

RESOLUTION NO. 15- 214

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH H&M CONSTRUCTORS FOR THE 200 BINGHAM ROAD UP-FIT AND RENOVATION 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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the 200 Bingham Road Up-fit and Renovation Project; and

WHEREAS, H&M Constructors of Asheville, NC was the lowest responsible, responsive bidder for the Project, in the amount of \$2,658,417, with bid for alternate #E-2 for security camera system in the amount of \$43,890 with the bid tabulation attached hereto as Exhibit "A"; and

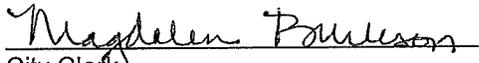
WHEREAS, the project involves construction and installation of all materials, labor, incidentals, and equipment necessary to repair, refurbish, reinforce, and partially replace the 37,000 Square Feet of the property located at 200 Bingham Road in Asheville, NC; and

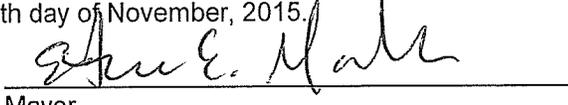
WHEREAS, the bids have been reviewed by the Water Resources Department, Clark Nexsen, Inc., and the City's Office of Economic Development (Minority Business Plan Compliance) with all offices recommending approval of the bid;

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 H&M Constructors, for the bid amount of \$2,658,417.00. City Council also grants approval for installation of a security camera system for bid alternate #E-2 in the amount of \$43,890.00; and a contingency amount of \$270,231.00 for a total project budget in the amount of \$2,972,538.00 for the 200 Bingham Road Up-fit and Renovation 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 17th day of November, 2015.


City Clerk


Mayor

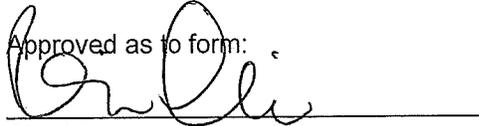
Approved as to form:

City Attorney

Exhibit A

Bid Tabulation for the 200 Bingham Road Up-fit and Renovation Project

American South General Contractors, Inc.
60 North Merrimon Ave, Unit #101
Asheville, NC 28804
Total Base Bid: \$2,369,000.00

Cooper Construction Company, Inc.
761 S. Allen Rd, Flat Rock, NC 28731
Total Base Bid: \$2,686,000.00

H&M Constructors
A Division of M. B. Haynes Corp.
PO Box 16589
Asheville, NC 28816
Total Base Bid: \$2,658,417.00

SIMCON Company, LLC
P.O. Box 1838
137 Moore Ave
Mount Airy, NC 27030
Total Base Bid: \$2,849,000.00

RESOLUTION OF APPRECIATION TO JAN B. DAVIS

WHEREAS, Jan Davis served as a member of the Asheville City Council since December 2, 2003; and

WHEREAS, from December 11, 2007, until December 8, 2009, Jan served as Vice-Mayor of the City of Asheville; and

WHEREAS, since December of 2003, Jan untiringly devoted over twelve years to the City of Asheville during a period of time that numerous projects were initiated which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular, his involvement in Asheville in negotiating an agreement that protected the City's investment in a high quality water utility; his commitment to bringing safe and quality transportation networks to our community and region; his devotion to the men and women who serve to keep our community safe; and his unwavering support for gatherings that create a sense of community such as the 4th of July Celebration and Fireworks Show; and

WHEREAS, Jan's commitment to the renovation of the U.S. Cellular Center led the naming of the U.S. Cellular Center lobby as "Jan Davis Lobby;" and

WHEREAS, Jan served as Chairman and member of the City Council Boards & Commissions Committee; Chairman and member of the City Council Planning & Economic Development Committee; Chairman of the Public Safety Committee; Chairman of the Police Officers and Firefighters Disability Review Board; member of the Downtown Commission; Civic Center Task Force for the 21st Century; City Council Personnel Committee; French Broad River Metropolitan Planning Organization; Buncombe County Economic Development Commission; Citizens-Police Advisory Committee; Subcommittee on the Henderson County Water Negotiations; Subcommittee on the Water Agreement; Economic Development Coalition; City Council Housing & Community Development Committee; Riverfront Redevelopment Commission; Buncombe County Tourism Development Authority; Asheville-Buncombe Regional Sports Commission; Downtown Improvement District; and the Asheville-Buncombe Regional Sports Commission.

WHEREAS, Jan has also served as liaison to the Civic Center Commission; WNC Regional Air Quality Agency; Asheville-Buncombe Historic Resources Commission; Planning & Zoning Commission; Tree Commission; Alcoholic Beverage Control Board; Civil Service Board; Firemen's Relief Fund Board of Trustees; Soil Erosion/Stormwater Review Committee; and WNC Community Media Center Board;

WHEREAS, Jan's unique leadership ability enabled him to build consensus on controversial and complex issues; and

WHEREAS, he has earned the admiration and high regard of those with whom he has come into contact, as well as the affection of his fellow public servants;

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

That the members of the Asheville City Council hereby express their gratitude to Jan Davis for the service he has rendered to his community and that a copy of this Resolution be presented to Mr. Davis.

Read, approved and adopted this 17th day of November, 2015.

Esther E. Manheimer - Mayor

Cecil Bothwell - Councilmember

Gordon Smith - Councilmember

Gwen Wisler - Councilmember

Resolution No. 15-216

RESOLUTION OF APPRECIATION TO MARC HUNT

WHEREAS, Marc Hunt served as a member of the Asheville City Council since December 6, 2011; and

WHEREAS, from December 10, 2013, until December 1, 2015, Marc served as Vice-Mayor of the City of Asheville; and

WHEREAS, Marc untiringly devoted over four years to the City of Asheville during a period of time that numerous projects were initiated through his leadership which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his commitment to Asheville's economic stability; and his commitment to the development of a multi-modal transportation network that connects people to places through greenways, sidewalks, bicycle lanes and roads; and

WHEREAS, prior to Marc's service on City Council, he demonstrated leadership and community collaboration during his service on the Greenway Commission from February 14, 2006, to January 10, 2012; and

WHEREAS, Marc served as Chairman and member of the City Council Finance Committee, Chairman of the City Council Boards & Commissions Committee; Chairman and member of the City Council Planning & Economic Development Committee; member of the Economic Development Coalition; member of the French Broad River Metropolitan Planning Organization; member of the City Council Governance Committee; member of the HUB Community Economic Development Alliance; and member of the Pack Square Board of Directors; and

WHEREAS, Marc also served as liaison to the Greater Asheville Regional Airport Authority; Board of Adjustment; Community Action Opportunities; Eagle-Market Street Board of Directors; and Planning & Zoning Commission; Civil Service Board; Asheville-Buncombe Historic Resources Commission; Asheville City Board of Education; and Soil Erosion/Stormwater Review Committee; and

WHEREAS, Marc has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Marc was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Marc has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

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

That the members of the Asheville City Council hereby express their gratitude to Marc W. Hunt for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Hunt.

Read, approved and adopted this 17th day of November, 2015.

Esther E. Manheimer - Mayor

Cecil Bothwell - Councilmember

Gordon Smith - Councilmember

Gwen Wisler - Councilmember

Resolution No. 15-217

RESOLUTION OF APPRECIATION TO CHRIS PELLY

WHEREAS, Chris Pelly served as a member of the Asheville City Council since December 6, 2011; and

WHEREAS, Chris untiringly devoted over four years to the City of Asheville during a period of time that numerous projects were initiated through his leadership which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his commitment to improve the livability of Asheville neighborhoods which included implementation of a dedicated Neighborhood Sidewalks Program, resumption of funding for traffic calming, creation of the Neighborhood Advisory Committee, and involvement with the Festival of Neighborhoods; and

WHEREAS, Chris served as a member to the City Council Boards & Commissions Committee; member to the Housing & Community Development Committee; member to the City Council Public Safety Committee; member to the City Council Finance Committee; member to the Metropolitan Sewerage District; alternate member to the French Broad River Metropolitan Planning Organization; member of the City Council Retreat Committee; and ex-officio member to the Citizens-Police Advisory Committee; and

WHEREAS, Chris also served as liaison to Asheville-Buncombe Crime-Stoppers Board; Neighborhood Advisory Committee; Recreation Board; and Greenway Committee; and

WHEREAS, Chris has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Chris was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Chris has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

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

That the members of the Asheville City Council hereby express their gratitude to Chris A. Pelly for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Pelly.

Read, approved and adopted this 17th day of November, 2015.

Esther E. Manheimer - Mayor

Cecil Bothwell - Councilmember

Gordon Smith - Councilmember

Gwen Wisler - Councilmember

RESOLUTION NO. 15- 218

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH MCGILL ASSOCIATES, PA, FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 1 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, McGill Associates, PA, was one of four firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with McGill Associates, PA, on April 28, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

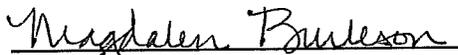
WHEREAS, the Professional Engineering Services for the 2015 Neighborhood Enhancement Area 1 Project will be part of a Supplemental Agreement under aforesaid Master Agreement with McGill Associates, PA, for the not-to-exceed amount of \$698,780; and

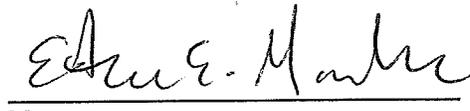
WHEREAS, the use of McGill Associates, PA, will ensure timely completion and full compliance with the City of Asheville Design Standards;

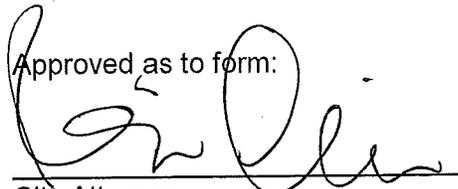
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with McGill Associates, PA, for the not-to-exceed amount of \$698,780 for the 2015 Neighborhood Enhancement Area 1 Project; and 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 17th day of November, 2015.


City Clerk


Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 15- 219

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH W.K. DICKSON & CO., INC., FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 2 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, W.K. Dickson & Co., Inc., was one of four firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with W.K. Dickson & Co., Inc., on May 11, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

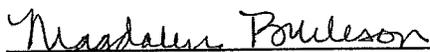
WHEREAS, the Professional Engineering Services for the 2015 Neighborhood Enhancement Area 2 Project will be part of a Supplemental Agreement under aforesaid Master Agreement with W.K. Dickson & Co., Inc., for the not-to-exceed amount of \$567,100; and

WHEREAS, the use of W.K. Dickson & Co., Inc., will ensure timely completion and full compliance with the City of Asheville Design Standards.

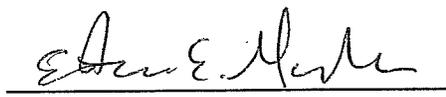
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with W.K. Dickson & Co., Inc., for the not-to-exceed amount of \$567,100 for the 2015 Neighborhood Enhancement Area 2 Project; and 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 17th day of November, 2015.

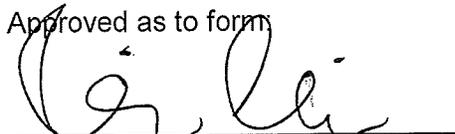


City Clerk



Mayor

Approved as to form



City Attorney

RESOLUTION NO. 15- 220

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH CDM SMITH, INC., FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 3 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, CDM Smith, Inc., was one of four firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with CDM Smith, Inc., on May 27, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

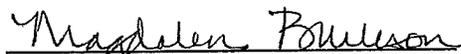
WHEREAS, the Professional Engineering Services for the 2015 Neighborhood Enhancement Area 3 Project will be part of a Supplemental Agreement under aforesaid Master Agreement with CDM Smith, Inc., for the not-to-exceed amount of \$672,572; and

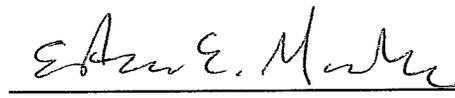
WHEREAS, the use of CDM Smith, Inc., will ensure timely completion and full compliance with the City of Asheville Design Standards.

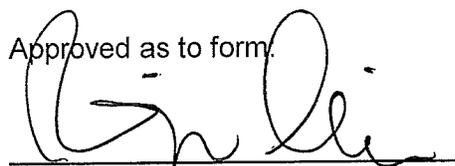
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with CDM Smith, Inc., for the not-to-exceed amount of \$672,572 for the 2015 Neighborhood Enhancement Area 3 Project; and 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 17th day of November, 2015.


City Clerk


Mayor

Approved as to form.

City Attorney

RESOLUTION NO. 15- 221

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH KIMLEY-HORN & ASSOCIATES FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 4 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, Kimley-Horn & Associates was one of four firms selected by Staff via a Request for Qualifications (RFQ) process to perform On-call Professional Engineering Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Kimley-Horn & Associates on May 11, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

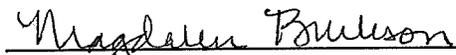
WHEREAS, the Professional Engineering Services for the 2015 Neighborhood Enhancement Area 4 Project will be part of a Supplemental Agreement under aforesaid Master Agreement with Kimley-Horn & Associates for the not-to-exceed amount of \$581,900; and

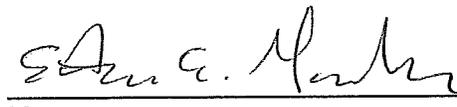
WHEREAS, the use of Kimley-Horn & Associates will ensure timely completion and full compliance with the City of Asheville Design Standards;

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

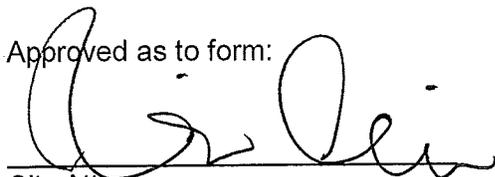
The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with Kimley-Horn & Associates for the not-to-exceed amount of \$581,900 for the 2015 Neighborhood Enhancement Area 4 Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 17th day of November, 2015.


City Clerk


Mayor

Approved as to form:


City Attorney

RESOLUTION NO. 15- 222

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FOR SCHNABEL ENGINEERING SOUTH, PC, FOR THE NORTH FORK DAM INTAKE TOWER AND CONDUIT REPAIRS 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, Schnabel Engineering South, PC, was selected by Staff to perform engineering services related to the North Fork Dam Intake Tower and Conduit Repairs Project; and

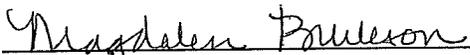
WHEREAS, Schnabel is requesting an increase in the contract amount for construction-related services associated with the rehabilitation of the interior of the intake tower, concrete infilling of the outlet works conduit, and repairs to the tower bridge; and

WHEREAS, a change order in the amount of \$175,000 is needed to increase the engineering design services contract with Schnabel Engineering South, PC, from a total in the amount of \$302,400 to \$477,400 for the project;

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 in the amount of \$175,000 to increase the engineering design services contract for Schnabel Engineering South, PC, from a total in the amount of \$302,400 to \$477,400 for the North Fork Dam Intake Tower and Conduit Repairs Project; 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 17th day of November, 2015.

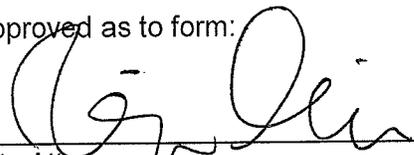


City Clerk



Mayor

Approved as to form:



City Attorney

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LOCALLY ADMINISTERED PROJECT AGREEMENT WITH NCDOT FOR A PROJECT TO CONSTRUCT SIDEWALK ALONG NEW LEICESTER HIGHWAY (NC-63) FROM PATTON AVENUE TO THE CITY LIMITS OF ASHEVILLE

WHEREAS, Section 1108 of the Moving Ahead for Progress in the 21st Century (MAP-21) allows for the allocation of STP-DA funds to be available for certain specified transportation activities; and

WHEREAS, the City of Asheville has requested Federal Funding for the US 63 (New Leicester Highway) sidewalk project located within the city limits of the City of Asheville in Buncombe County; and

WHEREAS, subject to the availability of Federal Funds, the City of Asheville has been designated as a recipient to receive funds allocated to the North Carolina Department of Transportation by the Federal Highway Administration up to and not to exceed the maximum award amount of \$2,904,000 for the project; and

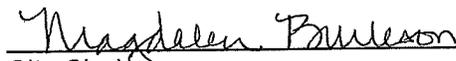
WHEREAS, the North Carolina Department of Transportation has programmed funding in the approved Transportation Improvement Program for the project; and

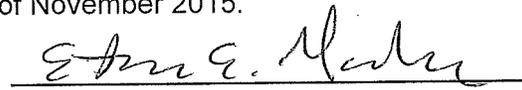
WHEREAS, the City of Asheville has agreed to participate in certain costs and to assume certain responsibilities as indicated in the agreement;

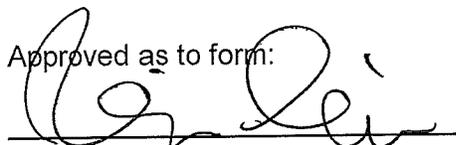
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville approves a resolution authorizing the City Manager to sign and execute a locally administered project agreement with the North Carolina Department of Transportation (NCDOT) for a project (identified as U-5190) to construct a sidewalk along US 63 (New Leicester Highway) from Patton Avenue to the city limits of Asheville.

Read, approved and adopted this 17th day of November 2015.


City Clerk


Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 15-224

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE MASS TRANSIT MANAGEMENT AGREEMENT WITH FIRST TRANSIT, INC UNTIL JUNE 30, 2016, TO MANAGE THE OPERATION OF THE ASHEVILLE REDEFINES TRANSIT SYSTEM

WHEREAS, North Carolina law prohibits municipalities from engaging in collective bargaining; and

WHEREAS, the City of Asheville must hire a management company to operate the transit system; and

WHEREAS, the management company is a party to the collective bargaining agreement with the Amalgamated Transit Union Local 128 covering all hourly employees; and

WHEREAS, a collective bargaining agreement between Asheville Transit System's management company and the ATU Local 128 is in place until January 31, 2016; and

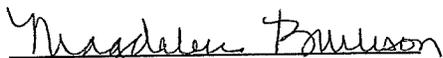
WHEREAS, the city hired First Transit, Inc. to operate the transit system and the contract will expire in December 31, 2015; and

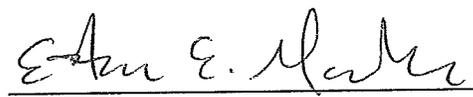
WHEREAS, city staff recommends extending the current agreement with First Transit until June 30, 2016 to continue the operations of the transit system, including the negotiation of a new collective bargaining agreement with ATU Local 128;

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

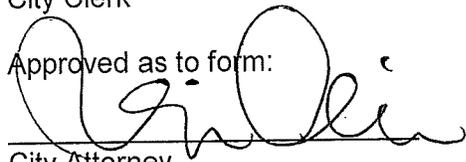
The City Manager is hereby authorized to extend the mass transit management agreement with First Transit, Inc. until June 30, 2016 to continue managing the operation of the City of Asheville Transit System and to negotiate a new collective bargaining agreement.

Read, approved and adopted this the 17th day of November, 2015.


City Clerk


Mayor

Approved as to form:


City Attorney