

RESOLUTION NO. 14- 23

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GRAHAM LAND COMPANY, LLC FOR THE PROJECT KNOWN AS HANDY PARK BUILDING DEMOLITION AND RETAINING WALL CONSTRUCTION

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

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Handy Park Building Demolition and Retaining Wall Construction, City of Asheville Project # ENG-13-14-002; and

WHEREAS, Graham Land Company, LLC of Robbinsville, NC was the lowest responsible bidder for the project, in the amount of \$359,981, and

WHEREAS, the project involves the demolition of structures that are in disrepair and have the potential for liability to the City of Asheville; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

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 contract in the amount of \$359,981 plus a contingency of 15% (\$53,997), plus all related documents for a total of \$413,978, with Graham Land Company, LLC for the project known as Handy Park Building Demolition and Retaining Wall Construction, City of Asheville Project # ENG-13-14-002.

Read, approved and adopted this the 11th day of February, 2014.

Magdalen Paulson
City Clerk

Edwin G. Miller
Mayor

Approved as to form:

Matthew McElroy
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 14- 24

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, funds for FY 2013-14 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of \$60,430 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of \$6,043; 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 OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration (FTA) for FY 2013-14.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Brulson
City Clerk

Edwin E. Miller
Mayor

Approved as to form:

Walter W. McPherson
City Attorney

Magdalen Brulson
City Clerk

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RESOLUTION NO. 14-25

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT AND RECEIVE GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

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

WHEREAS, on August 27, 2013, Asheville City Council passed resolution 13-188 authorizing the City Manager to apply for a grant in the amount of \$724,861 with the North Carolina Governor's Highway Safety Program for the implementation of a DWI Task Force that would enforce DWI laws and provide community education on traffic safety issues in Asheville and Buncombe County; and

WHEREAS, the North Carolina Governor's Highway Safety Program wishes to enter into a contact with the City and accept the grant funds; and

WHEREAS, these grant funds will be used to purchase vehicles, uniforms, equipment, training, and pay salary and benefits to officers participating in the DWI task force for the first year; and

WHEREAS, after the first year of the grant funding the general fund will begin to be responsible for an increasing share of personnel cost, and then be fully responsible for personnel cost at the end of the four year grant period;

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program, for a grant in the amount of \$724,861 to initiate a DWI Task Force in Asheville and Buncombe County.

Read, approved, and adopted this 11th day of February, 2014

Magdalen Bouillon
CITY CLERK

E. Ann G. Mc
MAYOR

APPROVED AS TO FORM:

Matthew W. McElhonor
CITY ATTORNEY

Magdalen Bouillon
City Clerk

RESOLUTION NO. 14-26

RESOLUTION ADOPTING A CASH AND INVESTMENTS POLICY

WHEREAS, the Asheville City Council has adopted a strategic plan that includes a focus area to ensure a sustainable financial future for Asheville; and

WHEREAS, a set of guiding financial policies to include a cash and investments policy is encouraged by the Government Finance Officers' Association and the NC Treasurer's Office; and

WHEREAS, City Council has previously adopted and amended a set of financial policies; and

WHEREAS, formalization of a Cash and Investments Policy was not part of the City's previously adopted Financial Policy; and

WHEREAS, the Finance Committee has endorsed Council adoption of a Cash and Investments Policy;

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

The City of Asheville's Financial Policy includes and incorporates hereby a Cash and Investments Policy.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Burlington
City Clerk

Eden E. Martin
Mayor

Approved as to form:

Matthia W. McElhannon
City Attorney

Magdalen Burlington
City Clerk



Investment Policy

Finance and Management Services

The City of Asheville will demonstrate good stewardship of public funds through an Investment Policy and Program that is transparent, fiscally conservative, aligned with City Council objectives and in compliance with all State and local requirements.

Governance

The City of Asheville's Investment Policy shall be governed by the North Carolina Budget and Fiscal Control Act, North Carolina General Statute (NCGS) §159, the policies of the Local Government Commission (LGC), and the direction of the City Council.

Purpose and Scope

The City of Asheville's Investment Policy applies to the investment activities of the City of Asheville. All financial assets of the City shall be administered in accordance with the provisions of the Policy. In addition to the Policy, the investment of bond proceeds and other bond funds (including debt service and reserve funds) shall be governed and controlled by their governing ordinances and by all regulations and rulings applicable to the issuance of such obligations.

Objectives

The objectives of the City's investment activity are, in order of importance, safety, liquidity and yield.

Safety. The primary objective of the City's investment activity is the preservation of capital in the overall portfolio. Funds shall be invested according to NCGS §159-30-33. These statutes provide the authority to invest idle funds and provide the mandatory framework for cash management, reporting and investment decisions. The statutes outline the investment options open to local governments with an emphasis on preservation of capital and mitigation of risk. The City will invest in those institutions collateralized under the Pooling Method, as prescribed under the North Carolina Administrative Code, Title 20, Chapter 7 (20 NCAC 7). 20 NCAC 7 allows depositories to use an escrow account established with the State Treasurer to secure the deposits of all units of local governments.

Liquidity. The City's investment portfolio should remain sufficiently liquid to enable the City to meet operating requirements that can be reasonably anticipated. Liquidity shall be achieved by maintaining cash equivalent investment balances, matching investment maturities with estimated cash flow requirements and by investing in securities with active secondary markets. Funds held for future capital projects shall be invested in anticipation of projected cash flow requirements.

Yield. The City's operating portfolio shall be designed with the objective of achieving a market rate of return through all budgetary, economic and interest rate cycles. The investment program shall seek to

augment returns above this threshold consistent with prudent investment principles. This objective is subject to investment risk constraints and liquidity needs as previously stated.

Responsibility and Control

NCGS §159-25(a)6 delegates management responsibility for the investment program to the City's Finance Officer (FO). The FO shall establish and maintain procedures for the operation of the investment program which are consistent with this policy, State statute, the policies of the LGC, and the strategic plan of the City Council of the City of Asheville. The FO may further delegate authority to persons responsible for investment activities and transactions and the FO will establish and maintain a system of controls to regulate the activities of those persons.

In the absence of a FO and those to which he or she has delegated investment authority, the City Manager or his or her designee is authorized to execute investment activities on behalf of the City of Asheville.

Authorized Investments

The City of Asheville's management of cash and investments must comply with the North Carolina Budget and Fiscal Control Act (NCGS §159) and the policies of the LGC. Funds of the City of Asheville may be invested in the instruments described below, all of which are authorized by the Act and the LGC.

- Obligations of the United States
- Obligations of US Government Agencies, including, but not limited to:
 - Federal National Mortgage Association ("FNMA")
 - Federal Home Loan Bank ("FHLB")
 - Federal Home Loan Mortgage Corporation ("FHLMC")
 - Federal Farm Credit Bank ("FFCB")
- Prime quality commercial paper
- Bank certificates of deposit (CDs)
- Bank deposit accounts

According to the direction of the City Council, the City shall ensure that financial institutions meeting the following criteria receive full consideration for cash management and investment decision making for bank certificates of deposit:

- a. Institution is collateralized under the Pooling Method (see *Safety* above)
- b. Institution demonstrates a pattern of community reinvestment aligned with City Council's Strategic Plan
- c. Institution has physical location(s) within the City of Asheville city limits
- d. Institution provides employment within the city limits

Changes to the governing North Carolina General Statutes and/or the policies of the Local Government Commission will be considered automatically adopted by the City of Asheville as part of this Investment Policy. Any such changes will be included as revisions of or amendments to the policy; however, their implementation by the City is not predicated on inclusion in this document.

RESOLUTION NO. 14-27

RESOLUTION ESTABLISHING A WASTE REDUCTION GOAL AND BENCHMARKS FOR THE CITY OF ASHEVILLE

WHEREAS, successful waste reduction involves designing and managing materials in order to conserve all resources rather than destroy them and eliminating discharges to land, water, and air that do not contribute productively to the natural or economic environment; and

WHEREAS, the City of Asheville is a proven leader in municipal sustainability, and waste reduction is a key factor in carbon reduction as well as an indication of progress toward sustainability; and

WHEREAS, the Buncombe County landfill is projected to reach full capacity in 2035 after which all citizens of Buncombe county, including Asheville residents, will need to choose between outsourcing our waste to other counties and states at a considerable cost or building a new landfill in Buncombe county at a considerable cost; and

WHEREAS, the placement of materials in landfills wastes natural resources and valuable land in our beautiful mountain community; and

WHEREAS, avoiding the creation of waste is the most economically efficient and environmentally sustainable resource management strategy and supports a resource recovery based economy that will create and sustain more productive, sustainable, and meaningful jobs; and

WHEREAS, most waste streams can be eliminated through source reduction, increased recycling and composting;

WHEREAS, the City of Asheville is the primary provider of residential waste collection services, therefore this resolution focuses on the municipal solid waste from the residential sector excluding residential yard waste and excluding waste from the commercial and industrial sectors;

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

1. The City of Asheville hereby adopts a long term waste reduction goal of 50% municipal solid waste reduction by ton by the year 2035. This goal will be measured from the baseline year of 2010 and result in total reductions of:
 15% by 2020, 25% by 2025, 40% by 2030, 50% by 2035
2. The City Manager, in cooperation with the Office of Sustainability, shall provide an annual progress report to City Council.
3. The City commits to actively engage the community by sharing the goals in this resolution and engaging residents and community partners for awareness and support in achieving these goals.
4. Toward this goal, staff developed the attached strategic waste reduction plan for residential waste services to guide the achievement of this goal. The waste reduction

plan is a guidance document, any solid waste program enhancements will be presented to Council for consideration during the annual budget process.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Boulson
City Clerk

[Signature]
Mayor

Approved as to form:

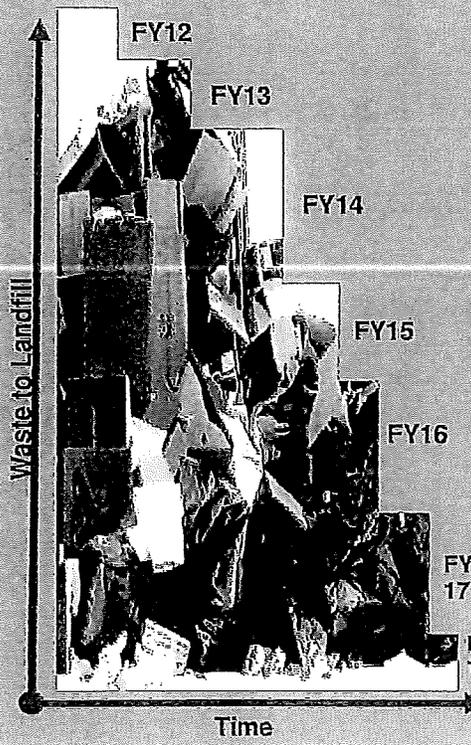
[Signature]
City Attorney

Magdalen Boulson
City Clerk

Long Term Waste Reduction Plan



As a result of the Big Blue roll out, the City of Asheville will have a significant amount of waste that is not being recycled. This plan is designed to help the City of Asheville reduce the amount of waste that is sent to landfill over the next 7 years.



Program Enhancements	Infrastructure Enhancements	Community Engagement
<ul style="list-style-type: none"> Big Blue roll out: single stream recycling and more materials allowed Increased recycle fee to support expanded single stream service 		<ul style="list-style-type: none"> Recycling education program for Big Blue roll out
<ul style="list-style-type: none"> Changed the recycling fee to a solid waste fee and increased fee to support FY14 infrastructure improvements 		<ul style="list-style-type: none"> Recycling education at community centers and quarterly hard to recycle events
<ul style="list-style-type: none"> Conduct residential solid waste audit to establish baseline data and support long term planning efforts Partner with Buncombe County to conduct a compost facility feasibility study for land at the landfill Propose annual waste reduction goal in the residential sector for Council consideration 	<ul style="list-style-type: none"> Install waste stations with garbage, recycling, ashtrays and pet waste dispensers in downtown Asheville 	<ul style="list-style-type: none"> Partner with Coca Cola to deliver a residential recycling incentive and education campaign Establish a Solid Waste Consortium of industry and public stakeholders in order to enhance staff expertise in developing long range program and service improvement
<ul style="list-style-type: none"> Develop a residential Pay-As-You-Throw (PAYT) program and associated fee changes for Council consideration 	<ul style="list-style-type: none"> Support the site plan development of a compost facility either at the county landfill or with a private partner. 	<ul style="list-style-type: none"> Partner with Asheville Greenworks to implement targeted neighborhood waste reduction education programs based on neighborhood performance results in the waste audit
<ul style="list-style-type: none"> Implement PAYT program Develop residential curbside compost pilot program 	<ul style="list-style-type: none"> Support compost facility construction 	<ul style="list-style-type: none"> PAYT education program to accompany service change rollout Continue targeted neighborhood outreach programming with focus on compost and recycling Establish a subsidized compost bin program
<ul style="list-style-type: none"> Make any adjustments necessary to PAYT program Implement curbside compost pilot program Development city wide curbside compost collection program and associated fee changes for Council consideration 	<ul style="list-style-type: none"> Support compost facility construction Install sidewalk waste stations in River District, along Haywood Road in west Asheville, and in the south slope 	<ul style="list-style-type: none"> Continue targeted neighborhood outreach programming with focus on compost, recycling and pre-cycling
<ul style="list-style-type: none"> Implement curbside compost program city wide 		<ul style="list-style-type: none"> Curbside compost education program to accompany service change rollout

RESOLUTION NO. 14- 28

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOOG INSTITUTE TO PROVIDE IN-KIND SERVICES AND FINANCIAL SUPPORT FOR MOOGFEST

WHEREAS, the City of Asheville has identified the significant value of a partnership agreement with Moog Institute for Moogfest that will further Economic Development initiatives in the areas of job growth and job creation; and

WHEREAS, the programming of Moogfest is structured to attract qualified talent, exposure to business opportunities and capital investment toward the goal of developing a technology industry cluster in Asheville; and

WHEREAS, Moogfest is anticipated to provide an overall \$30M direct economic impact to the area per year; and

WHEREAS, the Asheville City Council Strategic Operating Plan has identified the importance of structuring Special Events as an economic development tool through leveraging investments, promoting an environment for investment and supporting efforts around Arts/Creative Economy; and

WHEREAS, pursuant to NCGS §160A-16 and §160A-17 the City is authorized to enter into written contracts and continuing contracts or agreements, some portion or all of which are to be performed in ensuing fiscal years;

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

1. The City Manager is hereby authorized to execute a performance-based, economic development partnership agreement with Moog Institute at a maximum value of \$50,000 for in-kind support services and \$40,000 financial investment for a total not to exceed \$90,000 per year for the production of Moogfest to be held in April, 2014.
2. Under the terms of the performance-based partnership agreement, Moog Institute and Moogfest are required to meet the performance minimums as stated within the agreement within the first year and repeatedly for the continuation of the partnership for subsequent Moogfest events to be held in 2015 and 2016.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Boulleson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulleson
City Clerk

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RESOLUTION NO. 14-29

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, four (4) qualified applications for 2013-14 Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals and has made its recommendation to Council to approve two (2) Housing Trust Fund loans;

WHEREAS, pursuant to City of Asheville Resolution 13-6, one of the approved loan applicants, Givens Estates, was previously awarded a 2013-14 HTF loan in the amount of \$270,000, and an additional award of Housing Trust Funds is now recommended as well as a change in the terms of the 2013-14 loan commitment, originally established at 2% interest for a thirty (30) year term;

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

1. A loan of \$45,000 amortized at 4.50% interest for 30 years is authorized for Beaucatcher Commons, LLC for the development of three (3) single-family rental homes on Raleigh Avenue (120 Raleigh Avenue / PIN No. 964795054800000 and 122 Raleigh Avenue / PIN No. 964795068100000) and Marietta Street (165 Marietta Street / PIN no. 964795069500000); to be made immediately available for disbursement following loan closing. These three (3) units shall be restricted to families earning 80% or less of the Area Median Income.
2. A loan of \$45,000 at 2.00% annual interest-only with principal deferred for twenty (20) years is authorized for Beaucatcher Properties, LLC for the development of three (3) one-bedroom accessory apartments on Raleigh Avenue (120 Raleigh Avenue / PIN No. 964795054800000 and 122 Raleigh Avenue / PIN No. 964795068100000) and Marietta Street (165 Marietta Street / PIN No. 964795069500000); to be made immediately available for disbursement following loan closing. These three (3) units shall be restricted to families earning 60% or less of the Area Median Income.
3. An additional loan of \$230,000 amortized at 2.00% interest for twenty (20) years is authorized for Givens Estates, Inc. for the development of One Hundred Twenty (120) rental units for seniors on Gerber Road (PIN No. 965526468400000), with the annual repayment amount to meet the requirements of Section IV.C.2.(b) Of the NCHFA 2014 Qualified Allocation Plan (QAP), which is cited below. Any unpaid interest will be due and payable at the end of the 20-year term. These terms shall apply as well to the original 2013-14 loan commitment of \$270,000 (total combined loan commitment to Given Estates, \$500,000). All funds to be made immediately available for disbursement

following loan closing. These One Hundred Twenty (120) units shall be restricted to families earning 60% or less of the area median income.

Read, approved and adopted this 11th day of February, 2013.

Magdalen Bruleson
CITY CLERK

Stan EMC
MAYOR

Approved As To Form:

Matthew W. McElroy
CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION NO. 14-30

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, long term member Harold Garland died, thus leaving an unexpired term until July 1, 2015;

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

Mr. Kenneth Frisbee, 1204 Abbey Circle, Asheville, N.C., be and he is hereby appointed as a member to the Board of Electrical Examiners, to serve the unexpired term of Mr. Garland, term to expire July 1, 2015, or until his successor has been duly appointed.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Brulson
CITY CLERK

Egmont E. Mc
MAYOR

Approved as to form:

Matthew W. McElhonor
CITY ATTORNEY

Magdalen Brulson
City Clerk

RESOLUTION NO. 14 - 31

RESOLUTION APPROVING PAYMENT TO DELPHI DEVELOPMENT FOR OBTAINING APPROVAL FROM NORFOLK SOUTHERN FOR A QUIET ZONE RAILROAD CROSSING AT THE LYMAN STREET INTERSECTION

WHEREAS, Delphi Development contracted to obtain approval for a "Quiet Zone" designation at the Lyman Street railroad crossing from Norfolk Souther; and,

WHEREAS, having this designation promotes economic development in the River Arts District, particularly mixed-use residential development; and,

WHEREAS, the City of Asheville attempted to obtain this designation in the past without success; and,

WHEREAS, Delphi Development must provide documentation to the City that the fee has been paid to the consultant.

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

The City is authorized to pay \$15,000 to Delphi Development for obtaining a "Quiet Zone" designation for the railroad crossing at Lyman Street.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Baulison
City Clerk

Edwin G. Miller
Mayor

Approved as to form:

Matthew W. McElhannon
City Attorney

Magdalen Baulison
City Clerk