

RESOLUTION NO. 15- 44

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH HAREN CONSTRUCTION COMPANY, INC., FOR THE NORTH FORK WATER TREATMENT PLANT DAM INTAKE TOWER AND CONDUIT REPAIRS PROJECT

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. § 143-129, bids were solicited for the project known as the North Fork Water Treatment Plant Dam Intake Tower and Conduit Repairs Project; and

WHEREAS, Haren Construction Company, Inc., of Etowah, TN, was the lowest responsible, responsive bidder for the Project, in the amount of \$1,658,000, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves construction and installation of all materials, labor, incidentals, and equipment necessary to repair, refurbish, reinforce, and partially replace the intake tower and conduit at the North Fork Water Treatment Plant in Black Mountain, NC; and

WHEREAS, the bids have been reviewed by the Water Resources Department, Schnabel Engineering South, P.C., and the City's Office of Economic Development (Minority Business Plan Compliance) with all offices recommending approval of the bid;

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

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.
2. The City Manager is hereby authorized to execute the contract with Haren Construction Company, Inc., for the bid amount of \$1,658,000. City Council also grants approval of a contingency amount of \$165,800 for a total project budget in the amount of \$1,823,800.00 for the North Fork Water Treatment Plant Dam Intake Tower and Conduit Repairs 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 budgeted amount.

Read, approved and adopted this the 10th day of March, 2015.

Magdalen Baulson
City Clerk

Edgar G. Mark
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Baulson
City Clerk

BID COMPARISON WORKSHEET

Project Name: North Fork Dam Intake Tower and Conduit Repairs
 Project Location: Black Mountain, NC

Project Number: 14621023
 Bid Date: 2/11/2015



Item	Bid Item Description	Estimated Quantity	Unit	Avg Unit Price From Bidders	Haren Contracting		NHM Constructors		Crowder Construction	
					Unit Price	Total	Unit Price	Total	Unit Price	Total
2.1	Mobilization, and Demobilization	1.0	LS	\$84,000.00	\$50,000.00	\$50,000.00	\$90,000.00	\$90,000.00	\$112,000.00	\$112,000.00
2.2	Temporary Facilities and Controls	1.0	LS	\$134,841.67	\$291,125.00	\$291,125.00	\$32,800.00	\$32,800.00	\$80,000.00	\$80,000.00
2.3	Structure Demolition	1.0	LS	\$85,000.00	\$40,000.00	\$40,000.00	\$115,000.00	\$115,000.00	\$100,000.00	\$100,000.00
2.4	Cast-In-Place Concrete									
	CIP Concrete, Structural	15.0	CY	\$1,550.00	\$950.00	\$15,200.00	\$1,200.00	\$19,200.00	\$2,500.00	\$40,000.00
	CIP Concrete, Lean	255.0	CY	\$308.33	\$250.00	\$63,750.00	\$240.00	\$61,200.00	\$435.00	\$110,925.00
2.5	Cellular Concrete	1.0	LS	\$267,666.67	\$250,000.00	\$250,000.00	\$253,000.00	\$253,000.00	\$300,000.00	\$300,000.00
2.6	Metal Fabrications	1.0	LS	\$18,500.00	\$10,000.00	\$10,000.00	\$10,500.00	\$10,500.00	\$35,000.00	\$35,000.00
2.7	FRP Ladder	1	LS	\$15,500.00	\$10,000.00	\$10,000.00	\$16,500.00	\$16,500.00	\$20,000.00	\$20,000.00
2.8	FRP Platforms	1	LS	\$45,233.33	\$20,000.00	\$20,000.00	\$85,700.00	\$85,700.00	\$30,000.00	\$30,000.00
2.9	FRP Stern Guides	1	EA	\$1,016.67	\$650.00	\$5,200.00	\$400.00	\$3,200.00	\$2,000.00	\$16,000.00
2.10	Painting									
	Intake Tower	1	LS	\$322,000.00	\$250,000.00	\$260,000.00	\$315,000.00	\$316,000.00	\$590,000.00	\$390,000.00
	Access Bridge	1	LS	\$242,333.33	\$210,000.00	\$210,000.00	\$231,000.00	\$231,000.00	\$286,000.00	\$286,000.00
	Conduits	1	LS	\$132,666.67	\$110,000.00	\$110,000.00	\$135,000.00	\$135,000.00	\$153,000.00	\$153,000.00
2.11	Filter Diaphragm	1	LS	\$33,666.67	\$45,000.00	\$45,000.00	\$21,000.00	\$21,000.00	\$35,000.00	\$35,000.00
2.12	Erosion & Sediment Controls	1	LS	\$15,333.33	\$5,000.00	\$5,000.00	\$21,000.00	\$21,000.00	\$20,000.00	\$20,000.00
2.13	PVC Piping	1	LS	\$66,000.00	\$50,000.00	\$50,000.00	\$76,000.00	\$76,000.00	\$72,000.00	\$72,000.00
2.14	Water Utility Piping									
	Trial Dewatering	1	LS	\$5,833.33	\$500.00	\$500.00	\$10,000.00	\$10,000.00	\$7,000.00	\$7,000.00
	Pipe Replacement	1	LS	\$62,833.33	\$20,000.00	\$20,000.00	\$126,500.00	\$126,500.00	\$42,000.00	\$42,000.00
	Pipe Modifications	1	LS	\$8,063.33	\$2,500.00	\$2,500.00	\$4,750.00	\$4,750.00	\$7,000.00	\$7,000.00
2.15	HDPE Pipe and Fittings									
	HDPE Sample Lines	2700	LF	\$4.75	\$1.75	\$4,725.00	\$1.50	\$20,250.00	\$5.00	\$13,500.00
	48-INCH DIA HDPE Pipe	546	LF	\$301.67	\$350.00	\$191,100.00	\$255.00	\$139,230.00	\$500.00	\$163,600.00
2.16	Pressure Gauge Replacement	6	EA	\$316.67	\$150.00	\$900.00	\$400.00	\$2,400.00	\$400.00	\$2,400.00
2.17	Bolt Replacement	300	EA	\$26.67	\$10.00	\$3,000.00	\$10.00	\$3,000.00	\$60.00	\$18,000.00
	TOTAL COST:					\$1,658,000.00		\$1,793,230.00		\$2,063,625.00

UNIT DEFINITIONS: LS=Linear Feet, LF=Linear Feet, CY=Cubic Yards, AC=Acres, SF=Square Feet, SY=Square Yards, LBS=Pounds, EA=Each

RESOLUTION NO. 15-45

RESOLUTION AUTHORIZING THE MAYOR AND CITY STAFF TO PERFORM
FEDERAL TRANSIT ADMINISTRATION ADMINISTRATIVE TASKS TO ACCESS
TRANSPORTATION FUNDING.

WHEREAS, the Federal Transit Administration has been delegated authority to award federal financial assistance for transportation projects; and

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon the City of Asheville; therefore requiring specific personnel to be responsible for the administrative tasks; and

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration;

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

1. The Transportation Planning Manager or his/her designee is authorized to execute and file applications for federal assistance on behalf of the City of Asheville, a Designated Recipient as defined by 49 U.S.C Section 5307 (A)(2) with the Federal Transit Administration for federal assistance authorized by 49 U.S.C chapter 53, Title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration.
2. The Mayor and City Attorney and Deputy City Attorney are authorized to execute and file the annual certification and assurances and any other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.
3. The Mayor is authorized to execute grants and cooperative agreements with the Federal Transit Administration on behalf of the City of Asheville, North Carolina.

Read, approved and adopted this the 10th day of March, 2015.

Margaleen Boulleau
City Clerk

Edna E. Markin
Mayor

Approved as to form:

[Signature]
City Attorney

Margaleen Boulleau
City Clerk

RESOLUTION NO. 15-46

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE
CONVEYANCE OF REAL PROPERTY LOCATED AT 880 NEW HAW CREEK ROAD
FROM HAW CREEK FIRE AND RESCUE, INC.

WHEREAS, the City of Asheville is authorized pursuant to N.C. Gen. Stat. §160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Haw Creek Fire and Rescue, Inc. has offered to convey a property located at 880 New Haw Creek Road for fire station purposes at no cost to the City;

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

The City Manager be and is hereby authorized to execute documents and accept the conveyance from Haw Creek Fire and Rescue, Inc. of real property located at 880 New Haw Creek Road (PINs # 9659953741 and 9659953914), upon the approval of the City Attorney. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Boulson
City Clerk

Esther G. Mark
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15- 47

RESOLUTION AMENDING THE 2015 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 City Council community meetings scheduled for the 5th Tuesdays of any month are hereby cancelled. Instead, City Council will be holding community engagement events on specific topics throughout the year.
2. A community engagement event regarding short term rentals will be held on Wednesday, March 25, 2015, at 5:00 p.m. in the U.S. Cellular Center Banquet Hall.
3. Budget worksessions will be held on April 28, 2015, and May 12, 2015, at 3:00 p.m. in the First Floor North Conference Room of City Hall.
4. A public hearing to consider the Fiscal Year 2015-16 Annual Operating Budget, will be held on June 9, 2015, at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.
5. The City Council formal meeting on Tuesday, December 22, 2015, is hereby cancelled.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Boulson
CITY CLERK

Steve E. Mark
MAYOR

Approved as to form:

Orin Ali
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-48

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR THE FAIRVIEW SERVICE AREA WATER SYSTEM IMPROVEMENTS PHASE II PART 1 PROJECT

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 Water Resources Department has the need for a professional services contract for the Fairview Service Area Water System Improvements Phase II Part 1 Project; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, Hazen and Sawyer was selected by City Staff via a Request for Qualifications process to perform professional engineering services for the Fairview Service Area Water System Improvements Phase II in the amount of \$967,500; and

WHEREAS, the project will be funded from the Water Resources Capital Improvement Projects Fund;

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a professional services agreement with Hazen and Sawyer for the proposed amount of \$967,500. City Council also grants approval of a contingency amount of \$48,375.00 for a total project budget in the amount of \$1,015,875 for the Fairview Service Area Water System Improvements Phase II Part 1. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 10th day of March, 2015.

Magdalena Paulson
City Clerk

Esther A. Miller
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Paulson
City Clerk

RESOLUTION NO. 15- 49

RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF MUELLER SYSTEMS, LLC, 5/8" RESIDENTIAL WATER METER FOR CONSISTENCY IN OPERATION AND FUNCTIONALITY

WHEREAS, N.C.G.S. § 143-129 details the procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. § 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. § 143-129 (e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when "(vi) performance or price competition for a product or not available or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, standardization of the Mueller Systems, LLC, 5/8" residential water meter will aid in consistency of the Water Resources Department's operations and functionality;

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

City Council hereby authorizes the City of Asheville to purchase Mueller Systems, LLC, 5/8" residential water meter as permitted under N.C.G.S. § 143-129(e)(6) for equipment standardization.

Read, approved, and adopted this 10th day of March, 2015.

Maddalen Boulson
CITY CLERK

Steve E. Markle
MAYOR

Approved as to form:

Bob Coe
CITY ATTORNEY

Maddalen Boulson
City Clerk

RESOLUTION NO. 15-50

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DONATION OF SERVICES AGREEMENT WITH THE 26TH NORTH CAROLINA FOR THE RESTORATION OF THE VANCE MONUMENT LOCATED IN PACK SQUARE PARK, AND TO ACCEPT THE PROJECT UPON SATISFACTORY COMPLETION OF THE RESTORATION

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real or personal property by gift, grant, bequest or any other lawful method, and 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, 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 authorized pursuant to G.S. 160A-20.1 to contract with an appropriate money to any person, association, or corporation, in order to carry out a public purpose; and

WHEREAS, the City of Asheville is interested in enhancing its public art collection throughout the corporate limits of the City of Asheville; and

WHEREAS, the City of Asheville conducted a public art collection condition report finding the Vance Monument to be in fair to poor condition and in need of restoration; and

WHEREAS, the 26th North Carolina entered into an agreement with the City of Asheville to adopt the Vance Monument as a preservation project, and authorized the 26th North Carolina to raise funds to support the project. The 26th North Carolina accomplished its fundraising goal of \$115,000 to support the project; and

WHEREAS, the City of Asheville and the 26th North Carolina will enter into a donation agreement for the restoration of the Vance Monument. The 26th North Carolina will donate the restoration project to the City of Asheville upon completion of the project valued at \$115,000;

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 donation of services agreement with the 26th North Carolina for the restoration of the Vance Monument, and to accept the project upon satisfactory completion of the restoration valued at \$115,000.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Boulson
City Clerk

Esther E. Mark
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-51

RESOLUTION SUPPORTING THE NORTH CAROLINA HISTORIC PRESERVATION TAX CREDIT PROGRAM'S REINSTATEMENT IN THE NORTH CAROLINA TAX CODE

WHEREAS, the Historic tax credits are of paramount importance to cities of all sizes across North Carolina; and

WHEREAS, according to the N.C. League of Municipalities, the North Carolina State Historic Preservation Office estimated that since the 1998 expansion of the historic rehab credits, over 2,400 Historic Tax Credit projects have been completed statewide, bringing nearly \$1.5 billion of private investment into North Carolina communities; and

WHEREAS, the historic rehab credit encouraged private investments in local communities and encouraged the reuse of existing buildings, which saved taxpayer money through reducing the need to expand public services and infrastructure; and

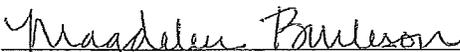
WHEREAS, from 1979-2014, more than 173 income-producing buildings and more than a hundred homes have been rehabilitated and qualified for historic tax credits in Asheville and Buncombe County, representing an investment of more than \$146 million;

WHEREAS, the City of Asheville believes that more reinvestment can occur with the availability of the Historic Preservation Tax Credit program and believes the Historic Preservation Tax Credit programs are an important leveraging tool to stimulate growth and development in our community;

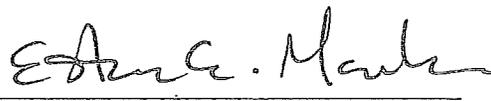
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville supports the reinstatement of the Historic Preservation Tax Credit programs back into the North Carolina Tax Code as a tool to spur economic recovery in our community.

Read, approved and adopted this 10th day of March, 2015.



 City Clerk



 Mayor

Approved as to form:



 City Attorney



 City Clerk

RESOLUTION NO. 15-52

RESOLUTION APPOINTING MEMBERS TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, Jan Goffney has resigned as a member of the African American Heritage Commission, thus leaving a vacancy until July 1, 2017; and

WHEREAS, Alfred Whitesides has resigned as a member of the African American Heritage Commission, thus leaving a vacancy until July 1, 2016; and

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

Mr. DeWayne Barton, 31 Mardell Circle, Asheville, N.C., be and he is hereby appointed as a member to the African American Heritage Commission, to serve the unexpired term of Ms. Goffney, term to expire July 1, 2017, or until his successor has been appointed.

Ms. Viola Spells, 305 Piney Mountain Drive. Asheville, N.C., be and she is hereby appointed as a member to the African American Heritage Commission, to serve the unexpired term of Mr. Whitesides, term to expire July 1, 2016, or until her successor has been appointed.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Boulleson
CITY CLERK

Estee E. Hester
MAYOR

Approved as to form:

Don Cline
CITY ATTORNEY

Magdalen Boulleson
City Clerk

RESOLUTION NO. 15-53

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Mr. Victor Palomino has resigned as a member of the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2017;

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

Dr. Jay Miller, 84 Forsythe Street, Asheville, N.C., be and he is hereby appointed, as a member of the Public Art & Cultural Commission, to serve the unexpired term of Mr. Palomino, term to begin immediately, and expire on June 30, 2017, or until his successor has been appointed.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Burleson
CITY CLERK

Eric E. Martin
MAYOR

Approved as to form:

Billie
CITY ATTORNEY

Magdalen Burleson
CITY CLERK