

RESOLUTION NO. 15- 83

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHERRY BEKAERT & HOLLAND, FOR AUDITING SERVICES FOR FISCAL YEAR 2014-2015

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, Cherry Bekaert & Holland has submitted an engagement letter and contract pursuant to *Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for fiscal year 2014-2015; and

WHEREAS, the City Council desires that the City's fiscal year 2014-2015 audit service contract be awarded to the firm Cherry Bekaert & Holland; and

WHEREAS, funds are included in the Accounting Division of the Finance Department's budget;

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

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Cherry Bekaert & Holland in the amount of \$85,500 for auditing services for fiscal year 2014-2015.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Boulson
City Clerk

Esther E. Markheim
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-84

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH MOTOROLA SOLUTIONS, INC. FOR THE PURCHASE OF RADIO COMMUNICATION EQUIPMENT AND SERVICES FOR THE PUBLIC SAFETY RADIO UPGRADE 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 Public Safety Radio System is a critical resource to public safety operations that has reach the end of its supported lifecycle; and

WHEREAS, the City of Asheville issued a request for proposals, per NC Statutes § 143-129.8 Purchase of Information Technology Goods and Services to provide equipment and services for a P25, trunked, simulcast, 800 MHz public safety radio system; and

WHEREAS, the contracts with Motorola Solutions, Inc. will not exceed \$4,397,762; and

WHEREAS, the funding for this project is budgeted in the Public Safety Radio Upgrade Project;

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

The City Manager is hereby authorized to enter into all associated contracts on behalf of the City of Asheville with Motorola Solutions, Inc. for the purchase of equipment and services at a cost not to exceed \$4,397,762. The City Manager is further authorized to approve and execute any change orders to said contracts or documents which may arise during the term of said contract up to the budgeted amount.

Read, approved and adopted this the 12th day of May, 2015.

Magdalen Boulson
City Clerk

ESTHER E. Markhedor
Mayor

Approved as to form:

Tom Allen
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15- 85

RESOLUTION AUTHORIZING ACCEPTANCE OF THE NC-501 CONTINUUM OF CARE HOMELESS MANAGEMENT INFORMATION SYSTEM GRANT TO THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville is a part of the NC-501 Continuum of Care, and serves as the Lead Entity for the NC-501 Continuum of Care; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets that includes efforts to end and reduce homelessness; and

WHEREAS, participation in the Homeless Management Information System is a requirement of the Continuum of Care Grant and Emergency Solutions Grant; and

WHEREAS, the Department of Housing and Urban Development's Regional Office has approved the City of Asheville to be the grant recipient;

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

1. Council approves the acceptance of the NC-501 HMIS Grant to the City of Asheville.
2. Council authorizes the City Manager to sign all contracts and grant agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the HMIS Grant activities.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Paulson
CITY CLERK

Esther E. Masheva
MAYOR

Approved As To Form:

Ben Allen
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 15-86

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 300 MILL RIVER DRIVE (MILL RIVER LOFTS LLC)

WHEREAS, The City of Asheville has the authority pursuant to the Local Development Act of 1925 (N.C. Gen. Stat. sec. 158-7.1) to make appropriations for economic development and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, The City Council of Asheville believes it important to support development projects that achieve goals set forth in their annual strategic goals, the City's Comprehensive Plan and other adopted plans, including the provision of workforce housing and/or green development; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, at its meeting on May 12, 2015, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Mill River Lofts LLC for the 300 Mill River Drive development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

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

The public hearing to consider a land use incentive grant for the 300 Mill River Drive development is hereby set on May 26, 2015, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Baulson
CITY CLERK

Ethan G. Mark
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 15--87

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 146 ROBERTS STREET (RAD LOFTS)

WHEREAS, The City of Asheville has the authority pursuant to the Local Development Act of 1925 (N.C. Gen. Stat. sec. 158-7.1) to make appropriations for economic development and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, The City Council of Asheville believes it important to support development projects that achieve goals set forth in their annual strategic goals, the City's Comprehensive Plan and other adopted plans, including the provision of workforce housing and/or green development; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, at its meeting on May 12, 2015, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and RAD Lofts LLC for the 146 Roberts Street development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

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

The public hearing to consider a land use incentive grant for the 146 Roberts Street development is hereby set on May 26, 2015, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Bourleson
CITY CLERK

Esther E. Hanks
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 15- 88

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION SERVICES CONTRACT WITH PATTON CONSTRUCTION GROUP FOR THE CONSTRUCTION SERVICE NECESSARY FOR THE WESTOVER DRIVE STORM DRAINAGE IMPROVEMENTS

WHEREAS, the City of Asheville has the 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 Westover Drive Storm Drainage Improvement Project; and

WHEREAS, the City of Asheville has a Stormwater Utility Fund designated to implement stormwater capital projects; and

WHEREAS, the City of Asheville did advertise and receive bids from qualified contractors to perform the construction activity outlined in the approved documents for the Westwood Drive Storm Drainage Improvement Project and the City of Asheville determined that ~~Fletcher Grading Contractors, LLC~~ and their bid of \$385,675 as the low responsible and responsible bidder; Patton Construction Group
(typo error)

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

The City Manager is hereby authorized to enter a contract with Patton Construction Group, Inc for the construction services necessary to complete the Westover Drive Storm Drainage Improvements for \$385,675 and to enter into change orders to this contract not to exceed an additional 15% of the original contract or \$57,851.

Read, approved and adopted this the 12th day of May, 2015.

Magdalen Bouleson
City Clerk

Edward G. Mink
Mayor

Approved as to form:

Brian Allen
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 15- 89

RESOLUTION RE-AFFIRMING THE AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT FOR ENCROACHMENT ON REAL PROPERTY

WHEREAS, the City has the authority pursuant to N.C. Gen. Stat. §160A-272.1 to grant easements in and otherwise permit the use of City-owned property for any reason that does not substantially impair the City's interest;

WHEREAS, by Resolution No 01-10, adopted on the 23rd day of January, 2001, City Council authorized the City Manager to execute a license agreement with Leigh and Katherine Kimmel, to allow the construction and maintenance of a driveway on real property that may be owned by the City, downstream from the North Fork Reservoir spillway ("Subject Property"); and

WHEREAS, it appearing that due to oversight the License Agreement was never executed and it further appearing that the facts and circumstances being substantially similar, the execution of the license agreement should be reaffirmed;

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 a license agreement with Leigh and Katherine Kimmel for the maintenance of a driveway on the Subject Property, subject to the approval of the City Attorney.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Pouleson
City Clerk

Edwin E. Mark
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Pouleson
City Clerk

RESOLUTION NO. 15-90

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A FARE- FREE DAY DURING THE STRIVE NOT TO DRIVE WEEK, FOR FISCAL YEAR 2015 AND FISCAL YEAR 2016, TO PROMOTE ACTIVITIES THAT ENCOURAGE THE USE OF THE TRANSIT SYSTEM

WHEREAS, every year, the Strive Not To Drive week focuses on promoting transportation alternatives to the single-occupant car; and

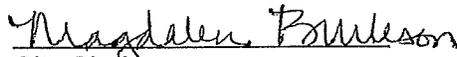
WHEREAS, Strive Not To Drive events want to promote the use of transit; and

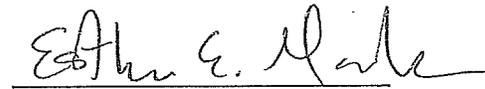
WHEREAS, fare-free has proven to be an effective way to show riders appreciation and introduce new riders to the system and to promote transit;

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

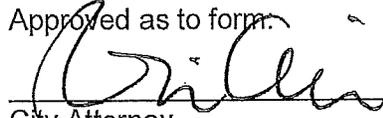
The City Manager is hereby authorized to implement fare-free day for Fiscal Year 2015 and Fiscal Year 2016 during the Strive Not To Drive week to promote activities that encourage the use of the transit system.

Read, approved, and adopted this the 12th day of May 2015.


City Clerk


Mayor

Approved as to form.


City Attorney


City Clerk

RESOLUTION NO. 15-91

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (JOHN DEERE 450J BULLDOZER), VALUED AT \$30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at \$30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus John Deere 450J Bulldozer ("Bulldozer"), with an estimated blue book value of \$35,000; and

WHEREAS, the Bulldozer was advertised on the Public Surplus Bid website and upon completion of the auction on Sunday, April 19, 2015, the highest bid was \$55,400.00; and

WHEREAS, to finalize the sale of the Bulldozer, City Council approval is needed; and

WHEREAS, proceeds of the sale will be returned to the Water Enterprise Fund;

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

1. The Purchasing Manager is hereby authorized to sell the John Deere 450J Bulldozer for \$55,400.
2. The Purchasing Director is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the John Deere 450J Bulldozer.

Read, approved and adopted this the 12th day of May, 2015.

Magdalena Paulson
City Clerk

Esther E. Henslein
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Paulson
City Clerk

RESOLUTION NO. 15-92

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR POLYLINKS INC. IN THE CITY OF ASHEVILLE

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

WHEREAS, PolyLINKS Inc. is proposing to expand its existing manufacturing facility within the City limits adding \$2,300,000 in building upgrades and machinery and equipment and the creation of 12 new manufacturing jobs; 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 PolyLINKS Inc. not to exceed \$31,000 payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and PolyLINKS Inc.; 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 12th day of May, 2015.

Magdalen Boulson
CITY CLERK

Esther E. Hank
MAYOR

Approved as to form:

B. Miller
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-93

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR EXPANSION OF HI-WIRE BREWING IN THE CITY OF ASHEVILLE

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

WHEREAS, Hi-Wire Brewing is proposing a new manufacturing facility within the City limits adding \$1,620,000 in new capital investment in new building and machinery and equipment; and,

WHEREAS, the company will create 15 new jobs within three years, with an average wage of \$37,400 and provides 50% of coverage for health insurance and other benefits to 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; and

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

1. City Council approves a grant for , Hi-Wire Brewing not to exceed \$25,000 payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and Hi-Wire 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 12th day of May, 2015.

Magdalen Brulson
CITY CLERK

Edwin E. Fark
MAYOR

Approved as to form.
[Signature]
CITY ATTORNEY

Magdalen Brulson
CITY CLERK