

RESOLUTION NO. 11- 214

RESOLUTION AUTHORIZING THE PURCHASE OF AN EXTRACTOR AND REMITTANCE PROCESSOR FOR CUSTOMER SERVICES FROM SINGLE SOURCE VENDOR CREDITRON

WHEREAS, NCGS §143-129 details procedures for the letting of public contracts; and

WHEREAS, NCGS §143-129(e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, NCGS §143-129(e)(6), authorizes the governing body of a political subdivision of the State to approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration; and

WHEREAS, Creditron has been identified as the "single source" for a new Extractor and Remittance Processor for the Customer Services Division of the Water Resources Department; and

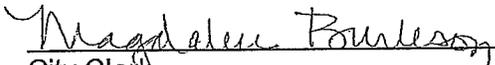
WHEREAS, Creditron as the "single source" manufacturer of the Extractor and Remittance Processor has submitted a proposal to the City for approximately \$160,000.00; and

WHEREAS, funds from the Water Resources Department's Operating budget are available for the procurement of the Extractor and Remittance Processor to be used by Customer Services.

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

1. Pursuant to NCGS §143-129(e) (6) (ii) (iii), City Council hereby authorizes the purchase of an Extractor and Remittance Processor from Creditron.
2. The Purchasing Director is hereby authorized to issue a purchase order for the purchase of the Extractor and Remittance Processor from Creditron for approximately \$160,000.00 and to execute all change orders that do not exceed the budgeted amount.

Read, approved and adopted this 25th day of October, 2011.



City Clerk



Mayor

Approved as to form:



City Attorney



City Clerk

RESOLUTION NO. 11- 215

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH W.K. DICKSON & CO., INC. FOR THE CHALLEDON SUBDIVISION WATER LINE EXTENSION PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Water Resources Department has the need for a professional services contract for the Challedon Subdivision Water Line Extension Project; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, W.K. Dickson & Co., Inc. in the not-to-exceed amount of \$111,000.00 was selected for the Challedon Subdivision Project; and

WHEREAS, the funds for the contract have been budgeted in the Water Resources' Capital Improvement Projects budget.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a professional services agreement with W.K. Dickson & Co., Inc. in the not-to-exceed amount of \$111,000.00 for the Challedon Subdivision Water Line 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 25th day of October, 2011.

Magdalena Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalena Boulson
City Clerk

RESOLUTION NO. 11- 216

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MCGILL ASSOCIATES FOR THE OLD HAW CREEK AND RIDDLE ROAD WATER LINE EXTENSION PROJECTS.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Water Resources Department has the need for a professional services contract for the Old Haw Creek and Riddle Road Water Line Extension Projects; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, McGill Associates, PA in the not-to-exceed amount of \$125,800.00 was selected for the Old Haw Creek and Riddle Road Projects; and

WHEREAS, the funds for the contract have been budgeted in the Water Resources' Capital Improvement Projects budget.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a professional services agreement with McGill Associates, PA in the not-to-exceed amount of \$125,800.00 for the Old Haw Creek and Riddle Road Water Line Extension Projects 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 25th day of October, 2011.

Magdalen Boulson
City Clerk

Greg Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11- 217

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER ENGINEERING, INC. FOR THE GROVEMONT SUBDIVISION WATER LINE EXTENSION PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Water Resources Department has the need for three professional services contracts for the Water Line Extension Project; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, Michael Baker Engineering, Inc. in the not-to-exceed amount of \$222,055.00 was selected for the Grovemont Subdivision Project;

WHEREAS, the funds for the contract have been budgeted in the Water Resources' Capital Improvement Projects budget.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a professional services agreement with Michael Baker Engineering, Inc. in the not-to-exceed amount of \$222,055.00 for the Grovemont Subdivision Water Line 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 25th day of October, 2011.

Magdalen Burseson
City Clerk

Ingrit Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Burseson
City Clerk

RESOLUTION NO. 11- 218

RESOLUTION EXEMPTING THE NORTH FORK WATER TREATMENT PLANT DAM / TUNNEL EVALUATION PROJECT FROM THE ANNOUNCEMENT REQUIREMENT OF NCGS §143-64.31 AND AWARDING THE PROJECT TO SCHNABEL ENGINEERING.

WHEREAS, NCGS §143-64.31, requires North Carolina local governments to announce all requirements for architectural, engineering, and surveying services; and

WHEREAS, NCGS §143-64.32, authorizes a unit of local government, in its sole discretion, to exempt particular projects from the announcement requirements of NCGS §143-64.31, stating the reasons and the circumstances attendant thereto; and

WHEREAS, Schnabel Engineering is uniquely familiar with the City's dams at the water treatment plants as the City's Water Resources Department has used Schnabel Engineering for several years to inspect the dams at the water treatment plants and make recommendations for repairs or improvements; and

WHEREAS, Schnabel Engineering is recognized as an expert engineering firm specializing in dam design, construction, and maintenance; and

WHEREAS, based on past successful experience, Schnabel Engineering is the most qualified firm to perform the scope of services needed for the North Fork Water Treatment Plant Dam / Tunnel Evaluation Project due to their extensive knowledge of the City's dams at the water treatment plants.

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

1. Pursuant to NCGS §143-64.32(b), the project known as the "North Fork Water Treatment Plant Dam / Tunnel Evaluation," is exempted from the announcement requirement of NCGS §143-64.31, due to the extensive experience, knowledge, qualification, and expertise possessed by Schnabel Engineering of the City of Asheville dams at the water treatment plants.
2. The City Manager is hereby authorized to execute an engineering contract with Schnabel Engineering for the North Fork Water Treatment Plant Dam / Tunnel Evaluation Project for an amount not to exceed \$189,300.00 or the project budget.

Read, approved and adopted this 25th day of October, 2011.

Magdalena Burtson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Burtson
City Clerk

RESOLUTION NO. 11-219

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOORE AND SON SITE CONTRACTORS, INC. FOR THE PROJECT KNOWN AS TUNNEL ROAD US 70, 74A & KENILWORTH ROAD SIDEWALK IMPROVEMENTS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, one of the goals of the City of Asheville's Strategic Operating Plan is to increase the output of sidewalk construction; and

WHEREAS, pursuant to N.C.G.S. § 143-131, the City engaged in an informal bid process for the project known as Tunnel Road US 70, 74A Kenilworth Road Sidewalk Improvements; and

WHEREAS, Moore & Son Site Contractors, Inc. was awarded the contract as the lowest responsible bidder;

WHEREAS, funds have been budgeted in the Public Works Department Capital Improvement 2011-2012 Fiscal Year Budget.

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

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Moore & Son Site Contractors, Inc., for \$101,972.50 for the installation of new sidewalks 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 of \$117,268.38.

Read, approved and adopted this the 25th day of October 2011.

Magdalena Buntson
City Clerk

Tom Bellan
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Buntson
City Clerk

RESOLUTION 11- 220

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, TO PROCEED WITH PLANNING AND IMPLEMENTATION OF BOND FINANCING AND APPROVING THE FINANCING TEAM

WHEREAS, the City Council of the City of Asheville, North Carolina (the "City") has determined to proceed with the planning and implementation for an installment financing to finance and refinance the costs of various governmental projects during calendar year 2012 (the "2012 Financing");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

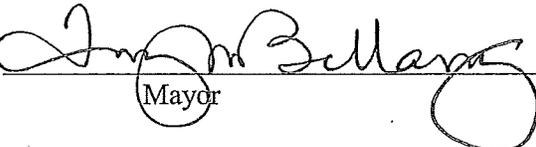
Section 1. Direction to pursue Financing. That the City Manager and the Finance Director, and their designees, are hereby directed to pursue the City's options related to the 2012 Financing, including among other things the projects to be financed and refinanced, the form of the financing and providing information the Local Government Commission and others related to the financing.

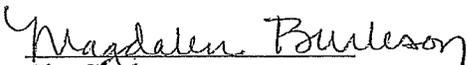
Section 2. Appointment of Financing Team. That Parker Poe Adams & Bernstein LLP shall hereby be retained to serve as bond counsel for the 2012 Financing and Merrill Lynch, Pierce, Fenner & Smith Incorporated shall hereby be retained to serve as managing underwriter for the 2012 Financing. The City Manager and the Finance Director are each hereby authorized and directed to retain other members of the financing team for the 2012 Financing that may be necessary to carry out the intentions of the City Council set forth in this Resolution.

Section 3. Repealer. That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 4. Effective Date. That this Resolution is effective on the date of its adoption.

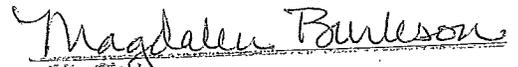
Read, approved and adopted this 25th day of October, 2011.

By: 
 Mayor


 City Clerk

APPROVED AS TO FORM:


 City Attorney


 City Clerk

RESOLUTION NO. 11- 221

RESOLUTION AUTHORIZING CITY MANAGER TO DESIGNATE THREE PERSONS TO OBSERVE DETERMINATION OF RESULTS OF PETITION REGARDING BILTMORE LAKE ANNEXATION

WHEREAS, N.C. Sess. L. 2011-173 provides for the Biltmore Lake annexation to be subject to a petition process; administered by the Buncombe County Board of Elections; and

WHEREAS, said statute provides for the City to designate three persons to observe the determination of results of the petition;

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

The City Manager be, and is hereby, authorized to designate three persons to observe the determination of results of the petition process with respect to the Biltmore Lake annexation.

Read, approved and adopted this, the 25th day of October, 2011:

Magdalena Bouleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Bouleson
City Clerk

RESOLUTION NO. 11- 222

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER INCREASING THE BUDGETED AMOUNT WITH MOORE & SONS SITE CONTRACTORS, INC. FOR THE PROJECT KNOWN AS CLINGMAN AVENUE/HAYWOOD ROAD STREETScape

WHEREAS, the City of Asheville has authority pursuant to NCGS §160A-20, to enter into contracts with private entities to carry out any public purpose that the City is authorized by law to engage in; and

WHEREAS, pursuant to NCGS §143-129, bids were solicited for the project known as Clingman Avenue/Haywood Road Streetscape; and

WHEREAS, the bid was awarded to Moore & Sons Site Contractors, Inc. of Mills River, NC, as the lowest responsible bidder for the project, in the amount of \$503,827, and

WHEREAS, a change order in the amount of \$100,000 was executed in order to cover unforeseen construction costs, increasing the total project budget consistent with Council approval; and

WHEREAS, members of the community later voiced a desire to add a climbing bike lane to the project, necessitating a re-design of the project that required the relocation of numerous utility poles and additional work to be done, resulting in an amount that exceeded the total project budget by \$175,000; and

WHEREAS, to increase the project budget to cover the additional \$175,000 plus unforeseen costs associated with the re-design of the project, \$135,000 was moved from the completed Patton Avenue Sidewalk project and \$115,000 was moved from the completed Kimberly Avenue Resurfacing project, for a budget of \$250,000 for the funding of this Change Order;

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville a change order increasing the budgeted amount with Moore & Sons Site Contractors, Inc. for the project known as Clingman Avenue/Haywood Road Streetscape by \$175,000 and any additional change order up to the budgeted amount.

Read, approved and adopted this the 25th day of October, 2011.

Magdalen Bourleson
City Clerk

Ingrid Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk