

RESOLUTION NO. 11-198

RESOLUTION EXEMPTING A CONTRACT WITH BROWN AND CALDWELL FOR THE WATER RESOURCES ASSET MANAGEMENT PLAN UPDATE PURSUANT TO NCGS §143-64.32

WHEREAS, NCGS §143-64.31; the City is required to announce all requirements for architectural, engineering, and surveying services; and

WHEREAS, NCGS §143-64.32, authorizes the City Council of the City of Asheville, in its sole discretion, to exempt particular projects from the requirements of NCGS §143-64.32, stating the reasons thereof and the circumstances attendant thereto; and

WHEREAS, in 2005, Brown and Caldwell developed an Asset Management Plan for the City of Asheville Water Resources Department to create an asset inventory, improve the refurbishment and replacement planning process, create a replacement planning model and establish a capital planning process; and

WHEREAS, since creation of the 2005 Asset Management Plan, there have been changes in the City's enterprise software and numerous other capital improvement projects, requiring an update to the Asset Management Plan; and

WHEREAS, since Brown and Caldwell created the Asset Management Plan and Replacement Planning Model, they are the most qualified firm to perform the update;

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

Pursuant to the exemption allowance as set forth under NCGS §143-64.32((b), the City Manager is hereby authorized to execute an engineering contract with Brown and Caldwell for an update to the City of Asheville Water Asset Management Plan and Replacement Planning Model, for an amount not to exceed \$99, 880.00 or the project budget.

Read, approved and adopted this 27th day of September, 2011.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Barndal
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11 - 199

RESOLUTION ACCEPTING CHAPEL PARK PLACE AS A CITY-MAINTAINED STREET

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

WHEREAS, Chapel Park Place is located in the corporate limits of the City of Asheville; and

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

WHEREAS, the developer is responsible for repairing any major failures to Chapel Park Place including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period; and

WHEREAS, dedication of the 25-foot right-of-way width for Chapel Park Place has been recorded in Plat Book 120 Page 163; and

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

Chapel Park Place is accepted by the City of Asheville for maintenance as indicated on the attached map.

Read, approved and adopted this 27th day of September, 2011.

Magdalen Bouderson
City Clerk

Ingrid Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouderson
City Clerk



mapAsheville - Standard GIS

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Map Created by: mapAsheville - Standard GIS
 Data Source: City of Asheville GIS
 Map Scale: 1:2500"
 Printed on: Tuesday, September 06, 2011



RESOLUTION NO. 11 - 200

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDEWALK AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE FOR A SAFE ROUTES TO SCHOOLS PROJECT FOR CHARLES C. BELL ELEMENTARY SCHOOL

WHEREAS, the Safe Routes to Schools program is a grant reimbursement program intended to provide improvements that can help make bicycling and walking to and from schools a safe and healthy transportation alternative; and

WHEREAS, the City of Asheville recognizes the importance of a balanced transportation network to the economic and social well-being of the community by supporting the Safe Routes to Schools Program; and

WHEREAS, the North Carolina Department of Transportation, the City of Asheville, and Charles C. Bell Elementary School will partner to make the subject project successful; and

WHEREAS, the North Carolina Department of Transportation is willing to fund, design, and construct a sidewalk and install pedestrian crosswalks as a part of the Safe Routes to Schools Program; and

WHEREAS, the City of Asheville is willing to maintain the sidewalk after its completion; and

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

The City Council of the City of Asheville approves a resolution authorizing the City Manager to execute a sidewalk agreement between the North Carolina Department of Transportation and the City of Asheville for the construction of a sidewalk along US 70 (Tunnel Road) from Maple Spring's Road to SR 2002 (Riceville Road) in East Asheville.

Read, approved and adopted this 27th day of September, 2011.

Magdalen Baulson
City Clerk

Ingm Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 11 - 201

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE FOR THE REMOVAL OF VEGETATION WITHIN THE I-240 RIGHT-OF-WAY NEAR THE HILLCREST PEDESTRIAN BRIDGE

WHEREAS, the North Carolina Department of Transportation reopened the Hillcrest Pedestrian Bridge during December 2010 at the City of Asheville's request; and

WHEREAS, the North Carolina Department of Transportation and the City of Asheville have made various improvements to enhance the pedestrian experience in the immediate area; and

WHEREAS, the North Carolina Department of Transportation is willing to remove additional vegetation including mature trees within the I-240 right-of-way; and

WHEREAS, the City of Asheville is willing to provide the necessary funding for the subject work and to continue to maintain the existing sidewalk and staircase after the completion of the subject work; and

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

The City Council of the City of Asheville approves a resolution authorizing the City Manager to execute a construction agreement between the North Carolina Department of Transportation and the City of Asheville for the removal of vegetation within the I-240 right-of-way near the Hillcrest Pedestrian Bridge.

Read, approved and adopted this 27th day of September, 2011.

Magdalen Bourleson
City Clerk

Sam Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 11- 202

RESOLUTION TO SET ASIDE THE CONTRACT AWARD TO ROGERS GROUP, INC. FOR THE WATER RESOURCES ROAD RESURFACING AT THE NORTH FORK AND WILLIAM DEBRUHL WATER TREATMENT PLANTS PROJECT AND AWARD THE CONTRACT TO APAC-ATLANTIC, INC.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, the Water Resources Department has the need to resurface existing roads at the North Fork and William DeBruhl Water Treatment Plants; and

WHEREAS, pursuant to Chapter 143 of the North Carolina General Statutes, bids were solicited and by Resolution No. 11-184, the Asheville City Council awarded the bid to Rogers Group, Inc. as the lowest responsible bidder, with a bid of \$415,879.82; and

WHEREAS, due to an oversight, Rogers Group did not properly quote the entire project and is no longer the lowest, responsible bidder with a corrected estimated total bid of \$445,561.82; and

WHEREAS, APAC-Atlantic, Inc. is now the lowest, responsible bidder with a total bid of \$416,512.46, with the updated bid tabulation attached hereto as Exhibit "A"; and

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

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The contract award to Rogers Group, Inc. for the Water Resources Road Resurfacing Project at the North Fork and William DeBruhl Water Treatment Plants is hereby set aside.
3. The contract for the Water Resources Road Resurfacing Project at the North Fork and William DeBruhl Water Treatment Plants is hereby awarded to APAC-Atlantic, Inc.
4. The City Manager is hereby authorized to enter into an agreement with APAC-Atlantic, Inc. for the Water Resources Road Resurfacing Project at the North Fork and William DeBruhl Water Treatment Plants, in an amount not to exceed \$399,812.00 for the project.

Read, approved, and adopted this 27th day of September, 2011.

Madalene Boulleson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

Richard
CITY ATTORNEY

Madalene Boulleson
City Clerk

Exhibit A

Updated Bid Tabulation for the Water Resources
Road Resurfacing at the North Fork and William DeBruhl Water Treatment Plants

APAC-Atlantic, Inc.

PO Box 6939

Asheville, NC 28816

North Fork Bid: \$311,616.97

William DeBruhl Bid: \$104,895.49

Total Bid: \$416,512.46

Rogers Group, Inc.

1819 Asheville Highway

Hendersonville, NC 28791

North Fork Bid: \$306,906.18

William DeBruhl Bid: \$108,973.64

Total Bid: \$415,879.82

Estimate – Deleted Section: \$ 29,682.00

Corrected Bid: \$445,561.82

RESOLUTION NO. 11- 203

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ACCELA FOR SOFTWARE, HARDWARE AND SERVICES AS WELL AS A 5 YEAR MAINTENANCE AGREEMENT FOR THE DEVELOPMENT SERVICES CENTER (DSC) SOFTWARE REPLACEMENT PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the DSC Software Replacement Project will support numerous internal and external operations; and

WHEREAS, the contract exceeds the City Manager's contracting authority; and

WHEREAS, the total budgeted amount for the DSC Software Replacement project will not exceed \$560,000; and

WHEREAS, the funding for this project is budgeted in the DSC improvement project

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

The City Manager is hereby authorized to execute all associated contracts for the DSC Software Replacement Project, not to exceed the budgeted amount of \$560,000 as well as the 5 year maintenance contract with Accela. The City Manager is further authorized to execute any amendments to said contract which might arise during the term of the contract up to the budgeted amount.

Read, approved and adopted this the 27th day of September, 2011.

Magdalen Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-204

RESOLUTION IN SUPPORT OF FEDERAL HOUSE RESOLUTION 1351 TO RETAIN MAIL SERVICES WITHIN ASHEVILLE AND WNC

WHEREAS, the United States Postal Service is currently experiencing financial problems, and is considering reducing or eliminating current services and facilities; and

WHEREAS, the Postal Service announced that the Brevard Road Production and Distribution Facility would be undergoing a study for possible reduction, consolidation, or closure; and mail processing operations moved to Greenville, South Carolina; and

WHEREAS, this move would add additional time to customer delivery, and be a reduction in service standards currently realized by the citizens of Asheville and western North Carolina; and

WHEREAS, reduction or closure of the Brevard Road facility would also affect as many as 180 workers, and the economy for Asheville and surrounding communities;

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

1. The City Council supports Federal House Resolution 1351, to preserve and secure the current level of mail service to the citizens of Asheville and western North Carolina.
2. That a copy of this resolution be transmitted to Senators Richard Burr and Kay Hagan, and to Representative Heath Shuler,

Read, approved and adopted this 27th day of September, 2011.

Magdalen Burslem
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burslem
CITY CLERK

RESOLUTION NO. 11- 205

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD THE SALE OF SURPLUS DINNERWARE TO THE ASHEVILLE INDEPENDENT RESTAURANT ASSOCIATION

WHEREAS, the City of Asheville is responsible for the disposal of excess and obsolete personal property through the disposal of surplus; and

WHEREAS, the Civic Center has deemed the dinnerware as excess; and

WHEREAS, North Carolina General Statute 160A-266 authorizes the City to dispose of personal property valued at \$30,000 or less by private negotiation or sale upon resolution of the City Council adopted at a regular meeting; and

WHEREAS, North Carolina General Statute 160A-279 authorizes the City to dispose of property by private sale to a non-profit agency that is carrying out a public purpose; and

WHEREAS, the Asheville Independent Restaurant Association, a non-profit organization, presented a proposal to the City for utilizing the dinnerware; and

WHEREAS, the Asheville City Council believes that the Asheville Independent Restaurant Association's proposal fulfills a public purpose; and

WHEREAS, the Civic Center Commission and the City Council has determined that the limited value of the dinnerware and the fact that it will be used for a public purpose justifies receipt of no compensation for the dinnerware;

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

The City Manager is hereby authorized to award the sale (for no compensation) of the surplus dinnerware to the Asheville Independent Restaurant Association and enter into a purchase agreement on behalf of the City of Asheville.

Read, approved and adopted this 27th day of September, 2011.

Margaret Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

W. J. ...
City Attorney

Margaret Boulson
City Clerk

RESOLUTION NO. 11-206

RESOLUTION APPROVING SUPPORT OF THE PUBLIC ART POLICY
AND IMPLEMENTATION GUIDELINES

WHEREAS, the City Council of the City of Asheville recognizes that the public welfare and interest of the City is best served by the establishment of a Public Art Board to provide public art of the highest quality with public participation;

WHEREAS, the City of Asheville has had a Public Art program since 1999;

WHEREAS, the City Council of the City of Asheville recognizes that public art helps to support the City of Asheville as a cultural destination;

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

Section 2.7 (Artist Selection) of the Public Art Policy will be amended to include the following:

Specific artist eligibility will be developed for each project and special consideration will be given for regional artists. All projects will use regional artists and fabricators wherever practicable. Determining factors for geographic eligibility may include project budget, project location, context, and project prominence.

For the acquisition of new public art, the public art board and staff will work with arts councils and other public art groups to ensure that regional artists are encouraged to participate in public art projects with the City of Asheville.

The public art program will consider regional artists to be artists who live or work in the 15 counties of Western North Carolina which includes Buncombe, Yancey, McDowell, Rutherford, Polk, Henderson, Madison, Haywood, Transylvania, Jackson, Swain, Macon, Graham, Clay, and Cherokee.

Read, approved and adopted this 27th day of September, 2011.

Magdalen Boulson
CITY CLERK

Ann M Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 11-207

RESOLUTION AUTHORIZING THE APPROVAL OF THE 2011-2012 OUTSIDE AGENCY AGREEMENT WITH THE ASHEVILLE BUNCOMBE COMMUNITY RELATIONS COUNCIL

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

1. Council approves the award of Outside Agency funding of \$45,000 to the Asheville Buncombe Community Relations Council;
2. Council authorizes the Community Development Director to sign the contract and grant agreement, after approval by the City Attorney.

Read, approved and adopted this 27th day of September, 2011.

Magdalen Bursleson
CITY CLERK

Tom Bellamy
MAYOR

Approved As To Form:
[Signature]
CITY ATTORNEY

Magdalen Bursleson
City Clerk

RESOLUTION NO. 11- 208

RESOLUTION DESIGNATING JEFFREY B. RICHARDSON AS INTERIM DEPUTY CITY CLERK FOR SEPTEMBER 27, 2011

WHEREAS, N.C.G.S. 160A-171, provides for there to be a City Clerk, and for the Clerk to perform certain duties; and

WHEREAS, N.C.G.S. 160A-172 provides for there to be a Deputy City Clerk to perform certain duties as specified by Council; and

WHEREAS, neither the City Clerk nor the Deputy City Clerk are able to attend the meeting of the Asheville City Council on September 27, 2011;

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

Assistant City Manager Jeffrey B. Richardson be, and is hereby, designated as interim Deputy City Clerk to perform the duties of the City Clerk on September 27, 2011, specifically including the City Council meeting of September 27, 2011.

Read, approved and adopted this 27th day of September, 2011.

Magdalen Burleson
City Clerk

Tom Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burleson
City Clerk