

RESOLUTION NO. 15-18

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE A CONTRACT WITH BROWN AND CALDWELL FOR THE PROFESSIONAL SERVICES ASSOCIATED WITH AN ASSESSMENT OF THE CITY'S STORMWATER SYSTEM

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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 City of Asheville has solicited qualifications from engineering firms to provide professional services for an assessment of the stormwater system and Brown and Caldwell Environmental Engineers was the most qualified firm; and

WHEREAS, the City wishes to develop a 10 year CIP stormwater priority list for improvements to the stormwater system; and

WHEREAS, the City's goal is to continue to be proactive with stormwater related projects;

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

City Manager is hereby authorized to complete negotiations and execute a contract with Brown and Caldwell for the professional services associated with an assessment of the City's stormwater system for a contract amount of \$500,000, and to enter into change orders to this contract not to exceed 10% of the original contract (\$50,000) for a total contract amount not to exceed \$550,000.

Read, approved and adopted this the 27<sup>th</sup> day of January, 2015.

Magdalen Boulson  
City Clerk

Estimote M...  
Mayor

Approved as to form:

Richie  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 15-19

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO AND ACCEPT FEDERAL FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION

WHEREAS, pursuant to 160A-17.1, local governments are authorized to make contracts for, and to accept grants-in-aid and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal Surface Transportation Program – Directly Attributable (STP-DA) funds and Transportation Alternatives Program (TAP) funding sources; and

WHEREAS, the City of Asheville has identified projects that are eligible for this funding; and

WHEREAS, if any of these projects are funded, local matching funds will be required; and

WHEREAS, if any of these projects are funded, agreements can be expected to be required from the granting and administering agencies prior to receipt of the grant.

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

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for STP-DA and TAP funding.
2. The City Council of the City of Asheville intends to provide the required local match if grant funding is awarded.
3. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 27th day of January, 2015

Magdalen Bourleson  
City Clerk

Ed Arrington  
Mayor

Approved as to form:

Kevin Clei  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 15-20

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CLARK PATTERSON LEE FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN AND REMODEL OF THE 7<sup>TH</sup> AND 8<sup>TH</sup> FLOORS OF CITY HALL

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 City of Asheville desires to renovate and remodel the 7<sup>th</sup> and 8<sup>th</sup> floors of City Hall and the proposed professional services are necessary to design the proposed project; and

WHEREAS, the amount of the Agreement is \$271,155.00 and the monies have been budgeted in the Capital Improvement Program in the 2011-12 Fiscal Year 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 a contract on behalf of the City of Asheville with Clark Patterson Lee for professional services related to the design and remodel of the 7<sup>th</sup> and 8<sup>th</sup> floors of City Hall and further authorized to execute any change orders to said contract or documents which may arise during performance of said project up to the budgeted amount.

Read, approved and adopted this the 27th day of January, 2015.

Maddalen Boulton  
City Clerk

Edwin E. Mark  
Mayor

Approved as to form:

Robin Allen  
City Attorney

Maddalen Boulton  
City Clerk

RESOLUTION NO. 15- 21

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE TREE COMMISSION

WHEREAS, on January 13, 2015, by Resolution No. 15-17, City Council appointed Mr. Carl Nyberg to fill the expired term of Ms. Amy Kemp; and

WHEREAS, an error was made in calculating the terms and Ms. Kemp was eligible to serve another term; and

WHEREAS, Mr. Nyberg has agreed to give up his term until the next available seat on the Commission;

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

(1) Mr. Carl Nyberg, 9 Buckingham Court, Asheville, N.C., be and he is hereby removed as a member of the Tree Commission, until the next vacancy, in order to allow Ms. Amy Kemp to serve another term.

(2) Ms. Amy Kemp, 25 N. Liberty Street, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville Tree Commission, to serve an additional three year term, term to expire December 31, 2017, or until her successor has been appointed.

Read, approved and adopted this 27th day of January, 2015.

Magdalen Paulson  
CITY CLERK

E. Ann E. M.  
MAYOR

Approved as to form:

Ben Allen  
CITY ATTORNEY

Magdalen Paulson  
City Clerk

RESOLUTION NO. 15 - 22

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANTEE'S ACCEPTANCE AND UNDERSTANDING FORM WITH Z. SMITH REYNOLDS FOUNDATION TO ACCEPT THE TERMS OF GRANT FOR FUNDING FOR THE PILOT PROJECT "BUILDING NEIGHBORHOOD CAPACITY AND LEADERSHIP ACROSS RACE AND CLASS" AND A SUB-AWARD AGREEMENT WITH SOCIAL PROFIT STRATEGIES TO DEVELOP THE GRANT FUNDED PROGRAM

WHEREAS, the City of Asheville has been awarded second year funding for a one-year grant of \$30,000 by Z. Smith Reynolds Foundation to partner with Social Profit Strategies to support the ongoing pilot to build neighborhood capacity and strengthen leadership of the Housing Authority Residents' Council, residents' associations of public housing and other neighborhoods; and

WHEREAS, the pilot program has resulted in the strengthening of resident leadership in Asheville's public housing communities and the establishment of additional strategies to empower residents of all City neighborhoods to work together to address existing public safety issues in order to improve the quality of life for all who live, work and visit the neighborhood; and

WHEREAS, Asheville City Council has set a strategic goal to make Asheville one of the safest cities in America and this pilot will help public housing and other neighbors participate in actions identified to meet that goal; and

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

The City Manager is hereby authorized to sign the Grantee's Acceptance and Understanding Form with Z. Smith Reynolds and the Sub-Award Agreement with Social Profits Strategies for the grant year 2015.

Read, approved and adopted this 27th day of January, 2015.

Magdalena Bouleson  
City Clerk

Esther Mark  
Mayor

Approved as to form:  
Bob Clin  
City Attorney

Magdalena Bouleson  
City Clerk

RESOLUTION NO. 15--23

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF TUTCO FARNAM IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, Tutco Farnam is proposing to expand its manufacturing facility within the City limits adding \$2,500,000 in new capital investment in building up fits and Machinery and Equipment; and

WHEREAS, the company will retain 63 current employees and will create 50 new jobs within three years with an hourly wage of \$11.09 per hour and offers comprehensive benefits to its employees; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering performance-based grants to qualifying businesses locating and expanding within the corporate limits;

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

1. City Council approves a grant for Tutco Farnam not to exceed \$30,380 payable in seven (7) annual installments, subject to compliance with a Performance Agreement between the City and Tutco Farnam; and
2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 27th day of January, 2015.

Magdalen Boulson  
CITY CLERK

Eden Clark  
MAYOR

Approved as to form:

Bonnie  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 15-24

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR HIGHLAND BREWING EXPANSION PROJECT

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, Highland Brewing is proposing to significantly expand its operations within the City limits adding \$5,000,000 in new capital investment in new machinery, equipment, and buildings and the creation of 15 jobs that pay at or above the Buncombe County average weekly wage; and

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering grants to qualifying businesses locating and expanding within the corporate limits;

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

1. City Council approves a grant for Highland Brewing not to exceed \$60,000 payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and Highland Brewing; and
2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 27th day of January, 2015.

Margaret Boulton  
CITY CLERK

Edna Mark  
MAYOR

Approved as to form:

Bob Allen  
CITY ATTORNEY

Margaret Boulton  
City Clerk

RESOLUTION AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVES FOR WHITE LABS LOCATION IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, White Labs is proposing to locate a significant new laboratory, testing facility, administrative and marketing functions and otherwise expand its operations within the City limits adding \$8,100,000 in new capital investment in new machinery, equipment, and building improvements and the creation of 65 jobs that pay at or above the Buncombe County average weekly wage; and

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering incentives to qualifying businesses locating and expanding within the corporate limits;

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

1. City Council approves a lease, economic development performance agreement and option(s) to purchase with White Labs;
2. The City Manager is hereby authorized to execute the lease, economic development Performance Agreement, and option(s) setting the conditions for both parties, subject to approval of the City Attorney

Read and approved and adopted this 27th day of January, 2015.

Magdalena Brulson  
CITY CLERK

Edwin Mah  
MAYOR

Approved as to form:

Ron Ai  
CITY ATTORNEY

Magdalena Brulson  
City Clerk

RESOLUTION NO. 15-26

RESOLUTION AUTHORIZING AN AGRICULTURAL LEASE WITH BALSAM GARDENS, LLC ON A PORTION OF CITY-OWNED REAL PROPERTY OFF OF HARDESTY LANE AT AZALEA PARK

WHEREAS, the City of Asheville is the owner of real property located off of Hardesty Lane; known as Azalea Park, identified as PIN #s 9668-22-0260, and 9668-31-9966; and

WHEREAS, Balsam Gardens, LLC, a certified organic farmer, has offered to enter into an agricultural lease agreement in order to operate a commercial farm on 11+/- acres of the property at Hardesty Lane; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 10 days' public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed agricultural lease agreement on January 2, 2015, in the Asheville Citizen-Times; and

WHEREAS, the initial term of the lease agreement will be for three (3) years with the option to renew for one (1) additional three (3) year period; and

WHEREAS, the City has no anticipated need for this portion of the property during the term of the lease;

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

Pursuant to North Carolina General Statute sec. 160A-272, the City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and Balsam Gardens, LLC for agricultural use on city property at Hardesty Lane, at an initial rental rate of \$3,300 per year with 3% annual escalations.

Read, approved and adopted this 27 day of January, 2015.

Magdalen Bouleson  
City Clerk

Esther Marks  
Mayor

Approved as to form:  
Chris Cain  
City Attorney

Magdalen Bouleson  
City Clerk

## RESOLUTION NO. 15-27

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE  
COMMUNITY RELATIONS COUNCIL

WHEREAS, the terms of Rachael Tanksley-Russell and Mike Hahn, as members on the Asheville-Buncombe Community Relations Council, expired on December 31, 2014; and

WHEREAS, Fyffe Aschenbrenner has resigned from the Council, thus leaving an unexpired term until December 31, 2016;

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

(1) Ms. Rachael Tanksley-Russell, 86 Nebraska Street, Asheville, N.C., be and she is hereby reappointed to the Asheville-Buncombe Community Relations Council, to serve a three-year term, term to expire December 31, 2017, or until her successor has been appointed.

(2) Mr. Mike Hahn, 17 Parkview Drive, Asheville, N.C., be and he is hereby reappointed to the Asheville-Buncombe Community Relations Council, to serve an additional three-year term, term to expire December 31, 2017, or until his successor has been appointed.

(3) Ms. Kelly Denson, 27 Wamboldt Avenue, Asheville, N.C., be and she is hereby appointed to the Asheville-Buncombe Community Relations Council, to serve the unexpired term of Ms. Aschenbrenner, term to expire December 31, 2016, or until her successor has been appointed.

Read, approved and adopted this 27th day of January, 2014.

Magdalen Boulson  
CITY CLERK

Ethel Clark  
MAYOR

Approved as to form:

Bin Cui  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 15-28

RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the term of Matthew Raker, as a member of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2014;

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

Mr. John Noor, 436 New Haw Creek Road, Asheville, N.C., be and he is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three year term, term to expire December 31, 2017, or until his successor has been appointed.

Read, approved and adopted this 27th day of January, 2015.

Magdalen Boulleson  
CITY CLERK

EAnn Mark  
MAYOR

Approved as to form:

Ben Celi  
CITY ATTORNEY

Magdalen Boulleson  
City Clerk