

RESOLUTION NO. 11- 125

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF COMMERCE FOR TWO URBAN PROGRESS ZONES WITHIN THE CITY OF ASHEVILLE

WHEREAS, Urban Progress Zones are an economic development tool created by the State of North Carolina for the purpose of encouraging business growth within distressed communities; and

WHEREAS, the City of Asheville seeks to promote economic development within the City of Asheville and in distressed communities therein; and

WHEREAS, the City of Asheville is eligible to apply for designation or renewal of Urban Progress Zones within the municipal boundary, and

WHEREAS, areas within the City of Asheville are eligible for designation as Urban Progress Zones,

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

The City of Asheville is authorized to submit, by and through the City Manager, formal applications to the North Carolina Department of Commerce for two newly created Urban Progress Zones.

Read, approved and adopted this 28th day of June, 2011.

Magdalen Boulson
CITY CLERK

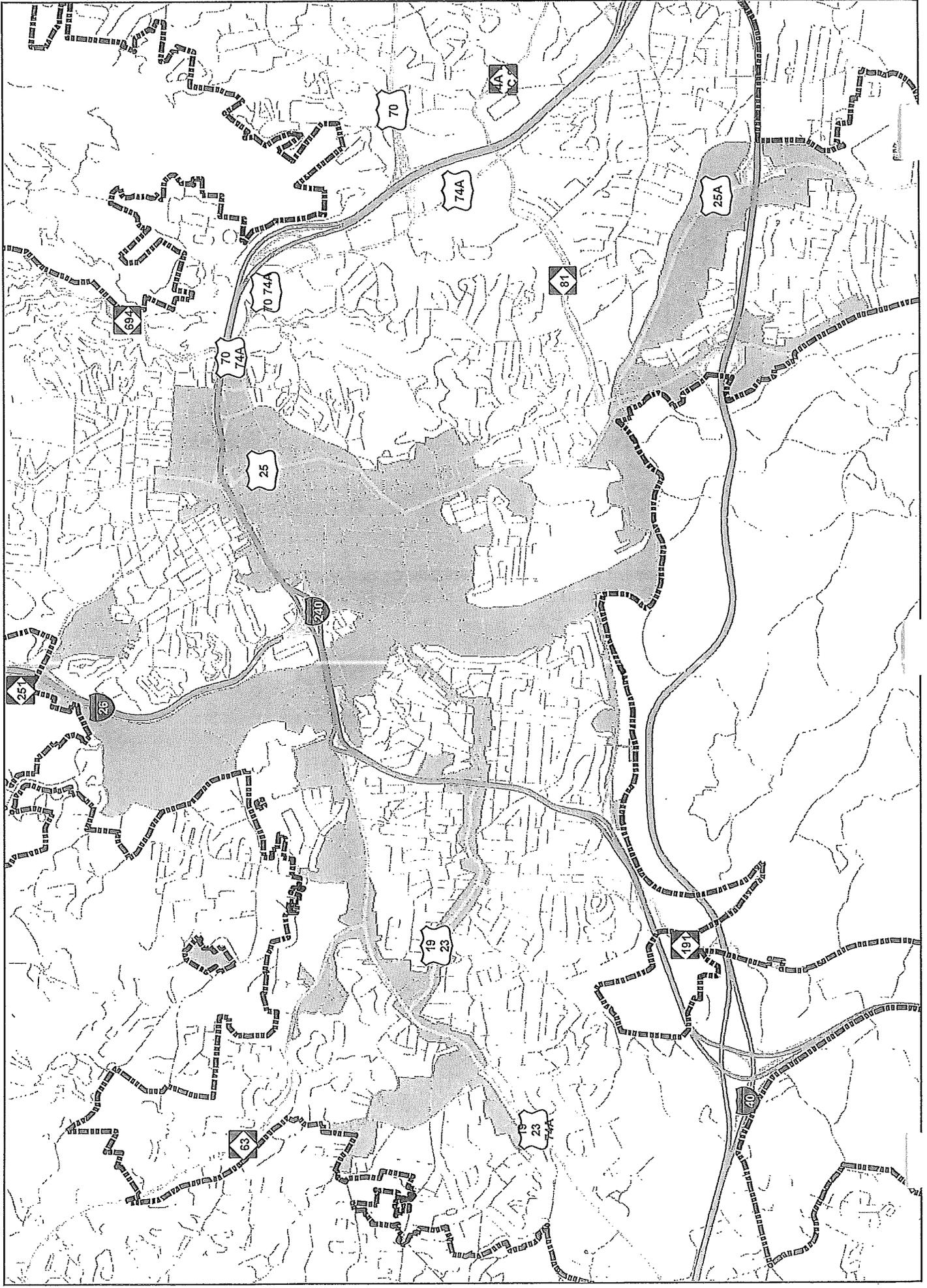
Tom Bellamy
MAYOR

Approved as to from:

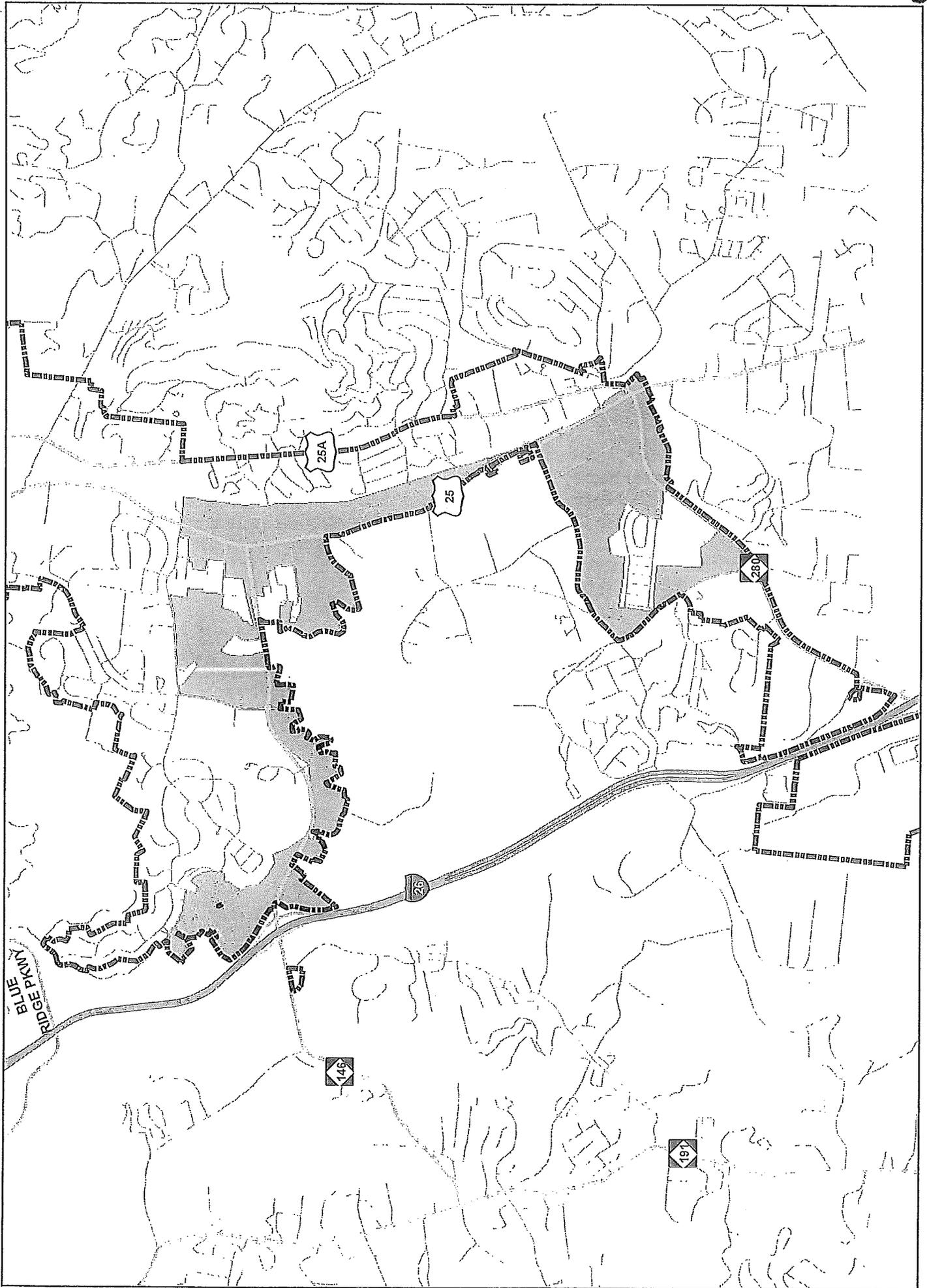
[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

Proposed Urban Progress Zone - Central and West



Proposed Urban Growth Zone - South



RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED ADOPT-A-PARK AGREEMENT WITH JUST FOLKS

WHEREAS, the City of Asheville has entered into an Adopt-a-Park Agreement with Just Folks to promote positive activities that reduce nuisance behaviors in and around the Triangle Park area; and

WHEREAS, the programs and events organized by Just Folks focus on community-building and have improved the appearance of the park, making it more attractive to downtown visitors and community members; and

WHEREAS, Just Folks is providing quality cultural programming and diversity in a city park not generally used for this purpose; 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 amended Adopt-a-Park agreement with Just Folks to waive park use fees of up to \$2,500 for Fiscal Year 2011-2012 for the use of Triangle Park for community-building events that benefit the Eagle/Market Streets area and the community.

Read, approved and adopted this 28th day of June, 2011.

Magdalen Buleson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Buleson
City Clerk

RESOLUTION NO. 11 - 127

RESOLUTION SUPPORTING THE EFFORTS OF THE N.C. DEPT. OF TRANSPORTATION IN FUNDING, DESIGNING, AND CONSTRUCTING A SIDEWALK ALONG US 70 (TUNNEL ROAD) FROM THE VA HOSPITAL TO THE VETERAN'S QUARTERS

WHEREAS, the N.C. Dept. of Transportation (NCDOT) is seeking funds to design and construct a sidewalk along US 70 (Tunnel Road) from the VA Hospital to the Veteran's Quarters in East Asheville; and

WHEREAS, the City of Asheville and the NCDOT have been working together to construct needed sidewalks along US 70 (Tunnel Road) in East Asheville; and

WHEREAS, US 70 (Tunnel Road) is identified as a needed pedestrian linkage in the approved Pedestrian Master Plan; and

WHEREAS, the subject project would satisfy a need for a group of our well deserved veterans; and

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

The City of Asheville fully supports the North Carolina Department of Transportation (NCDOT) in their efforts to fund, design, and construct a sidewalk along US 70 (Tunnel Road) from the VA Hospital to the Veteran's Quarters in East Asheville.

Read, approved and adopted this 28th day of June, 2011.

Magdalena Brouson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Brouson
City Clerk

RESOLUTION NO. 11- 128

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE CONTRACT AMOUNT WITH PATTON CONSTRUCTION GROUP, LLC, FOR THE VIEWMONT ACRES WATER SYSTEM EXTENSION PROJECT.

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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Viewmont Acres Water System Extension Project; and

WHEREAS, Patton Construction Group, LLC, of Asheville, NC, was the lowest responsible bidder for the Project and awarded the bid in the amount of \$294,950.00; and

WHEREAS, the Project involves the construction and installation of: approximately 2,850 Linear Feet of 8-inch waterline, fire hydrants, valves, and other appurtenances as well as the installation of five (5) private residential booster pump stations; and

WHEREAS, a change order in the amount of \$23,413.24 is required to complete and close out the project for a total contract amount of \$318,363.24.

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 \$23,413.24 to increase the construction contract for Patton Construction Group, LLC, from \$294,950.00 to \$318,363.24 for the construction of the Viewmont Acres Water System Extension 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 the 28th day of June, 2011.

Magdalen Boulson
City Clerk

Imy M Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11- 129

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE CONTRACT AMOUNT WITH T & K UTILITIES, INC., FOR THE RICEVILLE FOREST TANK AND WATER SYSTEM IMPROVEMENTS PROJECT.

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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Riceville Forest Tank and Water System Improvements Project; and

WHEREAS, T&K Utilities, Inc., of Asheville, NC, was the lowest responsible bidder for the Project and awarded the bid in the amount of \$289,535.06; and

WHEREAS, the project involves the demolition and disposal of the existing 19,000 gallon steel ground storage reservoir, construction of a new 97,000 gallon glass fused to the steel reservoir, installation and operation of a 21,000 gallon temporary water storage tank with a temporary booster pumping system for 3 existing residences, and construction and installation of approximately 370 linear feet of 6-inch ductile iron pipe with related appurtenances; and

WHEREAS, a change order in the amount of \$35,470.00 is required to complete and close out the project for a total contract amount of \$325,005.06.

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 \$35,470.00 to increase the construction contract for T & K Utilities, Inc., from \$289,535.06 to \$325,005.06 for the construction of the Riceville Forest Tank and Water System Improvements 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 the 28th day of June, 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-130

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of John West, Carol Ann McLendon and James Richards, as members on the Civic Center Commission, will expire on June 30, 2011;

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

Mr. John West, 35 Summerhill Drive, Asheville N.C., be and he is hereby reappointed to the Civic Center Commission, to serve an additional three year term, term to expire June 30, 2014, or until his successor has been appointed.

Ms. Carol Ann McLendon, 10 Bent Oak Lane, Asheville, N.C., be and she is hereby reappointed to the Civic Center Commission, to serve a three year term, term to expire June 30, 2014, or until her successor has been appointed.

Ms. Flora Marr, 45 Ottari Road, N.C., be and she is hereby appointed to the Civic Center Commission, to serve a three year term, term to expire June 30, 2014, or until successor has been appointed.

Read, approved and adopted this 28th day of June, 2011.

Magdalen Boulson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
CITY CLERK

RESOLUTION NO. 11-131

RESOLUTION AUTHORIZING THE CITY MANAGER TO DELAY THE IMPLEMENTATION OF THE RECENTLY APPROVED FEE CHANGE FOR TRANSIT PASSENGER FARE TICKET BOOKS

WHEREAS, City Council approved the City's fees and charges on April 12, 2011 to be implemented on July 1, 2011; and

WHEREAS, the Federal Transit Administration wants to ensure compliance of Title VI of the Civil Rights Act; and

WHEREAS, the Federal Transit Administration is requiring a fare analysis before approving a fare change that would decrease the number of tickets in a ticket book from 11 to 10, thereby increasing the value of a single ticket by \$0.09 cents; and

WHEREAS, the impact in fare revenue is minimal.

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

The City Manager is hereby authorized to delay the implementation of the recently approved fee change for transit passenger fare ticket books.

Read, approved, and adopted this the 28th day of June 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
City Manager

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-132

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH USCOC OF GREATER NORTH CAROLINA, LLC, FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 70 GASHES CREEK ROAD, ASHEVILLE, N.C.

WHEREAS, the City of Asheville is the owner of real property located at 70 Gashes Creek Road, identified as a portion of PIN #9668-14-0551-00000; and

WHEREAS, USCOC of Greater North Carolina, LLC, a telecommunications company, has offered to enter into a lease agreement in order to operate antennas and related equipment to boost cellular signal for city use at 70 Gashes Creek Road; 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 lease agreement on June 17, 2011, in the Asheville Citizen-Times; and

WHEREAS, the initial term of the lease agreement will be for five (5) years with the option to renew for one (1) additional five (5) year period; and

WHEREAS, the proposed lease agreement will not interfere with the current use 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 USCOC of Greater North Carolina, LLC for antennas and related equipment at 70 Gashes Creek Road. In addition, the City Manager be, and 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, approved and adopted this 28th day of June, 2011.

Magdalen Brulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Brulson
City Clerk

RESOLUTION NO. 11-133

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF REAL PROPERTY LOCATED AT 14 RIVERSIDE DRIVE (PIN # 9638-96-7846-00000) FROM THE PUBLIC SERVICE COMPANY OF NC SUBJECT TO A NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BROWNFIELDS AGREEMENT

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

WHEREAS, the Public Service Company of NC has offered to donate a 0.29 acre parcel of land and related improvements located at 14 Riverside Drive (PIN # 9638-96-7846-00000) to the City of Asheville at no cost to the City; and

WHEREAS, the Public Service Company of NC, the State of North Carolina, and the City of Asheville have agreed to enter into a Brownfields Agreement for this property in order to define the suitable uses of this property and to protect the City against liability regarding any past environmental contamination, and

WHEREAS, the City Council has determined that it is in the public interest to accept the donation of the subject property, subject to the restrictions and limitations on its use;

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

The Mayor be and is hereby authorized to execute documents and accept the conveyance from the Public Service Company of NC the real property located at 14 Riverside Drive (PIN # 9638-96-7846-00000), upon the approval of the City Attorney.

Read, approved and adopted this 28th day of June, 2011.

Magdalen Bourleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

M. J. Don
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 11- 134

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MCGILL ASSOCIATES FOR ENGINEERING SERVICES FOR THE LAKE CRAIG PROJECT

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, the Hurricane Recovery Act of 2005 (Senate Bill 7) allocated funds for planning and implementation of projects to aid in flood damage reduction for North Carolina Communities hardest hit by the 2004 hurricane season, and

WHEREAS, the Biltmore Village area of the City of Asheville, which lies within the Swannanoa River Watershed, was named as a recipient of this funding; and

WHEREAS, Azalea Park and the John B. Lewis Soccer Complex is a regional attraction and is in need of improved roadway access; and

WHEREAS, Azalea Park and the John B. Lewis Soccer Complex is in much need of a connection to a water supply system; and

WHEREAS, the City of Asheville requested qualification for engineering services for the above work and McGill Associates has been selected to perform those services;

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

The City Manager is hereby authorized to complete negotiations and enter into a contract, which may be phased, on behalf of the City of Asheville with McGill Associates for professional services necessary to complete the Lake Craig Project Phase I which is not to exceed \$1,263,206 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 28th day of June, 2011.

Magdalen Bouleson
City Clerk

Imy Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 11-135

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART BOARD

WHEREAS, the terms of Kenn Kotara, Jaan Ferree, Julie Calhoun-Roepnack and Barry Pate, as members on the Public Art Board, will expire on June 30, 2011;

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

(1) Ms. Jaan Ferree, 1333 Merrimon Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Public Art Board, to serve a three-year term, term to expire June 30, 2014, or until her successor has been appointed.

(2) Ms. Julia Calhoun-Roepnack, 23 W. Black Oak Drive, Asheville, N.C., be and she is hereby reappointed, as a member of the Public Art Board, to serve an additional three-year term, term to expire June 30, 2014, or until her successor has been appointed.

(3) Ms. Gwynne Rukenbrod, 5 Brock Terrace, Asheville, N.C., be and she is hereby appointed, as a member of the Public Art Board, to serve a three-year term, term to expire June 30, 2014, or until her successor has been appointed.

(4) Ms. Jennifer Gordon, 133 Iris Street, Asheville, N.C., be and she is hereby appointed, as a member of the Public Art Board, to serve a three-year term, term to expire June 30, 2014, or until her successor has been appointed.

Read, approved and adopted this 28th day of June, 2011.

Magdalen Boulson
CITY CLERK

Imig Bellamy
MAYOR

Approved as to form:

Barry Pate
CITY ATTORNEY

Magdalen Boulson
CITY CLERK