

RESOLUTION NO. 15-94

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE 2015 TOURISM PRODUCT DEVELOPMENT FUND CYCLE

WHEREAS, the Buncombe County TDA opens their 2015 grant funding cycle in June 2015; and

WHEREAS, the City of Asheville has identified a riverfront destination development project that will add new and incremental room nights and meets the goals and requirements iterated by the grant guidelines; and

WHEREAS, City Council has identified implementation of riverfront redevelopment capital improvement projects as a key strategic goal;

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

The City Manager is hereby authorized to submit a grant application to the Buncombe County Tourism Development Authority for the 2015 Tourism Product Development Fund cycle.

Read, approved and adopted this the 26th day of May, 2015.

Magdalen Boulson
City Clerk

Ed Arrington
Mayor

Approved as to form:

William
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-95

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A 0.947 ACRE EASEMENT LOCATED AT THE ASHEVILLE REGIONAL AIRPORT TO THE N.C. DEPT. OF TRANSPORTATION

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to transfer interest in real property to any other unit of government; and

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport; and

WHEREAS, the N.C. Dept. of Transportation (NCDOT) has requested to purchase 0.947 acres of permanent right-of-way easement needed for the development of Ferncliff Park Drive; and

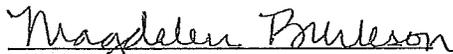
WHEREAS, NCDOT has offered to purchase this portion of real property for \$93,000 and this price has been substantiated by an independent MAI appraisal; and

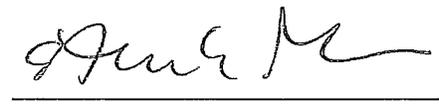
WHEREAS, all proceeds of sale are subject to Federal Aviation Administration (FAA) regulations;

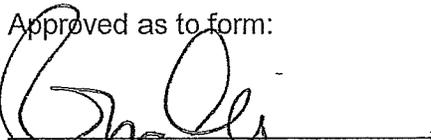
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-274, the City Manager is hereby directed to convey the aforementioned real property at 61 Terminal Drive, Fletcher, to the North Carolina Department of Transportation. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 26th day of May 2015.


CITY CLERK


MAYOR

Approved as to form:

CITY ATTORNEY


City Clerk

RESOLUTION NO. 15-96

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (JOHN DEERE 410G BACKHOE), 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 410G Backhoe ("Backhoe"), with an estimated blue book value of \$5,000.00; and

WHEREAS, the Backhoe was advertised on the Public Surplus Bid website and upon completion of the auction on Monday, May 11, 2015, the highest bid was \$34,100.00; and

WHEREAS, to finalize the sale of the Backhoe, 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 410G Backhoe for \$34,100.
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 410G Backhoe.

Read, approved and adopted this the 26th day of May, 2015.

Magdalen Boulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15 - 97

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL MAINTENANCE AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE TO ALLOW PUBLIC PARKING UNDER A SECTION OF BRIDGE # 322 AND # 323 ON THE EAST SIDE OF THE FRENCH BROAD RIVER IN THE RIVER ARTS DISTRICT

WHEREAS, NCGS 160A-17.1, authorizes the governing body of any city or county to make contracts with the State or federal government to perform any function which such city or county may be authorized by general law or local act to provide or perform; and

WHEREAS, Article 15 of Chapter 160A, section 160A-302.1 authorizes a city to own, acquire, establish, regulate, operate, and control off-street parking lots, parking garages, and other facilities for parking motor vehicles; and

WHEREAS, the City of Asheville has requested that the North Carolina Department of Transportation grant permission to the City to use the area under Bridge # 322 and # 323 (I-26, I-240, US 19-23, and US 74-A) on the east side of the French Broad River; and

WHEREAS, the North Carolina Department of Transportation has granted permission to the City for said location to be used as a public parking area;

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

The City Manager of the City of Asheville is hereby authorized to enter into a special maintenance agreement with the North Carolina Department of Transportation to allow public parking under a section of bridge #322 and #323 on the east side of the French Broad River in the River Arts District.

Read, approved and adopted this the 26th day of May 2015.

Magdalen Boulson
City Clerk

Esther E. Mark
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-98

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH JOHN DEERE CREDIT FOR PARKS MAINTENANCE EQUIPMENT

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, the City of Asheville leases park maintenance equipment with John Deere Credit for four years with maintenance included that supports basic services and part of core park maintenance level of service for the City's park system; and

WHEREAS, the City will exercise the four-year lease option for the amount not to exceed \$98,528.72 and the monies for the first year have been budgeted in the Parks and Recreation Department in the Park Maintenance section in the 2014-2015 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 lease agreement on behalf of the City of Asheville with John Deere Credit not to exceed \$98,528.72 over four years for park maintenance equipment 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 26th day of May, 2015.

Magdalen Boulton
City Clerk

Greg Mer
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 15 - 99

RESOLUTION ACCEPTING GRATITUDE DRIVE AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Gratitude Drive is located in the corporate limits of the City of Asheville; and

WHEREAS, Gratitude Drive was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Gratitude Drive including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the 25-foot right-of-way for Gratitude Drive has been recorded in Plat Book 154 Page 84 and Plat Book 175 Page 80;

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

Gratitude Drive is accepted by the City of Asheville for maintenance beginning from Burk Street and Grinnell Street to a point 0.03 miles east of Burk Street/Grinnell Street, as more specifically shown on the attached map.

Read, approved and adopted this 26th day of May, 2015.

Magdalen Boulson
City Clerk

Frank M.
Mayor

Approved as to form:

Charlie
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 15- 100

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-39-0005-45-2015

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and received grants from the federal government, and to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") has offered a grant agreement to the Greater Asheville Regional Airport Authority in an amount of \$12,560,480, for construction runway (Phase 2 Construction - Temporary Runway 16/34 Paving, Lighting and NAVAIDs); and

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreement;

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

The Mayor be and is hereby authorized to execute the FAA Grant Agreement for Project No. 3-39-0005-45-2015 in an amount of \$12,560,480.

Read, approved and adopted this 26th day of May, 2015.

Magdalen Boulton
CITY CLERK

Edna E. Harv
MAYOR

Approved as to form:

Billie
CITY ATTORNEY

Magdalen Boulton
City Clerk

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RESOLUTION NO. 15-101

RESOLUTION APPROVING THE TERMS FOR AN AMENDED LAND USE INCENTIVE GRANT FOR RAD LOFTS LLC AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LAND USE INCENTIVE PROGRAM AGREEMENT

WHEREAS, pursuant to NCGS sec. 158-7.1 the City of Asheville is authorized to make appropriations for economic development which will in the discretion of the Council increase the population and taxable property and achieve other public purposes and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, pursuant to NCGS sec. 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including providing funds to assist low and moderate income persons;

WHEREAS, the City Council of Asheville believes it is 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 and affordable 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, the RAD Lofts development represents the type of project envisioned for support within those goals and the LUIP; and furthers public purposes, and the goals and objectives of the LUIP and N.C. Gen. Stat. § 158-7.1 and § 160A-456 by providing for affordable and workforce housing and energy saving development, which in turn will serve to increase the tax base and population and business prospects of the City; and

WHEREAS, the Asheville City Council, on August 26, 2014 approved Resolution 14-195, authorizing a Land Use Incentive Grant for RAD Lofts, LLC; and

WHEREAS, certain elements of the development as proposed have been changed slightly resulting in an increase in residential units and a reduction in the total project commercial space, and therefore, the developer requests an amendment to the approved Land Use Incentive Grant; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City County, the RAD Lofts Development located at 146 Roberts Street will be a 243 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose, in that it will provide 231 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for household with an income at or below 120% of the area median income; it is agreed that the developer will be allowed to escalate the workforce rents by a maximum of 3% from the baseline 2015 work force rents as published by the City, annually during the affordability period), and 12 units of

affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), and will achieve certification as an Energy Star™ development, and will be a mixed-use development with approximately 34,000 square feet of commercial space; and will be located within one-eighth of a mile of a public transit route; and will be built on land that has been designated as a brownfield; and

WHEREAS, the developers of the RAD Lofts development have demonstrated to the satisfaction of the City Council that they have substantial and sufficient private equity participation in the project; and

WHEREAS, the RAD Lofts development has been determined by City Council to meet the eligibility requirements of the LUIP;

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

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with RAD Lofts LLC to support the development of the RAD Lofts project. The estimated annual land use incentive grant would be the difference between the current City tax and the estimated post-completion City tax currently estimated to be \$144,892. The grant is approved for a period of 4 years with the total estimated grant to be \$579,567, the exact amount to be determined by the actual assessed value of the development upon completion. Additionally, a 40% fee rebate of approximately \$32,724 is approved. The City's grant shall be applied to the amount not covered by the Brownfield Grant over the four-year period, as opposed to equal payments over the requested four-year period. This would result in a grant disbursement that would increase annually over the four-year term; and may lead to an extension of the grant period until the total maximum grant amount is paid.

2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 26th day of May, 2015.

Magdalen Boulton
CITY CLERK

Edmund E. Mule
MAYOR

[Signature]
CITY ATTORNEY

Magdalen Boulton
City Clerk

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RESOLUTION NO. 15-102

RESOLUTION APPROVING 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, pursuant to N.C. Sec. 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including providing funds to assist low and moderate income persons; 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, the River Mill Lofts development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the River Mill Lofts development located at 300 River Mill Drive will be a 254 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose, in that it will provide 216 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 120% of the area median income), and 18 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), and will achieve certification as an Energy Star™ development, and will be a mixed-use development with 8,000 square feet of commercial space; and will be located within .4 mile of a public transit route; and

WHEREAS, the developers of the River Mill Lofts development have demonstrated to the satisfaction of the City Council that they have substantial and sufficient private equity participation in the project; and

WHEREAS, the River Mill Lofts development has been granted a waiver of the .25 mile locational requirement because the City Council has determined that this development and others proposed for the area have the potential to create significant new transit demand, that three transit routes are currently within 0.4 mile of the site, and that a multi-modal route via the Wilma Dykeman Riverway, is master-planned contiguous to the development site and therefore, the location of the project meets the goals of the LUIP and a waiver of the eligibility requirement is justifiable;

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

- 1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with River Mill Lofts LLC to support the development of the River Mill Lofts project. The estimated annual land use incentive grant would be the difference between the current City tax and the estimated post-completion City tax currently estimated to be \$111,757. The grant is approved for a period of 3 years within the total estimated grant to be \$335,271, the exact amount to be determined by the actual assessed value of the development upon completion. Additionally, a 30% fee rebate of approximately \$15,000 is approved.
- 2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 26^h day of May, 2015.

Magdalen Boulson
CITY CLERK

Edna G. Mc
MAYOR

Approved as to form:
Birlein
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 15-103

RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE BOARD

WHEREAS, the term of Lynn Moffa, as a member on the Civil Service Board, expired on May 21, 2015; and

WHEREAS, Carolyn Worthington has resigned as a member of the Civil Service Board, whose term expired on May 21, 2015;

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

Mr. Alan Escovitz, 102 Macon Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Civil Service Board, to serve a two year term, term to expire May 21, 2017, or until his successor has been appointed.

Ms. Carol Goins, 17 Rocking Porch Road, Asheville, N.C., be and she is hereby appointed as a member of the Civil Service Board, to serve a two year term, term to expire May 21, 2017, or until her successor has been appointed.

Read, approved and adopted this 26th day of May , 2015.

Magdalen Boulton
CITY CLERK

Steve Mc
MAYOR

Approved as to form:
[Signature]
CITY ATTORNEY

Magdalen Boulton
City Clerk