, ultimately the redistribution of sales tax under the guise of "fairness" is in fact unfair and a fundamental change in the way government is financed in North Carolina;

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

The passage of Sales Tax Redistribution legislation threatens to take an estimated 1 to 3 million annually in sales tax revenue from the City of Asheville.

The proposed legislation is far from fair, but rather it burdens the residents of the City of Asheville.

The State budget surplus allows the State to address the infrastructure needs of small poor counties, which is more appropriately done with current State level revenues.

The Asheville City Council adamantly opposes Sales Tax Redistribution legislative proposals that threaten the status and distribution of local sale and use tax.

It is hereby requested that the local delegation of the North Carolina General Assembly elected to represent the interests of the residents of the City of Asheville vigorously oppose Sales Tax Redistribution legislation.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Brulson
City Clerk

Robert E. Mills
Mayor

Approved as to form.

[Signature]
City Attorney

Magdalen Brulson
City Clerk