

RESOLUTION NO. 11-54

RESOLUTION AMENDING POLICY GOVERNING CITY COUNCIL APPOINTMENTS

WHEREAS, City Council adopted Resolution No. 95-150 on September 26, 1995, establishing a new policy governing City Council appointments to boards and commissions; and

WHEREAS, said policy was amended on June 9, 1998, by Resolution No. 98-81, on February 21, 2006, by Resolution No. 06-37; and by Resolution No. 09-196 on September 9, 2009;

WHEREAS, the Council desires to revise that policy relative to inclement weather and members being allowed to serve out their term should they become a non-city resident upon recommendation of the Boards & Commissions Committee;

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

Resolution No. 09-196 be and is hereby repealed in its entirety and a new policy regarding City Council appointments is hereby adopted as set forth in the Rules on Boards and Commissions attached hereto as Exhibit "A", and incorporated herein by reference.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

Magdalen Boulton                      Jimmy Bellamy  
CITY CLERK                                      MAYOR

Approved as to form:

Barry J. [Signature]  
CITY ATTORNEY

Magdalen Boulton  
City Clerk



## CITY OF ASHEVILLE RULES ON BOARDS AND COMMISSIONS

### Purpose

The City of Asheville provides for continuous citizen input and advice through a wide variety of boards and commissions. Some of these are advisory in nature to the City Council, while others have distinct responsibilities that are established by law. The City Council encourages citizens to participate in their City government by volunteering to serve on these boards and commissions.

### Application for Appointment

- 1) A description of all City boards is contained in "The Talent Scout". This document is available in the City Clerk's Office and is distributed widely in the community and on the City's webpage. A brief form stating the citizen's interest in serving on a board is a part of "The Talent Scout" and can be submitted to the City Clerk.
- 2) An application and/or resume is required for consideration of an appointment to a City board.
- 3) In most cases, the City Council will require an interview process prior to appointment.
- 4) All appointments are made in an open session of the City Council. Discussion and consideration of appointments and interviews are also held in open session.
- 5) Once an application for an appointment has been filed with the City Clerk, it is placed on a resource list and remains active for a one-year period. At the end of that period of time, you will be contacted by the City Clerk's Office to see if you wish to seek other opportunities to support your participation on our boards.
- 6) Applicants are strongly urged to attend several meetings of a board prior to applying and/or appointment to a board.

### Qualifications

- 1) Appointees to boards and commissions shall be residents of the City of Asheville, unless otherwise specified or provided for by law, ordinance, or Council action establishing said board or commission, or in the rules or by laws of said board or commission, if approved by Council.

- 2) In matters where an intergovernmental board has independent governing authority (by law, by agreement, or other enabling authority), and where not prohibited by law, at least one of the City's appointees shall be a current member of the City Council.

Such an appointment allows Council to be a part of deliberation and decision-making on matters of regional importance that impact the City of Asheville.

- 3) No citizen shall be eligible to hold concurrently more than two Mayoral or City Council appointments to standing boards or commissions; this limitation shall not apply to ad hoc committees appointed by the Council.
- 4) Efforts are made to represent the diversity that we have in our community on all boards, and criteria for appointments may be established to achieve appropriate diversity, except that preference shall be given to appointment of residents of a specific area of town for which an ad hoc or advisory committee may be appointed.
- 5) An oath of office (or affirmation) is required for some boards and commissions. Where applicable, newly appointed board members will take and sign an oath of office or affirmation following their appointment.

If a board member enters on the duties of his or her office before taking, subscribing and filing the oath of office, he or she may be removed from office.

#### Terms

- 1) A term of service on all City boards shall be limited to three years or less, unless otherwise provided by law.
- 2) A length of service on all boards and commissions shall be limited to two full successive terms (plus any unexpired term to which a member is appointed).
- 3) A member shall serve until the expiration of their term or until such time as a successor is appointed, whichever occurs later, unless otherwise provided by law.
- 4) The City Council Boards & Commissions Committee may request that a member in good standing be allowed to serve out their term should they become a non-city resident.
- 5) Reappointment to a second term is not automatic and will be based on circumstances to be determined by the City Council in each individual case.

#### Attendance

- 1) Appointees to boards and commissions are expected to attend all meetings possible.
- 2) Any appointee who fails to attend at least 75% of the regularly scheduled meetings of a board or commission within a twelve (12) month period, may be removed.
- 3) The board chairman or staff liaison shall be responsible for reporting on attendance to the City Clerk upon request.

- 4) Attendance provisions are not imposed upon Council liaison members but are in effect for Councilmen serving as appointed regular members on a board or commission.

#### The Board at Work

- 1) Each board receives its charge from the North Carolina General Statutes or from a City ordinance or resolution establishing the board.
- 2) The City Council may, from time to time, ask a board to consider specific items not in conflict with existing laws.
- 3) The chairman, working with the staff liaison, shall post copies of their minutes on the City's website.
- 4) The City Council may appoint a City Council person as liaison to a board or commission and that member is entitled to receive all agendas, minutes, other correspondence and be eligible to attend all meetings of the board including closed sessions. The role of the liaison shall be to serve as a direct communication link between the City Council and the board or commission, and not to play an active role in the deliberations of the board or commission. The liaison shall notify the board or commission of long-range issues and projects under consideration by the Council which would be of interest to that board or commission and shall likewise advise the Council of such matters under consideration by the board or commission.
- 5) Each board shall make an annual report to the City Council outlining their activities for the past year. The report shall be posted on the City's website by January 30 for the previous calendar year.
- 6) An orientation session will be conducted for all new appointees by the City staff liaison.
- 7) From time to time, additional training sessions for board members may be provided through City staff, the Institute of Government and other training groups and organizations. The City Council encourages members to take advantage of these opportunities.
- 8) No board or commission member who is not present at a meeting shall be allowed to vote by proxy.
- 9) The board will comply with open meeting laws, including notice of meetings.
- 10) The board is to provide the City Clerk with their schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice.
- 11) In order to conduct official business at a regular or special meeting, a quorum of the board must be present. In the absence of a rule, by-law, or statute providing otherwise, a quorum is more than half of the members of the board, not counting vacant seats. If a quorum is not present at any meeting, the chairperson will postpone the meeting until such time as a quorum can be present, provided adequate notice is given pursuant to the open meetings law.

### Committee on Boards and Commissions

- 1) The Mayor may appoint a committee of City Council, with the Vice-Chair as Chairman, to evaluate the on-going need for each board and recommend to the City Council elimination of any for which there is no longer a need. This committee may also consider other items in regard to board structure, appointments or other items at the request of the Mayor and/or the City Council.

### Conflict of Interest

- 1) No member of a board shall participate in the discussion or vote on any item involving their own official conduct or financial interest.
- 2) It is the responsibility of an individual board member to bring to the attention of the entire board any item for which there may be a conflict of interest.
- 3) It is up to the entire board to decide if a conflict exists and vote to excuse a member from considering a particular item.
- 4) Staff and legal assistance is available to all boards and commissions to help the board with decisions in this area.

### Resignations and Replacements

- 1) Any member of a board or commission who desires to resign shall do so in writing to the City Clerk.
- 2) Unless otherwise provided by law, ordinance or resolution, all appointment by the City Council to a board or commission serve at the pleasure of Council, and may be removed from a board or commission at the discretion of Council.
- 3) For those boards and commissions whose members may be removed for cause, cause shall include, without limitation, the following: conflict of interest, failure to attend meetings. Removal for cause shall be by Council resolution.

### Ad Hoc Committees

- 1) The City Council may appoint ad hoc committees to make recommendations regarding particular matters of interest within the City.
- 2) The foregoing rules on boards and commissions shall apply to ad hoc committees except where alternate provisions are made by the Council.

### Inclement Weather

- 1) If the Asheville City Schools are cancelled, then any board/commission meeting scheduled for that day will be cancelled.
- 2) The chairman of the board/commission will have the discretion of cancelling a meeting in the event of safety concerns when the Asheville City Schools have delayed starts"

RESOLUTION NO. 11- 55RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN ALLEY OFF OF MADISON STREET

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an alley off of Madison Street; and

WHEREAS, the alley off of Madison Street is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close an alley off of Madison Street beginning with its intersection with Madison Street, also being the southeast corner of P.I.N. 9649-02-1864-00000 and the northeast corner of P.I.N. 9649-02-1723-00000 proceeding then westerly to the northwest corner of P.I.N. 9649-02-1723-00000 and ends in the margin of the southern property line of P.I.N. 9649-02-0865-00000, which is the northeast corner of P.I.N. 9649-02-0506-00000.
2. A public hearing on the question of permanently closing the alley off of Madison Street is hereby called for on April 26, 2011, at the regular meeting of the City Council beginning at 5:00 pm, in the City Council Chambers, 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on April 26, 2011.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned alley. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting the alley off of Madison Street, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

Magdalen Boulson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11-56

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AS STATE MATCH TO PURCHASE TWO DIESEL-ELECTRIC HYBRID AND TWO DIESEL BUSES

WHEREAS, City staff has applied for funding with the North Carolina Department of Transportation and funding was granted; and

WHEREAS, City staff has identified the replacement of 11 buses in the transit fleet as the number one priority in the capital program; and

WHEREAS, the new buses are an essential part of operations, increasing reliability, fuel efficiency and reducing maintenance costs; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

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

City Council authorizes the City Manager to enter into an Interlocal Agreement with the North Carolina Department of Transportation in the amount of \$199,938.

Read, approved and adopted this the 22<sup>ND</sup> day of March 2011.

Margaret Burlison  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Margaret Burlison  
City Clerk

RESOLUTION NO. 11- 57 \_\_\_\_\_

RESOLUTION AUTHORIZING THE ADOPTION OF THE 2007 LOCAL WATER SUPPLY PLAN

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WHEREAS, North Carolina General Statute 143-355(l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Asheville (PWSID #: 01-11-010), has been developed and submitted to the Asheville City Council for approval; and

WHEREAS, the Asheville City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the City of Asheville, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute; and

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

The 2007 Local Water Supply Plan for the City of Asheville is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

That this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

Magdalen Bouleson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

Russell  
City Attorney

Magdalen Bouleson  
City Clerk

# Asheville

2007

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled PROVISIONAL have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

## 1. System Information

### Contact Information

Water System Name: Asheville PWSID: 01-11-010  
 Mailing Address: PO Box 7148 Asheville, NC 28802 Ownership: Municipality

Contact Person: Steve Shoaf Title: Water Resources Director  
 Phone: 828-259-5959 Fax: 828-259-5710

Secondary Contact: Audran Stephens Phone: 828-259-5972  
 Mailing Address: PO Box 7148 Asheville, NC 28802 Fax: 828-259-5710

### Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-8	1.00 %
Cast Iron	6-24	54.00 %
Ductile Iron	6-24	22.00 %
Galvanized Iron	2-4	19.00 %
Other	14-36	2.00 %
Polyvinyl Chloride	2-12	2.00 %

What are the estimated total miles of distribution system lines? 1,625 Miles  
 How many feet of distribution lines were replaced during 2007? 47,360 Feet  
 How many feet of new water mains were added during 2007? 88,762 Feet  
 How many meters were replaced in 2007? 4,117  
 How old are the oldest meters in this system? 27 Year(s)  
 How many meters for outdoor water use, such as irrigation, are not billed for sewer services? 336  
 What is this system's finished water storage capacity? 26.575 Million Gallons  
 Has water pressure been inadequate in any part of the system since last update? Yes

### Programs

Does this system have a program to work or flush hydrants? Yes, Annually  
 Does this system have a valve exercise program? Yes, As Needed  
 Does this system have a cross-connection program? Yes  
 Does this system have a program to replace meters? Yes  
 Does this system have a plumbing retrofit program? No  
 Does this system have an active water conservation public education program? Yes  
 Does this system have a leak detection program? Yes

There is not a specific program or crew dedicated to exercising valves, but valves are exercised as needed during waterline breaks. The cross-connection program consists of two Backflow and Cross Connection Inspectors. In 2007, the Education Coordinator recorded 8,235 participants in the Water Conservation Public Education Program. The leak detection program consists of two Utility System Mappers. The DigiCorr leak detection system by Flow Matrix, Inc., is the type of leak detection equipment used. The DigiCorr Pro mapping and database software is used in conjunction with the DigiCorr equipment.

### Water Conservation

What type of rate structure is used? Decreasing Block, Uniform

How much reclaimed water does this system use? 0.000 MGD For how many connections? 0  
 Does this system have an interconnection with another system capable of providing water in an emergency? Yes

Uniform rate structure is used for single-family residential, multi-family residential, and wholesale/bulk customers. Decreasing block rate structure is used for commercial customers. Interconnections with other systems capable of providing water in an emergency exist between Black Mountain, Hendersonville, Weaverville, and Woodfin.

## 2. Water Use Information

### Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
French Broad River (05-2)	100 %	Buncombe	100 %

What was the year-round population served in 2007? 140,471  
 Has this system acquired another system since last report? No

### Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	46,913	7.695	0	0.000
Commercial	3,364	3.156	0	0.000
Industrial	148	1.943	0	0.000
Institutional	662	1.115	0	0.000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.319 MGD

### Water Sales

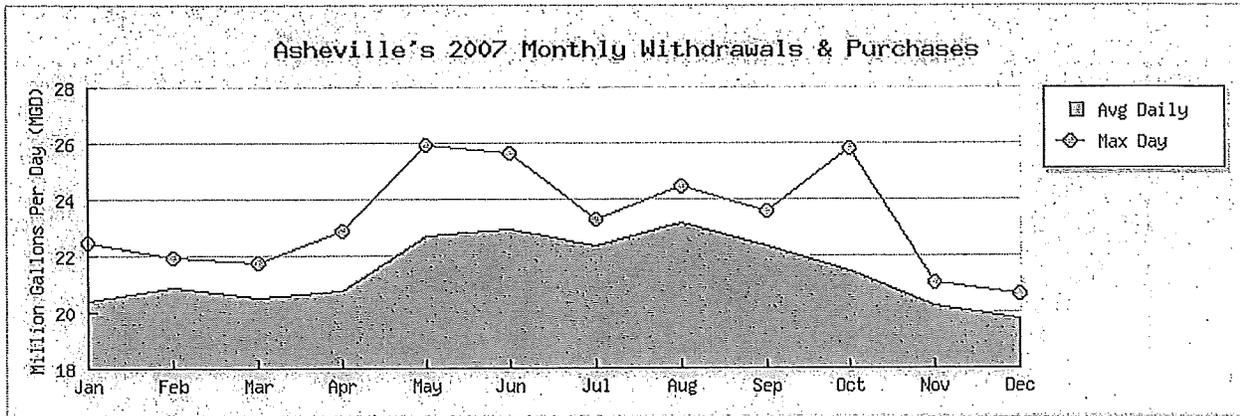
Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	Contract MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
Biltmore Forest	01-11-030	0.188	365	0.350	2022		Yes	6	Regular
Black Mountain	01-11-020	0.282	186	0.321			Yes	6	Regular
Hendersonville	01-45-010	1.003	184	1.000			Yes	6	Regular
Weaverville	01-11-025	0.000	0				Yes	10	Emergency
Woodfin	01-11-015	0.198	365	1.000			Yes	6	Regular

## 3. Water Supply Sources

### Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	20.420	22.500	May	22.720	25.960	Sep	22.350	23.560
Feb	20.890	21.940	Jun	22.940	25.640	Oct	21.460	25.800
Mar	20.520	21.770	Jul	22.330	23.290	Nov	20.260	21.080
Apr	20.750	22.860	Aug	23.200	24.460	Dec	19.740	20.650

Voluntary Water Conservation Measures were requested on October 19, 2007, due to the statewide drought. Mandatory Water Conservation Measures were not implemented. Voluntary Water Conservation Measures were lifted by the Asheville City Council on April 8, 2008, based on management policies relating to the City's drought and flood management plans.



Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	Qualifier	
Bee Tree Creek	Bee Tree	3.000	0	0.000	5.000	SY50	512.000
Mills and French Broad Rivers	N/A	3.665	365	7.900	7.000	F	0.000
North Fork of Swannanoa	Burnette	17.800	365	22.900	31.000	SY50	5,600.000

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Cofline	Use Type
Bee Tree Creek	Bee Tree	8	Yes	French Broad River (05-2)	Buncombe	1999	Emergency
Mills and French Broad Rivers	N/A	74	Yes	French Broad River (05-2)	Henderson		Regular
North Fork of Swannanoa	Burnette	22	Yes	French Broad River (05-2)	Buncombe		Regular

What is this systems off-stream raw water supply storage capacity? 0 Million gallons

Are surface water sources monitored? Yes, Daily

Are you required to maintain minimum flows downstream of its intake or dam? No

Does this system have the ability to transfer surface water between river basins? No

Does this system rely on the transfer of surface water between river basins for any of its existing water supply? No

Does this system anticipate transferring surface water between river basins? No

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased (MGD)	Days Used	Contract		Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
				MGD	Expiration			
Biltmore Forest	01-11-030	0.000	0			Yes	6	Emergency
Black Mountain	01-11-020	0.000	0			Yes	6	Emergency
Hendersonville	01-45-010	0.000	0			Yes	6	Emergency
Weaverville	01-11-025	0.000	0			Yes	10	Emergency
Woodfin	01-11-015	0.000	0			Yes	6	Emergency

During Hurricanes Frances and Ivan in 2004, water was purchased from the Town of Weaverville as an emergency supply of water for City of Asheville water customers. Approximately 1 MGD was purchased for approximately five days. There have been no other purchases from other water systems since that time.

Water Treatment Plants

Plant Name	Permitted Capacity (MGD)	Is Raw Water Metered?	Is Finished Water Output Metered?	Source
Mills River WTP	7.500	Yes	Yes	Mills River
North Fork WTP	31.000	Yes	Yes	Burnette Reservoir
William DeBruhl	5.000	No	No	Bee Tree Reservoir

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2007? No  
 If yes, was any water conservation implemented?

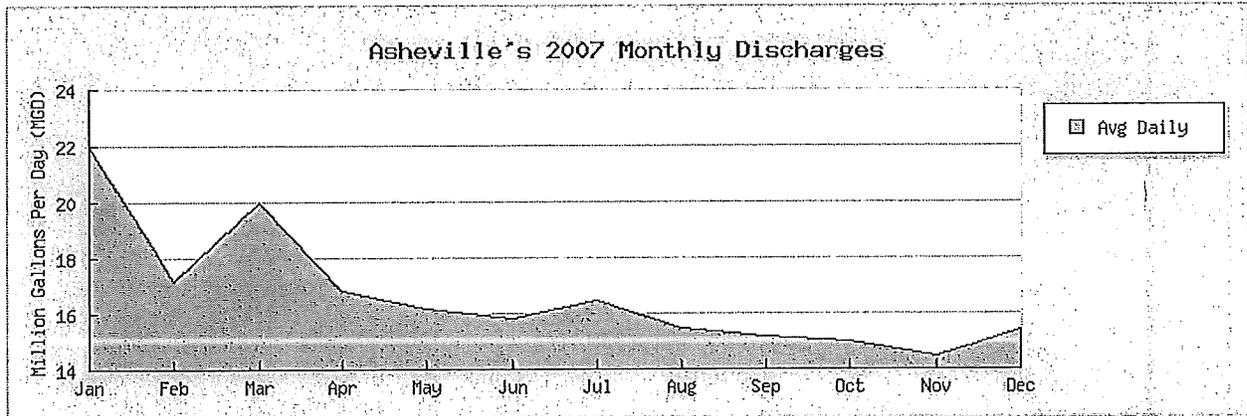
Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2007? No  
 If yes, was any water conservation implemented?

Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? No

### 4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	22.000	May	16.200	Sep	15.200
Feb	17.200	Jun	15.800	Oct	15.000
Mar	20.000	Jul	16.500	Nov	14.500
Apr	16.800	Aug	15.500	Dec	15.400



How many sewer connections does this system have? 48,000  
 How many water service connections with septic systems does this system have? 0  
 Are there plans to build or expand wastewater treatment facilities in the next 10 years? No

This is discharge information for the Metropolitan Sewerage District of Buncombe County, permit number 0024911.

Wastewater Permits

Permit Number	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NC0035807	0.000	0.000	0.257	0.429	North Fork of Swannanoa	French Broad River (05-2)
NC0056961	0.000	0.000	0.000	0.000	Bee Tree Creek	French Broad River (05-2)
NC0085511	0.000	0.000	0.080	0.180	French Broad River	French Broad River (05-2)

Discharges from WTPs

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount		Contract Maximum (MGD)
			MGD	Days Used	
Metropolitan Sewerage District	00-00-000	Discharging	16.675	365	0.000

### 5. Planning

Projections

	2007	2010	2020	2030	2040	2050
Year-Round Population	140,471	143,275	163,052	182,257	203,723	227,719
Seasonal Population	0	0	0	0	0	0
Residential	7.695	7.849	8.932	9.984	11.160	12.474
Commercial	3.156	3.194	3.291	3.391	3.494	3.601
Industrial	1.943	1.963	2.012	2.063	2.115	2.169
Institutional	1.115	1.207	1.471	1.793	2.186	2.665
System Process	0.319	0.359	0.483	0.648	0.871	1.171
Unaccounted-for	6.202	7.719	8.576	9.471	10.502	11.696

Future Water Sales

Purchaser	PWSID	MGD	Contract Year Begin	Year End	Pipe Size(s) (Inches)	Use Type
Black Mountain	01-11-020	1.000	2010			Regular

Demand v/s Percent of Supply

	2007	2010	2020	2030	2040	2050
Surface Water Supply	38.000	38.000	38.000	38.000	38.000	38.000
Ground Water Supply	0.000	0.000	0.000	0.000	0.000	0.000
Purchases	0.000	0.000	0.000	0.000	0.000	0.000
Future Supplies		0.000	0.000	0.000	0.000	0.000
Total Available Supply (MGD)	38.000	38.000	38.000	38.000	38.000	38.000
Service Area Demand	20.430	22.291	24.765	27.350	30.328	33.776
Sales	1.035	2.674	2.674	2.324	2.324	2.324
Future Sales		1.000	1.000	1.000	1.000	1.000
Total Demand (MGD)	21.465	25.965	28.439	30.674	33.652	37.100
Demand as Percent of Supply	56%	68%	75%	81%	89%	98%

Additional Information

Has this system participated in regional water supply or water use planning? Yes, The only type of regional water supply or water use planning the department is currently participating in is the Master Plan update started in 2007.

What major water supply reports or studies were used for planning? 2005 Water Audit and 2007 Replacement Planning Model (RPM) produced by Brown and Caldwell Consulting Engineers, Camp Dresser and McKee's (CDM), 1995 Master Plan, Jordan Jones & Goulding 2008 Master Plan. The ISO 14001:2004 and the American Water Works Association (AWWA) QualServe program have been used for environmental, customer service, and other non-technical planning.

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues: Demand has been flat since the drought of 1998 due to the loss of several major industrial customers and an aggressive water conservation program. The 2004 Hurricanes Frances and Ivan washed away the major transmission lines leaving the North Fork Water Treatment Plant thereby causing major system-wide water outages. As a result, the William DeBruhl (Bee Tree) Water Treatment Plant was brought back online in April 2008 as an alternate source of water. The main water treatment plant, North Fork, is currently undergoing major upgrades to replace aging infrastructure and ensure compliance with regulatory requirements. Upgrades will be completed in 2008.

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled PROVISIONAL have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

RESOLUTION NO. 11- 58

RESOLUTION AMENDING THE MEMBERSHIP OF THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, Resolution No. 06-171 adopted on September 26, 2006, established the membership of the Sustainable Advisory Committee on Energy & the Environment; and

WHEREAS, at the Committee's request, City Council feels it is in their best interest to add an ex-officio non-voting member for the electric power utility serving the City of Asheville;

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

Section 1 of Resolution No. 06-171 be amended to add one ex-officio non-voting member for the electric power utility serving the City of Asheville.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

Margaret Boulton  
CITY CLERK

Sam Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Margaret Boulton  
CITY CLERK

RESOLUTION NO. 11- 59

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-37-0005-039-2011

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 Asheville Regional Airport Authority in the amount of \$514,139 for Terminal Renovation reimbursement; 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. 3-37-0005-039-2011, in the amount of \$514,139.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

Magdalen Boulson  
CITY CLERK

Sam Bellamy  
MAYOR

Approved as to form:

R. M. J. R.  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 11-60

RESOLUTION AUTHORIZING SUPPORT AND TO SERVE AS THE GOVERNMENT PARTNER IN THE ASHEVILLE ART MUSEUM'S GRANT APPLICATION TO THE NATIONAL ENDOWMENT FOR THE ARTS TO FUND THE DESIGN DEVELOPMENT PHASE OF THE ASHEVILLE ART MUSEUM CAPITAL EXPANSION PLAN

Whereas, the Asheville Art Museum's capital expansion plan is designed to double the size of the museum, and enhance its ability to be a cultural anchor in downtown Asheville; and

Whereas, the City of Asheville has a long history of outstanding collaborations and partnerships with the Asheville Art Museum, and has supported the capital expansion plan since its inception; and

Whereas, there is a grant opportunity via the National Endowment for the Arts – Our Town Grant designed to support an art organization in its efforts to support creative place making projects that contribute to the livability of a community, and

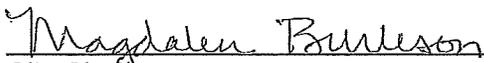
Whereas, if invited to submit a formal application, the Asheville Art Museum will apply for \$250,000 to support the cost associated with the design development phase of the Asheville Art Museum capital expansion plan; and

Whereas, at its meeting on March 14, 2011, the City of Asheville Recreation Advisory Board made its recommendation to Asheville City Council to support and serve as the government partner in the Asheville Art Museum's formal application to the National Endowment for the Art's – Our Town Grant proposal;

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

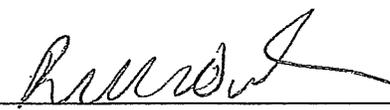
The City of Asheville does hereby support and will serve as the government partner to the Asheville Art Museum in its grant application to the National Endowment for the Arts – Our Town Grant to support the design development phase of the Asheville Art Museum capital expansion plan.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
City Clerk

## RESOLUTION NO. 11- 61

RESOLUTION TO PERMANENTLY CLOSE COOPER BOULEVARD

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-299 to permanently close streets or alleys within its jurisdiction upon compliance with applicable law; and

WHEREAS, Cooper Boulevard is not under the control of the North Carolina Department of Transportation;

WHEREAS, a petition has been filed by the adjacent property owner, Ingles Market Inc., represented by Preston Kendall, Real Estate Property Manager, to permanently close Cooper Boulevard; and

WHEREAS, City Council on the 25th day of January 2011, adopted a resolution of intent to permanently close Cooper Boulevard, and ordered a public hearing on the question of this closing for the 22<sup>nd</sup> day of February 2011 at its regular meeting on the 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, the public hearing on the 22<sup>nd</sup> day of February 2011 was continued to the 22<sup>nd</sup> day of March 2011; and

WHEREAS, aforesaid resolution of intent to close and order for public hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along Cooper Boulevard, and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join in the petition to close; and

WHEREAS, at said public hearing no objections were made that the proposed closing of Cooper Boulevard would deprive any individual owning property in the vicinity in which said streets are located of reasonable ingress and regress to their property.

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

Pursuant to North Carolina General Statutes Section 160A-299, Cooper Boulevard as herein described is permanently closed to public use as a street;

BEGINNING at its intersection with Smoky Park Highway, also being the southeast corner of P.I.N. 9628-10-0202-00000 and the southwest corner of P.I.N. 9628-10-3908-00000, and proceeding then northwesterly to the northeast corner of P.I.N. 9628-00-5889-00000 where it loops around approximately 475 feet and ends at a point on the western property line of P.I.N. 9628-10-3908-00000 approximately opposite the northeast corner of P.I.N.9628-00-5889-00000.

This closing is subject to the retention by the City of Asheville Water Resources Department, its successors and assigns, of a 20 foot wide permanent easement for the maintenance and operation of water lines, lying 10 feet on each side of the centerline of the waterline within Cooper Boulevard.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

Magdalen Bursleson  
City Clerk

Shirley Bellamy  
Mayor

Approved as to form:

Paul J. [Signature]  
City Attorney

Magdalen Bursleson  
City Clerk

RESOLUTION NO. 11-62

RESOLUTION AUTHORIZING A PURCHASING AND CONTRACTING POLICY FOR THE CITY OF ASHEVILLE THAT AUTHORIZES THE CITY MANAGER TO EXECUTE CONTRACTS AND AWARD BIDS

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WHEREAS, the City has the general authority to enter into contracts pursuant to G.S. 160A-11, and pursuant to Article 8 of Chapter 143, may enter into contracts for the construction or repair of buildings and facilities, and contracts for the purchase of apparatus, supplies, materials, or equipment; and

WHEREAS, the City enters into many contracts for services or the purchase of apparatus, supplies, materials, or equipment for sums of \$90,000 or less; and enters into many contracts for construction or repair for sums of \$100,000 or less; and

WHEREAS, it is necessary, expedient and efficient for the City Manager to have authority to execute certain contracts on behalf of the City without specific Council approval in order to effective conduct the business of the City of Asheville, and City Council had previously adopted a resolution (Resolution 02-27) delegating such authority; and

WHEREAS, Council deems it advisable to increase the thresholds established by said resolution and establish a new policy;

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

Resolution 02-27 be and the same is hereby repealed and a new policy is hereby adopted, as set forth in the policy attached hereto as "Exhibit A" and incorporated by reference herein.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

Magdalen Baulson                      Tom Bellamy  
City Clerk                                      Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

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## **SECTION 1.0 GUIDELINES FOR ALL TRANSACTIONS**

This section applies to all instances of procurement, contracting for services, and purchasing of apparatus, supplies, materials, or equipment.

**1.1 PURPOSE:** It is the purpose of this Policy to create and maintain an efficient and uniform process in the administration of procurement, professional service contracts, building and construction & repair contracts, general service contracts, and purchasing apparatus, supplies, materials, or equipment that is consistent with the stewardship and objectives of the City of Asheville. A City Department shall select service providers according to the procedures set out in this policy. A City Department may use other methods of selection on an individual justified basis only with the prior written approval of the City Manager.

### **1.2 DEFINITIONS:**

**(a) City Manager** – The City Manager or position to act on behalf of the City Manager as designated by the City Manager.

**(b) Department Head** – The Director of a department. The Director is responsible for ensuring the City's procurement, contracting and purchasing policies and goals are met. This responsibility cannot be designated to another party.

### **1.3 CONTRACT REQUIREMENTS:**

**(a) Insurance Requirements** - All City contracts are required to have the following insurance minimums, if applicable. For the purposes of this insurance requirement, all transactions covered in this policy are considered contractual except for Small Procurement Transactions. The Department will be responsible for determining the level of risk as set forth in the City of Asheville Minimum Insurance Coverage and Requirements Matrix for the service provided. A copy of the Matrix shall be incorporated into each contract. The Contractor shall provide the Department with a certificate of insurance showing that all minimum coverages are met as described in the Matrix. All contracts that are subject to providing Workers Compensation must show employers liability statutory limit and minimum of \$500,000 workers comp. limit. The City of Asheville is the certificate holder and must be named additionally insured. The City must be notified of any cancellation of insurance within thirty (30) days. Projects completed must be included in the general liability or as an endorsement.

**SECTION 2.0 SMALL PROCUREMENT TRANSACTIONS****2.1 DEFINITIONS:**

- (a) **Small Procurement Transaction** – The purchase of goods, supplies, materials and General Services up to \$5,000.

**2.2 AUTHORITY:**

- (a) **Up to \$5,000** - Departments have been delegated authority for purchases for Small Procurement Transactions up to \$5,000. For transactions above \$5,000, refer to the appropriate section for this policy for further instructions.

**2.3 REQUIREMENTS:**

- (a) Departments are encouraged but not required to receive two quotes for Small Procurement Transactions when applicable and appropriate. Telephone quotes are acceptable. Outreach to minority businesses is encouraged and can be facilitated through the City's Minority Business Program Coordinator. Small Procurement Transactions do not require review by the Legal Department or the Risk Management Division.
- (b) Departments have been delegated the responsibility for maintain appropriate documentation of all Small Procurement Transactions.

**2.4 REMITTANCE & PAYMENT:**

- (a) Preferred payment for Small Procurement Transactions is a City procurement card. The Department Head shall be responsible for establishing the appropriate procurement card limits for cardholders within the Department subject to applicable policies.
- (b) If payment with a City procurement card is not available, the Department may submit an invoice for direct payment through the Accounts Payable Division.

**2.4 AUDIT PROCEDURES:**

- (a) The Purchasing Manager, in consultation with the Internal Auditor, will oversee an audit process using industry accepted random selection procedures and statistical evaluation techniques to ensure transactions are appropriate and reviewed by the Department Head. The Department Head will be solely responsible for verifying the documentation and validity of the audited transactions and approving same. The Department Head may not delegate the responsibility for reviewing the selected audited transactions to other personnel.

## SECTION 3.0 PROFESSIONAL SERVICES CONTRACTS

### 3.1 DEFINITIONS:

- (a) **Professional Services** - Professional Services are defined by North Carolina General Statute as architectural, engineering, surveying and construction management at risk services. All Professional Services require Request for Qualifications (RFQ) regardless of the cost.

### 3.2 AUTHORITY:

- (a) **Professional Service contracts of less than \$30,000** - Shall be approved and signed by the Department Head following the procedures set forth in Section 3.4. Department Heads are allowed to sign all change orders for said contract so long as the cumulative contract amount, including change orders, is less than \$30,000 and otherwise complies with the law. All change orders where the revised contract amount is \$30,000 or more must be signed by the City Manager. Professional Service contracts in this range are required to meet the City's insurance requirements as outlined in Section 1.3.a and 3.3.b of this policy; however, Risk Management review is not required but encouraged if insurance if the service provided is not routine and customary. Review by the City's Legal Department is also strongly encouraged if the contract is not a standard form used by the City. The Department Head shall certify that the contract complies with the City's Minority Business Program, Drug Free Workplace Policy, Americans with Disability Act Policy and insurance requirements when applicable.
- (b) **Professional Service contracts of \$30,000 or more, but less than \$90,000** - Shall be signed by the City Manager following the procedures set forth in Section 3.4. The City Manager is authorized to sign change orders to contracts without City Council approval when cumulative contract amount, including change orders, is less than \$90,000. The City Manager is also authorized to sign change orders on contracts \$90,000 and over when the original amount plus the change order does not exceed the amount authorized in the resolution adopted by City Council. Professional Service contracts in this range must be reviewed and approved by the Risk Management Division, the City Legal Department and the Minority Business Program.
- (c) **Professional Service contracts of \$90,000 or more** - All Professional Service contracts \$90,000 or more must have City Council authorization before executing the contract. Any change order which raises the total contract amount to \$90,000 or more must have City Council approval. Change orders which exceed the budgeted amount in the resolution, regardless of the dollar value must have City Council approval. Professional Service contracts in this range must be reviewed and approved by the Risk Management Division, the City Legal Department and the Minority Business Program.

### 3.3 CONTRACT REQUIREMENTS:

- (a) **Length of Professional Service contracts:** Professional Service contracts should ordinarily terminate at the end of the project, or projects, for which they are awarded. However, in those instances where contracts are awarded on an on call or continuing basis, they may be awarded for a period of three (3) years with two (2), one (1) year, extensions. Professional Service contracts may be extended for additional periods with the approval of the City Manager.

- (b) **Insurance requirements:** Professional Service contracts may require the provider to have an Errors and Omissions policy with amounts as determined by the Risk Manager. In addition, Risk Management may require additional insurance limits or conditions based on the contract exposures. The Risk Manager may issue waivers for specific contracts upon request.

**3.4 PROCEDURES FOR PROFESSIONAL SERVICE CONTRACTS OF LESS THAN \$30,000:** The following procedures shall apply to the solicitation, negotiation, award and execution of Professional Service contracts of less than \$30,000.

- (a) **Requests for qualifications** - Requests for qualifications (herein "RFQ") shall be distributed to identified professional service providers in the field of endeavor including minority service providers. Providers may be pre-qualified prior to the RFQ to determine those that meet the test of demonstrated competence and qualification for the type of professional services. A contract may be awarded on one (1) or more RFQs.

**3.5 PROCEDURES FOR PROFESSIONAL SERVICE CONTRACTS OF \$30,000 OR MORE:** The following procedures shall apply to the solicitation, negotiation, award and execution of Professional Service contracts of \$30,000 or more.

- (a) **Approval process** - Professional Service contracts of \$30,000 or more will be issued after the Department announces for proposals for architectural, engineering, surveying or construction manager at risk services, as required by North Carolina General Statute and outlined in Sec. 3.6 below.

It will be the responsibility of the Department Head to maintain documentation for RFQs, proposals and the reason(s) for the provider selected. The recommended contract must be reviewed by the Minority Business Program, Risk Management Division, and Legal Department prior to the City Manager's signature.

**3.6 REQUEST FOR QUALIFICATIONS PROCEDURE FOR PROFESSIONAL SERVICES CONTRACTS OF \$30,000 OR MORE:** A written request for qualification shall be developed by the Department Head or his/her designee for professional service contracts of \$30,000 or more.

- (a) Requests for qualifications (herein "RFQ") shall be distributed to identified professional service providers in the field of endeavor including minority service providers. Providers may be pre-qualified prior to the RFQ to determine those that meet the test of demonstrated competence and qualification for the type of professional services. A contract may be awarded on one (1) or more RFQs.
- (b) The RFQ should, as a goal, set a deadline for receipt of RFQ no earlier than two weeks from the date of distribution of the request and shall identify the individual(s) and office(s), including addresses, which are responsible for receiving the RFQs. Where there are overriding City objectives that would require a shorter time for receipt of proposals, the Department Head should document such need and retain the documentation with the contract documents.
- (c) The following elements shall be identified in the RFQs as necessary items in any acceptable RFQ:

- i. A detailed description of previous similar projects including photographs and locations where applicable, costs, initiation and completion dates, and any special design considerations for the desired services including necessary preliminary studies;
  - ii. Clients for whom similar services were provided and the appropriate individual who may be contacted as a representative of each client;
  - iii. Consulting team composition with specific reference to individuals who would be associated with the team and their particular responsibilities;
  - iv. Time schedule, which the firm will follow, for initiation of the project and for various stages throughout completion;
  - vi. Any special considerations of the service, or project, and other pertinent data.
- (d) In evaluating proposals, the following items should be considered in making a determination of the "qualified firm:"
- i. The qualifications of the project team members assigned to the job;
  - ii. Time schedule for providing services;
  - iii. The level of work performed by a project team on previous assignments which are generally similar to the proposed project; and
  - iv. Previous client satisfaction level.
- (e) The Department Head shall prepare a recommendation to the City Manager including the following:
- i. The reason(s) for selecting the successful provider.
  - ii. A list of all the firms to which the RFQs were mailed.
  - iii. A list of all firms submitting proposals.
  - iv. In the selection of the provider a Department may select the one which best meets the needs of the City taking into consideration time of completion, quality of service, performance, stipulated specifications for proposals and costs. Provided, that the selection of providers of engineering, architectural, and surveying services shall be without regard to fee, other than unit price information, and as otherwise required by **N.C.G.S. § 143-64.31 and 64.32.**
  - v. If proposals received do not meet the City's requirements, the Department Head shall reject the RFQs and develop alternative means to complete the project, including rebidding if deemed appropriate.

## SECTION 4.0 BUILDING AND CONSTRUCTION & REPAIR CONTRACTS

### 4.1 DEFINITIONS:

- (a) **Construction & Repair** – Contracted services defined by General Statute that include labor and material costs for construction, renovation and repair not involving buildings.
- (b) **Building Construction** – Contracted services defined by General Statute that include labor and material costs for construction and/or renovation of existing or new buildings.

### 4.2 CONTRACT AUTHORITY FOR BOTH BUILDING AND CONSTRUCTION AND REPAIR CONTRACTS:

- (a) **Building and Construction & Repair contracts less than \$30,000** - Department Heads are authorized to approve construction contracts of less than \$30,000. Department Heads are allowed to sign all change orders for said contract so long as the cumulative amount of the contract, including change orders, does not exceed \$30,000 and otherwise complies with the law. All change orders where the cumulative contract amount is \$30,000 or more must be signed by the City Manager.
- (b) **Building and Construction & Repair contracts of \$30,000-\$99,999.99** - The City Manager is authorized by the City Council to approve, award and execute construction contracts of \$30,000 or more, but less than \$100,000, without City Council approval. The City Manager can sign change orders to contracts without Council approval when the cumulative contract amount, including the change order, does not exceed \$100,000. Any change order which raises the cumulative contract amount to \$100,000 and over must have City Council approval. The City Manager is also authorized to sign change orders on contracts \$100,000 or more when the cumulative amount of the contract, including change orders, does not exceed the amount authorized in the resolution adopted by City Council. Changes orders that exceed the budgeted amount in the resolution regardless of the dollar value must have City Council approval.
- (c) **Building and Construction & Repair contracts of \$100,000 and above** - All contracts of \$100,000 or more must have City Council authorization before executing the contract.

### 4.3 CONTRACT REQUIREMENTS:

- (a) **All Building and Construction & Repair contracts above \$30,000** – Subject to the City's Minority Business Program policy.
- (b) **Building and Construction & Repair contracts below \$30,000** - Department Head is responsible for using authorized selection process and maintaining appropriate and necessary contract documentation, including information related to insurance requirements and other applicable policies. Review by the Risk Management Division and the Legal Department is not required at this threshold. Contract must include the City's General Terms and Conditions. For Building Construction contracts, North Carolina General Statute requires participation with the Office of Historically Underutilized Businesses (HUB) to advertise bids if the work is part of a State funded project worth \$100,000 or more. More information about HUB participation can be found at <http://www.doa.state.nc.us/hub/>.

- (c) **Building and Construction & Repair contracts of \$30,000 or more, but less than \$300,000** - Department Head is responsible for using authorized selection process and maintaining appropriate and necessary contract documentation, including information on compliance with Minority Business Plan participation policies. Contract must include the City's General Terms and Conditions. Contracts over \$50,000 that are part of a project costing more than \$300,000 require performance and payment bonds per North Carolina General Statute. For Building Construction contracts, North Carolina General Statute requires documentation of good faith outreach efforts to historically underutilized businesses. Contracts above \$100,000 require City Council approval.
- (d) **Building and Construction & Repair contracts of \$300,000-\$500,000** – Subject to informal bidding procedures described pursuant to North Carolina General Statute.
- (e) **Building and Construction & Repair contracts of \$500,000 and above** - All construction and repair contracts requiring the estimated expenditure of \$500,000 or more must be handled in accordance with N.C.G.S. § 143-129. The Department should use the formal construction contract documents for the Formal Bid Package as set forth on the City's intranet in Construction Contracts \$500,000 (herein FBP) or more. Formal contract procedures are outlined below.

#### 4.4 PROCEDURES:

- (a) **Building and Construction & Repair contracts below \$30,000** - Department Head must solicit bids for work and must receive at least two responses. Department Head is responsible for maintain records of bid process as well as compliance with insurance requirements.
- (b) **Building and Construction & Repair contracts of \$30,000 or more, but less than \$300,000** - Department Head must solicit bids for work and must receive at least two responses. Department Head is responsible for maintaining records of bid process as well as compliance with Minority Business Program. Contract must be reviewed by Risk Management Division, City Legal Department and Minority Business Program prior to execution by City Manager.
- (c) **Building and Construction & Repair contracts of \$300,000 or more, but less than \$500,000** – Subject to informal bidding procedures, described in Sec. 4.5 below, pursuant to North Carolina General Statute.
- (d) **Building and Construction & Repair contracts of \$500,000 or more** - All construction and repair contracts requiring the estimated expenditure of \$500,000 or more must be handled in accordance with N.C.G.S. § 143-129. The Department should use the formal construction contract documents for the Formal Bid Package as set forth on the City's intranet in Construction Contracts \$500,000 (herein FBP) or more. Formal contract procedures are described in Sec. 4.6 below.

#### 4.5 STEPS FOR INFORMAL CONTRACT & BID PROCEDURES:

1. Prior to getting any quotes for the project, the Department shall solicit minority participation as set forth in the City's Minority Business Program prior to soliciting bids for any contract and include the Risk Management exposure level in all correspondence with bidders.
2. For all construction and repair contracts between \$30,000 or more, but less than \$500,000, the Department shall use the Informal Contract forms located on contracting intranet page and

- process the appropriate contract. The electronic approvals and posting to the general ledger are required for all contracts.
3. The Department shall solicit a minimum of two quotes prior to awarding any contract. The contract shall be awarded to the lowest responsive/responsible bidder taking into consideration, the quality, performance and time specified in the bids.
  4. For contracts of \$30,000 or more prior to awarding the contract, the Department shall present the contract and quotes solicited to the Minority Business Program Coordinator for review.
  5. For all construction contracts of \$300,000 or more, but less than \$500,000, the contractor must have a performance bond and payment bond for the project amount validly executed prior to the start of work. For Construction contracts (G.S. 44A-26, 143-129) requires performance and payment bonds (100% of bid amount) for contracts costing more than \$50,000 that are part of a project costing more than \$300,000.
  6. The Department shall determine the proper level of risk per the City's Contracting Risk Matrix and insert the level of risk (low, medium, high, special risk) into the contract form or City of Asheville general terms and conditions exhibit B. The Department shall also notify the Contractor of the insurance requirements for the certificate of insurance.
  7. After awarding the contract, the Department shall get the contractor's signature on the contract and a certificate of insurance for the contractor with the City of Asheville made out as an additional insured (unless a certificate is on file). For contracts above \$30,000, the Department will submit a scanned copy for electronic approvals, including the Risk Management Division and the City's Legal Department, along with routing the contract for the City Manager's signature. Final award on the project should be communicated to the Minority Business Program Coordinator as soon as possible for future reporting purposes.
  8. Any deviations from this policy must be approved by the City's Contract Administrator.

#### **4.6 STEPS FOR FORMAL CONTRACT & BID PROCEDURES:**

1. The Department must draft and complete a Formal Bid Package (FBP) as set forth on the City's intranet contracting page in conjunction with input from the Minority Business Program including minority business information. After the FBP is completed, the Department must route the FBP through the first portion of the Formal Contract Tracking Form (FCTF). If you need modification of the FBP contact your legal advisor.
  - a. Prior to advertising for bids, determine the amount of insurance required based on the City's Contracting Insurance Matrix.
2. After obtaining the necessary signatures on the first portion of the FCTF, the Department is required to advertise the bid. The Department can advertise through electronic means (City's website and the State of North Carolina's Interactive Purchasing System through the Purchasing Department) in accordance with Resolution No. 04-156, or the Department has the option to advertise in a newspaper having general circulation. All advertisements must be made at least ten

(10) days before the date of opening of bids. A sample advertisement is located on the City's intranet contracting page. Any advertisement must contain, at a minimum, the following:

- a. The time and place where the plans and specifications of the proposed work may be had.
  - b. State the time and place for the opening of proposals.
  - c. Reserve to the City the right to reject any and all proposals.
3. The Department has the option of holding a pre-bidding conference to release information regarding the project. Advise the Minority Business Program Coordinator of such meetings so that the minority business outreach procedures are provided.
4. The Department shall hold a formal bid opening. All bids shall be sealed in an envelope or package and shall not be opened prior to the time set for the bid opening. Until bid opening time the City may return the bid to bidder for modification or change out of bid. All bidders are required to submit cash, a cashier's check or a certified check in an amount equal to five (5) percent of the proposal. In lieu of said money, the bidder can submit a bid bond executed by a corporate surety licensed in North Carolina to execute said bonds. This deposit shall be retained if the lowest responsible bidder failed to execute the contract within ten (10) days of the award.
  - a. The City must receive a minimum of three (3) bids to open under the NC GS Formal bidding process. If the City does not receive three bids, the City shall re-advertise. If after the second advertisement, three bids are not received the city may open the bids and determine the lowest, responsive, responsible bidder.
  - b. If the bids exceed the funds allocated for the project, the City can negotiate with the lowest responsible bidder to see if the price can be negotiated to meet the funds allocated. Contact the Contract Administrator before starting negotiations.
  - c. If the contract cannot be let under the above conditions, the project can be re-bid after changes to the specifications have been made.
5. After the bid opening but prior to awarding the contract, the Department shall forward all bids to the Minority Business Program Coordinator for minority business compliance review (See FCTF Sec. 2).
6. The Department shall determine who the lowest responsive/responsible bidder is taking into consideration the qualifications, performance and time specified in the proposal for the performance of the contract and prepare a resolution and staff report for City Council to award the contract and get the City Manager authority to enter into the contract. A sample resolution is located on the City's intranet contracting page.
7. After City Council approval, the Department shall issue the notice of the award and get the contractor to sign the formal contract. The Contractor shall provide the City with a performance and payment bonds (in the amount of the contract) as required by Article 3 of the N.C.G.S. (G.S. 44A-26, 143-129) or a cash deposit, certified check or government security for the full contract amount prior to the work being performed. After the contractor signs the documents, the Department shall route the contract for the City Manager's signature (as set forth in Sec. 3 of the FCTF) and electronic approvals and posting to the general ledger. Final award on the project should

be communicated to the Minority Business Program Coordinator as soon as possible for future reporting purposes.

8. The Department can issue a (notice to proceed) after the City Manager signs the contract.
9. The Department shall attach all contract documentation electronically for processing and notify the Purchasing Division after issuing the notice to proceed.
10. **You must have written permission from the Contract Administrator to deviate from this policy.**

## SECTION 5.0 GENERAL SERVICE CONTRACTS

### 5.1 DEFINITIONS:

- (a) **General Services** – General Services consist of all other services not defined by North Carolina General Statue and include maintenance agreements, contracts for semi-skilled and unskilled labor and contracts for services not covered by the Professional Services definition. Examples of these types of services include but are not limited to towing, leaf removal, elevator repair, lot cleanup, demolition, sludge removal, graphic design services, instructors, consultants, healthcare services, legal services and similar activities.
- (b) **Living Wage** – A Living Wage is a wage that allows a worker to meet basic needs and satisfactory living conditions. The amount of the Living Wage shall be set annually via Resolution by the Asheville City Council. The cost of paying of a living wage in conjunction with a City contract is expected to be paid by the City as a part of the fee for service.
- (c) **Urgent Service & Repair** - Situations that are detrimental to the health, safety, and well-being of the people, or property in jeopardy outside declared emergencies that may require urgent services/repairs.

### 5.2 CONTRACT AUTHORITY:

- (a) **All General Service contracts** - All contracts including change orders must be in writing and have the pre-audit certification completed by the Chief Financial Officer. All contracts are to be submitted for electronic approvals in MUNIS and posting to the general ledger.
- (b) **General Service contracts of less than \$30,000** - In the interest of an efficient and prudent policy, the City Manager delegates a part of his or her contract approval authority for contracts in this range to each Department Head. In such cases, it is the responsibility of each Department Head to use the authorized selection process and to maintain appropriate and necessary contract documentation. Department Heads are hereby authorized to approve General Service contracts under \$30,000. Department Heads are allowed to sign all change orders for said contract so long as the cumulative amount of said contract, including change orders, does not exceed \$30,000 and otherwise complies with the law. All change orders where the revised contract amount is \$30,000 and over must be signed by the City Manager.
- (c) **General Service contracts of \$30,000 or more, but less than \$90,000** - The City Manager is authorized by the City Council to approve, award and execute service contracts in this range without City Council Approval. The City Manager can sign change orders to contracts without Council approval when the cumulative contract amount, including the change order, is less than \$90,000. The City Manager is also authorized to sign change orders on contracts \$90,000 or more when the cumulative amount including the change order does not exceed the amount authorized in the resolution adopted by City Council.
- (d) **General Service contracts of \$90,000 or more** - All General Service contracts \$90,000 or more must have City Council authorization before executing the contract. Any change order which raises the total contract amount to \$90,000 or more must have City Council approval. Change orders which

exceed the budgeted amount in the resolution regardless of the dollar value must have City Council approval.

### **5.3 CONTRACT REQUIREMENTS:**

- (a) **Length of service contracts:** General Service contracts should ordinarily terminate at the end of the project, or projects, for which they are awarded. However, in those instances where contracts are awarded on an on call or continuing basis they may be awarded for a period of three (3) years with two (2), one (1) year, extensions. General Service contracts may be extended for additional periods with the approval of the City Manager.
- (b) **Insurance requirements:** See Section 1.3(a) of this policy.

### **5.4 PROCEDURES:**

- (a) **General Service contracts of less than \$30,000** - The Department Head is authorized to enter into contracts in this range. The Department Head is required to ensure that the funds are budgeted and encumbered and the contractor has proper insurance. The Department will make sure that the pre-audit statement is signed by the Chief Financial Officer. The Department will forward the executed original contract to the City Clerk, keep a copy of the contract for its records and attach a scanned copy of the contract documentation in MUNIS, route for approvals and then posting to the general ledger by the Contract Administrator. Review by the Risk Management Division, the City's Legal Department, and the Minority Business Program is not required in this threshold; however, minority business outreach is encouraged. Assistance with minority business outreach can be provided by the city's Minority Business Coordinator.
- (b) **General Service contracts of \$30,000 or more, but less than \$90,000** – For contracts of \$30,000 or more but less than \$89,999, the Department shall attempt to get three informal quotes for the project from three different service providers. To fulfill the City's outreach requirements set forth in its Minority Business Plan, requests for quotes for services that fall within this threshold are required to be posted to the State of North Carolina Interactive Purchasing System (IPS) for no less than five (5) business days before an award for the service is made. More information about the State IPS can be found at <https://www.ips.state.nc.us/ips/Default.aspx>.

The terms and conditions for contracts within this threshold shall contain a provision that the vendor is required to pay a Living Wage to employees who carry out duties specific to the completion of the contract. The Living Wage shall be defined annually via City Council Resolution, and the City's standard terms and conditions shall be updated annually to reflect that wage. It is the intent of the City of Asheville to pay the additional cost of incorporating a living wage into General Service contracts. Therefore, the department shall award the contract to the "lowest responsive/responsible bidder," taking into consideration compliance with the Living Wage policy.

The Department will prepare a contract and scan for electronic processing and route it for the necessary approvals, including required review and approval by the City Risk Management Division and the City Legal Department. After required reviews have been completed and documented, the Department will route the contract for the City Manager's signature. The Department will forward the executed original contract to the City Clerk, keep a copy of the contract for its records and

attach a signed copy of the contract documentation in MUNIS and then posting to the general ledger by the Contract Administrator.

- (c) **General Service contracts of \$90,000 or more** - Service Contracts of \$90,000 or more will follow the procedures outlined above in Sec. 5.4.b. with the exception of the Living Wage provision. General Service contracts above \$90,000 are not required to include the Living Wage provision. Contracts within this threshold require a resolution by City Council authorizing the City Manager to enter into said contract.
- (d) **Urgent Service & Repair** – The procedures outlined in this policy should be followed as closely as possible during urgent situations. The Department Head or designee should advise the Purchasing Division of the urgent situation as soon as practically possible. During normal business hours, users can enter a contract into MUNIS to obtain the contract number. Urgent contract numbers shall be assigned to each Department on an annual basis by the Purchasing Division for use outside of normal business hours or when the system is unavailable. The urgent contract should be entered into MUNIS on the next business day with the urgent contract number used. Any urgent service and repair contracts over \$30,000 must be communicated by the Department Head to the City Manager.

**5.5 EXCEPTIONS:** The following contracts are exceptions of this Policy.

- (a) **Leases with an Option to Purchase or Lease Purchase Agreements:** Leases with an option to purchase or lease-purchase agreements *are not* service contracts but are contracts for the purchase of equipment. Depending on the dollar value of the lease, department should use the Small Procurement Transaction guidelines in Sec. 2.0 or Purchasing process guidelines in Sec. 6.0 of this policy for these transactions.
- (b) **Civic Center Leases and Promotions:** The Civic Center Director shall continue to have the authority to execute facilities lease agreements, food service provider agreements, advertising agreements and to promote or co-promote events on behalf of the City of Asheville at the Asheville Civic Center, in accordance with State Public Bidding Laws. In instances where such proposed agreements are of major economic or public interest significance for the City, and the community, the Department Head shall seek advice and concurrence from the City Manager. These agreements shall be reviewed by Legal and filed with the City Clerk. When possible, minority businesses should be solicited in order to increase participation.
- (c) **Contracts Which By Their Terms May Be Extended:** A Department Head may recommend, in accordance with the contract authority in this Policy that a service provider may provide additional services pursuant to an existing contract where:
  - i. The original contract was entered into pursuant to this policy;
  - ii. The contract provides for an extension pursuant to the same terms and conditions contained in it; and
  - iii. The contract contemplates the additional services to be provided.

(d) **Other Contracts:** Other contracts exempted from these requirements include: (1) services from regulated utilities such as but not limited to Electric, Water, Sewage, Gas, NCDOT and Railroad Utilities, (2) service agreements with other governmental units, (federal, state and county) (3) services needed to protect public health and safety in time of emergency, (4) services regulated by other State, Federal or local laws, and (5) services by bond counsel or other specialized, or performance related, areas of legal expertise.

## SECTION 6.0 PURCHASING OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT

### 6.1 DEFINITIONS

- (a) **Requisition** - A request to purchase that is entered into MUNIS and requires approval within MUNIS workflow
- (b) **Purchase Order (PO)** - An order converted from the requisition. The PO is sent to the vendor from the Purchasing Division to communicate the contract to purchase.
- (c) **MUNIS** - ERP/Financial system used by the City.
- (d) **Change Order** - A requisition entered into MUNIS against the "change order vendor (# 9999)" detailing the needed changes. The change order shall include the PO number that needs to be changed, the line number to be changed, price changes to the item, additions or deletions, etc. The Change Order follows the same work flow approval as the original requisition.
- (e) **Mercury Commerce (MC)** - On-line bidding method used by the City. Bids are posted on-line and vendors access Mercury Commerce to submit their bids. MC compiles bid information and prepares of bid tab for the Purchasing Division to evaluate.
- (f) **Disposal of Surplus** – Personal city property for which the city no longer has a need valued up to \$30,000.
- (g) **Urgent Procurement or Purchasing Needs** - Situations that are detrimental to the health, safety, and well-being of the people, or property in jeopardy outside declared emergencies that may require urgent purchases.

### 6.2 AUTHORITY

- (a) **Requisitions of \$5,000 or more** - Shall be approved in MUNIS by the Department Head or their designee. Instructions on how to enter a requisition can be found on the Intranet under BTIP Project Update-Training Documentation.
- (b) **Purchase Orders** – The authority to bid and award all apparatus, supplies, materials or equipment for use by the City has been delegated to the City's Purchasing Manager when an appropriation for such purpose has been authorized in the annual budget, approved supplemental appropriation or budget appropriation. The City's Purchasing Manager will be responsible for coordinating the appropriate Risk Management and Legal reviews for these transactions.

### 6.3 REQUIREMENTS

- (a) **Requisition** - To begin the purchasing process, a requisition must be entered in MUNIS. The approved requisition is the authority for the Purchasing Division to initiate quotes or bids.
- (b) **Specifications** – Departments are responsible for developing the minimum technical requirements (specifications) for the items they wish to purchase.

- (c) **Vendor Recommendations** – Departments are encouraged to provide a contact list of vendors for outreach purposes.
- (d) **Purchases of \$5,000 or more but less than \$30,000** – Purchases in this range require only a phone quote that is documented or a paper quote. Quotes may be awarded immediately and are public information. Purchasing is responsible for this process.
- (e) **Purchases of \$30,000 or more, but less than \$90,000 (Informal Bids)** - Purchases in this range are covered by N.C.G.S. §143-131. Once informal bids are received and evaluated, the Purchasing Division may award. Bids are not required to be sealed and may be faxed, e-mailed, delivered or mailed. There is no public bid opening, and bids in this range are not public information until after award.
- (f) **Purchases of \$90,000 or more (Formal Bids)** – Purchases in this range are covered by N.C.G.S. §143-129. Bidding is required for formal bids and must be advertised for at least ten (10) days. Bids must be sealed and a public bid opening is held. Bids become public information once opened. Purchasing is delegated the authority to award.
- (g) **Urgent Procurement or Purchasing Needs** – The procedures outlined in this policy should be followed as closely as possible during urgent situations. The Department Head or designee should advise the Purchasing Division of the urgent situation as soon as practically possible. Urgent POs shall be created on an annual basis by the Purchasing Division. The Purchasing Division can supply a PO during normal business hours. The urgent requisition should be entered into MUNIS on the next business day referencing the urgent PO. Any urgent purchases of \$90,000 or more must be communicated by the Department Head to the City Manager for City Council ratification.

#### 6.4 PROCEDURES

- (a) **Purchases of \$5,000 or more, but less than \$30,000** – Purchasing shall solicit quotes and make every effort to acquire three quotes for comparison and competition.
- (b) **Purchases from \$30,000 or more, but less than \$90,000; Informal Bids** - N.C.G.S. §143-131 requires contracts in the informal bidding category be awarded to the “lowest responsible bidder, taking into consideration quality, performance, and the time specified in the bids for performance of the contract.” It is the duty of the Purchasing Division to keep a record of all bids submitted, and such records are not subject to public inspection until the contract has been awarded.
- (c) **Purchases estimated at \$90,000 or more; Formal Bids** - N.C.G.S. §143-129 requires contracts in the formal bidding category be awarded to the “lowest responsible bidder, taking into consideration quality, performance, and the time specified in the bids for performance of the contract.” Formal Bids are opened in public and bid information become public information at that time. Bids are then reviewed to determine award.
- (d) **Term Contracts** - Term Contracts (TC) are bids for purchased items that are used by multiple departments and/or divisions or are purchased on a routine basis. The bid establishes a firm price for a particular time frame. If the individual orders are less than \$5,000, the Small Procurement process maybe used. TC do not require requisitions, and sign off must come from using department on specifications and annual usage.

**(e) Exceptions:** Contact the Purchasing Division for assistance with the following purchases.

- i. **Purchase of Information Technology Goods and Services** N.C.G.S. §143-129.8 Allows a Request for Proposal (RFP).
- ii. **Best Value Procurement** - N.C.G.S. §143-135.9 allows exceptions to the bidding procedure.
- iii. **Fuel** - The purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil or natural gas may be bid per the Informal Process.
- iv. **Leases with an Option to Purchase or Lease Purchase Agreements**
- v. **Others such as:** NC State Contracts, GSA Schedule Contracts, US Communities, NJPA, and other buying groups that solicit competitive bids for more than one entity.

#### **6.5 EXCEPTIONS TO FORMAL BIDDING/COUNCIL APPROVAL REQUIRED**

- (a) Lack of Price Competition, Sole Source, Standardization (N.C.G.S. §143-129 (e)(6) –** (i) Performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.
- (b) Waiver to Bid (“piggyback” N.C.G.S. §143-129 (g) -** When City Council determines that it is in the best interest of the City, the formal bidding requirements may be waived for the purchase of apparatus, supplies, materials, or equipment and a contract from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment may be used. An advertisement to waive bidding must be published once, at least 10 days prior to the Council Meeting.

#### **6.6 FORMAL BIDDING PROCESS:**

1. Using department develops specifications and confirms availability of funds.
2. Using department enters requisition for approval in MUNIS. Specifications may be attached to the requisition or emailed to the Purchasing Division.
3. Purchasing Division prepares bid (including trade-ins), solicits vendor participation (including Mercury Commerce), advertises via NC State IPS website and the City’s Purchasing webpage. Advertisements are required to be posted at least 7 days prior to the bid opening date. Bids for high dollar specialized equipment, fire apparatus, etc may include a requirement for a bid bond or a performance bond at the discretion of the using department.
4. Any addenda will be published by the Purchasing Division and extensions to due dates may become necessary. Addenda shall always be communicated in the same manner the original bid was published.
5. Bid Openings will be conducting by Purchasing or (on-line at MercuryCommerce.com) depending upon the method of solicitation.

**6.7 DISPOSAL OF SURPLUS:**

- (a) Requirements** - North Carolina General Statute 160A Article 12 Sale and Disposition of Property sets methods and limitations for the disposal of real or personal property. This statute says that a city may dispose of property by (a) private negotiation and sale (b) advertisement for sealed bids (c) negotiated offer, advertisement, and upset bid, (d) public auction or (e) exchange. The statute authorizes the establishment of an electronic auction procedure which the City has approved.
- (b) Under \$30,000 in value** - The disposal of City owned personal property valued under \$30,000 has been delegated to the Purchasing Division (Resolution No.07-118). If a Department or division has items declared as surplus, the designated property control officer completes the disposal forms for Department Head approval. Forms are then routed to the Purchasing Division.
- (c) Above \$30,000 in value** - If the personal property if value \$30,000 or more, the Purchasing Division will work with the Department to prepare a package for City Council approval.

RESOLUTION NO. 11- 63RESOLUTION OPPOSING ANY UNNECESSARY CUTS TO THE UNIVERSITY OF NORTH CAROLINA SYSTEM, OR THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM, BY THE GENERAL ASSEMBLY

WHEREAS, the state of North Carolina, along with our nation, has endured significant job loss and economic hardship as a result of a deep recession that continues to produce challenges for communities all across our country; and

WHEREAS, the University of North Carolina system, not including UNC General Administration and UNC Healthcare, employs over 48,000 North Carolinians and provides significant economic contributions to their host cities and surrounding communities; and

WHEREAS, the University of North Carolina System has, within the past four years, absorbed more than \$620 million in General Fund appropriate cuts and mandatory revisions; and

WHEREAS, additional cuts to the University threaten to damage administration functions such as campus safety and building operations in addition to cutting into the academic core of the University's mission; and

WHEREAS, additional permanent cuts to the UNC system would result in thousands of jobs lost, many high paying, in towns and cities across our state and would harm local businesses that rely on economic activity generated by a local UNC system school; and

WHEREAS, the educational opportunities provided by, both, the University of North Carolina system and the North Carolina Community College System, enhance our state's global competitiveness by providing young people across the state the skills necessary to compete in the international marketplace; and

WHEREAS, the University of North Carolina of Asheville ("UNC-A") is a constituent institution of the University of North Carolina; and

WHEREAS, UNC-A is a highly considered public liberal arts university, and hosts programs from other universities, including Western Carolina University, Appalachian State University, and North Carolina State University; and

WHEREAS, Asheville Buncombe Technical Community College ("A-B Tech") is a well-regarded community college, and offers outstanding educational opportunities, including credit toward college degrees, to area citizens; and

WHEREAS, UNC-A and A-B Tech contribute substantially to the educational, cultural, and financial health of Asheville, and are valued institutions in Asheville and the surrounding region;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville that the General Assembly is requested to mitigate, to the greatest possible measure, any cuts under consideration to the University of North Carolina system, its seventeen institutions, and any cuts under consideration to the North Carolina Community College System, and thereby

minimize additional economic hardship and job loss to towns and cities already hard hit by the recession.

Read, approved and adopted this 22<sup>nd</sup> day of March, 2011.

Magdalen Burlison  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

Russell  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 11-64

RESOLUTION IN MEMORY OF KATHERINE M. DAVIS

WHEREAS, on behalf of the City of Asheville, we extend our sincere condolences over the passing of Katherine M. Davis, age 95, of Asheville; and

WHEREAS, Katherine's death leaves our community with a deep feeling of sorrow for the loss of such an honored and respected citizen; and

WHEREAS, Katherine served her community in various capacities, such as being an active member at Westwood Baptist Church, Skyland Baptist Church, and Newbridge Baptist Church as well as her long-time participation in the Democrat party, and her understanding and comprehension of current events; and

WHEREAS, Katherine lived independently in her home in North Asheville until recently and loved her family, flowers, gardening, and cooking;

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

The City of Asheville extends our sincere sympathies to her family and friends upon the passing of Katherine M. Davis.

Magdalen Bureson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bureson  
City Clerk