

RESOLUTION NO. 14-32

RESOLUTION DELEGATING THE AUTHORITY TO EXEMPT IN WRITING, PARTICULAR PROJECTS UNDER \$50,000, FROM THE STATUTORY PROCUREMENT PROCESS ESTABLISHED BY ARTICLE 3D OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES, (i.e. MINI-BROOKS ACT), TO THE CITY MANAGER/DESIGNEE

WHEREAS, NCGS §143-64.31, known as the "Mini-Brooks Act," requires local governmental units to announce all requirements for architectural, engineering, surveying, construction management at risk services, design-build services and, public-private partnership construction services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification without regard to fee other than unit price fee; and

WHEREAS, NCGS §143-64.32, provides for units of local government in writing, to exempt particular projects from the provisions of Article 3D of Chapter 143, where an estimated professional fee is an amount less than fifty thousand dollars (\$50,000);

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

The City Manager/designee is hereby delegated the authority to exempt, in writing, particular projects under \$50,000, in accordance with Section 143-64.31 of Article 3D of Chapter 143 of the North Carolina General Statutes.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Boulton
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 14-33

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH DUKE ENERGY PROGRESS, INC. TO ACCEPT DONATION OF REAL PROPERTY AT 98 DESOTA STREET AND ENTER INTO A CONSTRUCTION AND MAINTENANCE AGREEMENT FOR JOINT STORMWATER IMPROVEMENTS

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

WHEREAS, Duke Energy Progress, Inc. has offered to donate real property located at 98 Desota Street, identified as PIN 963892348400000, subject to certain right-of-way and transmission line easements; and

WHEREAS, the City of Asheville and Duke Energy Progress, Inc. intend to enter into a construction and maintenance agreement for joint stormwater improvements on aforementioned property;

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

The Mayor is hereby authorized to execute documents and to enter into a Memorandum of Understanding to accept a donation of real property from Duke Energy Progress and enter into a Construction and Maintenance Agreement for joint stormwater improvements. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of February, 2014.

Margaret Boulson
City Clerk

Eden C. Nease
Mayor

Approved as to form:

Martha W. McElhannon
City Attorney

Margaret Boulson
City Clerk

RESOLUTION NO. 14-34

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A PARCEL OF REAL PROPERTY FROM THE N.C. DEPT. OF TRANSPORTATION FOR THE PURPOSE OF ASSEMBLING THE PROPERTY INTO EXISTING RIGHT-OF-WAY AT SWEETEN CREEK INDUSTRIAL PARK

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-274 to accept real property from any governmental unit upon such terms and conditions as it deems wise, with or without consideration; and

WHEREAS, the North Carolina Department of Transportation has offered to convey real property identified as PIN 965733301500000 to the City of Asheville at no cost; and

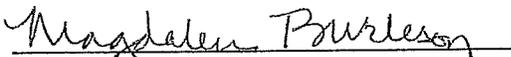
WHEREAS, this parcel will be assembled into the City's existing right of way at Sweeten Creek Industrial Park; and

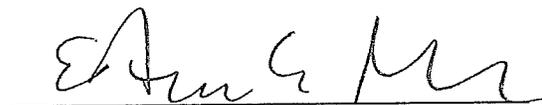
WHEREAS, City Staff recommends the City accept the conveyance from NCDOT in the stated condition, of being vacant and undeveloped;

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

Pursuant to North General Statute Sec. 160A-274, the Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to accept the conveyance of real property known as PIN 965733301500000 from the North Carolina Department of Transportation at Sweeten Creek Industrial Park. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of February, 2014.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 14-35

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA WATER AND WASTEWATER AGENCY NETWORK (NCWaterWARN) FOR MUTUAL AID FOR WATER AND WASTEWATER UTILITIES

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

WHEREAS, NCWaterWARN is authorized under Section 160A-318 of the North Carolina General Statutes; and

WHEREAS, the Water Resources Department desires to contract with the North Carolina Water and Wastewater Agency Response Network (NCWaterWARN). This is an intrastate mutual aid and assistance agreement by and between water and wastewater utilities; and

WHEREAS, the contract will not require any expenditure by the City of Asheville until such time that an emergency or disaster is declared and there is a request for assistance; and

WHEREAS, response to a request for assistance is decided on a case-by-case determination; and

WHEREAS, costs associated with a response by the City of Asheville will be reimbursable by the recipient of the mutual aid;

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 execute a contract with the North Carolina Water and Wastewater Agency Response Network (NCWaterWARN).

Read, approved and adopted this 25th day of February, 2014.

Magdalen Boulson
CITY CLERK

Edward E. Mc
MAYOR

Approved as to form:

Matthew W. McPherson
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-36

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS OF THE US DEPARTMENT OF JUSTICE

WHEREAS, the City has the authority pursuant to N.C.S.G. 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, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of \$53,016 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of in-car video systems and equitable distribution of funds to Buncombe County Sheriff's Office; and

WHEREAS, the Asheville Police Department will spend \$38,844 for the purchase of In-car video systems, while Buncombe County Sheriff's Office will be awarded \$14,172;

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

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$53,016.

Read, approved, and adopted this 25th day of February, 2014.

Magdalen Boulson
CITY CLERK

Steve R. King
MAYOR

APPROVED AS TO FORM:

Matthew W. McElroy
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 14--37

RESOLUTION ADOPTING THE HAYWOOD ROAD VISION PLAN

WHEREAS, A group of business and property owners and area residents began to meet to study options for improving Haywood Road beginning in 2002 with a meeting convened by the West Asheville Business Association and forming a corridor committee; and

WHEREAS, the corridor committee continued to meet over the years and assisted by staff developed a list of major priorities and strategies for improvement along Haywood Road; and

WHEREAS, a large number of outreach efforts were made to the broader community which included large community meetings, community preference surveys in 2006 and 2011, and focus group sessions; and

WHEREAS, the Vision Plan focused on the following important strategies: Transportation and Streetscape Issues, Historic Preservation, Zoning and Land Use, Economic Development, Safety and Neighborhood Issues; and

WHEREAS, the Haywood Road Vision Plan supports City Council's goals of Economic Growth and Financial Stability because the plan seeks to leverage public and private investment and create strong mixed-use neighborhoods; and

WHEREAS, the Comprehensive Plan encourages community plans created with neighborhood ideas and input;

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

The City Council hereby adopts the Haywood Road Vision Plan dated February 25, 2014.

Read, approved, and adopted this 25th day of February, 2014.

Magdalen Boulson
City Clerk

Steven G. Mc
Mayor

Approved as to form:

Matthew W. McPherson
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-38

RESOLUTION APPOINTING MEMBERS TO THE CITY-COUNTY AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, on January 14, 2014, City Council adopted Resolution No. 14-12 establishing a joint City-County African American Heritage Commission; and

WHEREAS, three seats are to be appointed by the Asheville City Council, three seats are to be appointed by the Buncombe County Board of Commissioners; and the remaining three seats are to be appointed by the six appointed members; and

WHEREAS, all initial terms shall be deemed to commence as of the appointment of the ninth member;

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

(1) Ms. Jan Goffney, 34 Huntington Chase Drive, Asheville, N.C., be and she is hereby appointed to the City-County African American Heritage Commission, to serve an initial one-year term, or until her successor has been appointed. All terms shall commence as of the appointment of the ninth member.

(2) Mr. Marvin D. Chambers, 2 Lakewood Drive, Asheville, N.C., be and he is hereby appointed to the City-County African American Heritage Commission, to serve an initial two-year term, or until his successor has been appointed. All terms shall commence as of the appointment of the ninth member.

(3) Dr. Lamar Hylton, 12 Trafalgar Circle, Asheville, N.C., be and he is hereby appointed to the City-County African American Heritage Commission, to serve a three-year term, or until his successor has been appointed. All terms shall commence as of the appointment of the ninth member.

Read, approved and adopted this 25th day of February, 2014.

Margalene Boulton
CITY CLERK

Eric E. Mc
MAYOR

Approved as to form:

Martha W. McElhonor
CITY ATTORNEY

Margalene Boulton
City Clerk

RESOLUTION NO. 14-39

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE
HISTORIC RESOURCES COMMISSION

WHEREAS, Brian Cook has resigned as a member of the Asheville-Buncombe Historic Resources Commission, 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. William Eakins, Post Office Box 890, Asheville, North Carolina, be and he is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Mr. Cook, term to expire on July 1, 2015, or until his successor has been appointed.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Boulton
CITY CLERK

E. F. ...
MAYOR

Approved as to form:

Matthew W. McKelton
CITY ATTORNEY

Magdalen Boulton
City Clerk