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RESOLUTION NO. 14- 151

RESOLUTION AMENDING THE 2014 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

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

The August 12, 2014, City Council formal meeting is hereby cancelled.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-152

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SUPERIOR LANDSCAPING TO PROVIDE GROUND MAINTENANCE SERVICES IN THE VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE NORTH AND EAST DISTRICTS IN ASHEVILLE

WHEREAS, the City of Asheville contracts ground maintenance services at various parks, greenways and facilities, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the Parks and Recreation Department issued an Advertisement for Bids for ground maintenance services at the various parks, greenways and facilities. Superior Landscaping was lowest responsive and responsible bidder for the north and east districts for a total of $117,200;

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

The City Manager is authorized to enter into a contract and execute contract change orders with Superior Landscaping to provide ground maintenance services at the various parks, greenways and facilities in the north and east districts for a total of $117,200 for a twelve (12) month period with an option for two (2), twelve (12) month renewals based on contractor performance.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-153

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR LEGISLATIVE SERVICES FOR 2014 AND 2015 SESSIONS OF THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the City has the authority pursuant to N.C.G.S. §160A-20.1 to enter into contracts with private entities to carry out any public function which it is authorized to engage in by law;

WHEREAS, the City requires legislative representation and advocacy for the 2014 and 2015 Sessions of the North Carolina General Assembly on matters which are of significant interest to the City.

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

The Mayor, on behalf of the City of Asheville, be and is hereby, authorized to enter into an agreement with Jack Cozort for the provision of legislative services from July 1, 2014 through January 1, 2016, which includes services for the 2014 and 2015 Sessions of the North Carolina General Assembly, in an amount not to exceed $5,000 per month, plus expenses, subject to the approval of the City Attorney.

Read, approved, and adopted this the 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-154

RESOLUTION AUTHORIZING THE MAYOR TO EXPRESS THE CITY OF ASHEVILLE'S WILLINGNESS TO PROVIDE THE REQUIRED 20% LOCAL MATCH AND FUNDING FOR RIGHT-OF-WAY IF FEDERAL TRANSPORTATION FUNDING IS AUTHORIZED FOR ANY OF SEVERAL PEDESTRIAN OR BICYCLE PROJECTS IN THE CITY

WHEREAS, pursuant to N.C. Gen. Stat. 160A- 17.1, North Carolina local governments are authorized to make contracts for and to accept grants-in-aid and loans from the federal and state governments and their agencies; and

WHEREAS, recent legislative changes prevent state transportation funds from being spent on stand-alone pedestrian or bicycle projects; and

WHEREAS, stand-alone pedestrian or bicycle projects may still compete within the state's prioritization system for federal funding if funding is available; and

WHEREAS, the City must commit to providing the required 20% local match if the project is to be considered for inclusion in the TIP;

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

City Council authorizes the Mayor of the City of Asheville to execute a statement of commitment to provide the required 20% local match and funding for right-of-way if federal transportation funds are authorized for any or several pedestrian or bicycle projects in the City, as more specifically set forth below:

- Construct sidewalk on Riceville Road from Tunnel Road to Bull Mountain Road. (SPOT cost estimate: $600,000; 20% local match: $120,000 plus $60,000 ROW)
- Construct pedestrian improvements along McDowell Street and Choctaw Street, which would include sidewalk gap closure, ADA upgrades and crossing improvements along McDowell Street from Phifer/Southside Ave to Choctaw Street and then on Choctaw Street to Biltmore Ave. (SPOT cost estimate: $446,000; 20% local match: $89,200 plus $26,000 ROW)
- Add bicycle lanes and sharrows at pinch points on Broadway Street from I-240 to Riverside Drive. This is anticipated to involve a combination of lane and road diets. (SPOT cost estimate: $410,000; 20% local match: $82,000)
- Bicycle improvements for McDowell Street and All Souls Crescent, including bike lanes, sharrows and striped shoulder, from McDowell St at Southside Avenue and continuing on All Souls Crescent to intersection with US 25/Hendersonville Rd. (SPOT cost estimate: 291,000; 20% local match: $58,200)

Read, approved and adopted this the 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

275

RESOLUTION NO. 14-155

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-37-0005-44-2014

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and receive 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 an amount of $8,935,654, for the following: Rehabilitate Runway 16-34, Phase 1 (Grade and Drain Temporary Runway; Acquire Land for Development, Construct Retaining Wall, Engineering/Design/RPR Services, Force Account Services, FAA Reimbursable Agreements).

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. 3-37-0005-44-2014 in an amount of $8,935,654.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-156

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RIVERTOP CONSTRUCTION, INC. FOR THE DOWNTOWN CLEANING 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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Downtown Cleaning, City of Asheville Project # DC-15-01; and

WHEREAS, Rivertop Construction, Inc. of Swannanoa, NC was the lowest responsible bidder for the project, in the amount of $286,340, and

WHEREAS, the project involves the Pressure Washing of and Debris Removal from Sidewalks in the Central Business District; 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 $286,340.00 plus a contingency of 4.7% ($13,659) with Rivertop Contracting Inc. for the project known as Downtown Cleaning, City of Asheville Project # DC-15-01.

Read, approved and adopted this the 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

277

RESOLUTION NO. 14-157

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES AGREEMENT WITH CAROLINA MANAGEMENT TEAM FOR THE WATER RESOURCES WATER STORAGE TANK AND PIPE COATING AND MAINTENANCE PROJECT WITH AN OPTION TO RENEW FOR TWO ADDITIONAL YEARS EACH YEAR CONTINGENT UPON FUNDING

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

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department has the need to rehabilitate, repair, and repaint various water storage tanks and piping within pumping stations in the water system in an amount not to exceed $150,000; and

WHEREAS, Carolina Management Team was selected by Water Resources staff for the project based on their qualifications, understanding of project scope, cost, and project schedule.

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 general services agreement with Carolina Management Team (CMT) in an amount not to exceed $150,000 for the Water Resources Water Storage Tank and Pipe Coating and Maintenance Project for the 2014-15 fiscal year with an option to renew for an additional two fiscal years in an amount not to exceed $150,000 each year contingent upon funding.

Read, approved, and adopted this 22nd day of July, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-158

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION SERVICES CONTRACT WITH LAND OF THE SUN, INC. DOING BUSINESS AS FLETCHER GRADING CONTRACTORS FOR THE CONSTRUCTION SERVICE NECESSARY FOR THE WESTWOOD STORM DRAINAGE IMPROVEMENTS

WHEREAS, the City of Asheville has the 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 Westwood Road Storm Drainage Improvement Project; and

WHEREAS, the City of Asheville has a Stormwater Utility Fund designated to implement stormwater capital projects; and

WHEREAS, the City of Asheville did advertise and receive bids from qualified contractors to perform the construction activity outlined in the approved documents for the Westwood Road Storm Drainage Improvement Project and the City of Asheville determined that Fletcher Grading Contractors, LLC and their bid of $306,215 as the low responsible and responsible bidder;

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

The City Manager is hereby authorized to enter a contract with Land of the Sun, Inc. doing business as Fletcher Grading Contractors for the construction services necessary to complete the Westwood Road Storm Drainage Improvements for $306,215 and to enter into change orders to this contract not to exceed 15% of the original contract or $45,932.

Read, approved and adopted this the 22th day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

279

RESOLUTION NO. 14-159

RESOLUTION AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AND AMMENDMENT TO THE EXISTING CONTRACT WITH THE N.C. DEPT. OF ENVIRONMENTAL AND NATURAL RESOURCES DIVISION OF WATER RESOURSES TO SUPPLEMENT THE CURRENT CONTRACT IN ORDER TO COMPLETE THE DESIGN, PERMITTING, PROPERTY ACQUISITION AND CONTINUE COORDINATION WITH THE ARMY CORPS OF EGNINEERS FOR THE BILTMORE AVENUE BRIDGE FLOOD MITIGATION PROJECT

WHEREAS, the City of Asheville has the 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 Hurricane Recovery Act of 2005 (Senate Bill 7) allocated funds for planning and implementation of projects to aid in flood damage reduction for North Carolina Communities hardest hit by the 2004 hurricane season, and

WHEREAS, the Biltmore Village area of the City of Asheville, which lies within the Swannanoa River Watershed, was named as a recipient of this funding; and

WHEREAS, on September 13, 2011, City Council approved an amendment to the original agreement to be executed with NCDENR for an modification to the original contract to include re-allocation and additional funding for flood damage reduction projects at the time totaling $$3,590,139;

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

The City Manager or designee is hereby authorized to execute an amendment to the existing agreement with the N.C. Dept. of Environmental and Natural Resources to supplement the current contract by an additional $750,000 in order to complete the design, permitting, property acquisition and continue coordination with the Army Corps of Engineers for the Biltmore Avenue Bridge Flood Mitigation Project.

Read, approved and adopted this the 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14- 160

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES CONTACT WITH MCGILL ASSOCIATES FOR THE ENGINEERING SERVICES FOR THE BILTMORE AVENUE BRIDGE FLOOD MITIGATION PROJECT

WHEREAS, the City of Asheville has the 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 Hurricane Recovery Act of 2005 (Senate Bill 7) allocated funds for planning and implementation of projects to aid in flood damage reduction for North Carolina Communities hardest hit by the 2004 hurricane season, and

WHEREAS, the Biltmore Village area of the City of Asheville, which lies within the Swannanoa River Watershed, was named as a recipient of this funding; and

WHEREAS, the City of Asheville has received additional funds from Senate Bill 7 in the amount of $750,000 to assist with flood mitigation efforts in Biltmore Village ; and

WHEREAS, the City of Asheville is currently working with McGill Associates on flood mitigation efforts to help reduce flooding in Biltmore Village;

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

The City Manager is hereby authorized to complete negotiations and enter into the necessary agreements for an amendment to the existing professional services contract with McGill Associates for and additional $297,000 for the engineering services necessary for the completion of the design of the Biltmore Avenue Bridge Flood Mitigation Project to be included in the current contract for the Lake Craig/Azalea Road Project.

Read, approved and adopted this the 22th day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

281

Repealed by Reso 14-193 - 8/26/14

RESOLUTION NO. 14-161

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH SCHNABEL ENGINEERING SOUTH, PC, TO EXPAND THE SCOPE OF SERVICES TO INCLUDE BIDDING AND CONSTRUCTION SERVICES FOR THE NORTH FORK DAM INTAKE TOWER AND CONDUIT REPAIRS PROJECT

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

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Schnabel Engineering South, PC, was selected by Staff via a Request for Qualifications process to perform engineering services related to the design of the North Fork Water Treatment Plant Dam/Tunnel Project for the proposed amount of $408,190.00 plus a contingency for a total project budget of $428,600.00; and

WHEREAS, the Water Resources Department desires to execute a contract amendment with Schnabel Engineering South, PC, to increase the existing contract in the amount of $302,400.00 for a total project budget of $710,590.00 to expand the scope of services to include bidding and construction services for the North Fork Dam Intake Tower and Conduit Repairs Project;

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 amendment with Schnabel Engineering South, PC, to increase the existing contract in the amount of $302,400.00 for a total project budget of $710,590.00 to expand the scope of services to include bidding and construction services for the North Fork Dam Intake Tower and Conduit Repairs Project.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14 - 162

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING, AND IF SUCCESSFUL, TO ACCEPT SUCH GRANTS AND EXECUTE NECESSARY AGREEMENTS WITH THE METROPOLITAN PLANNING ORGANIZATION OR STATE OR FEDERAL AGENCIES TO ACCEPT THE FUNDING

WHEREAS, pursuant to 160A- 17.1, local governments are authorized to make contracts for, and to accept grants-in-aid and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal Surface Transportation Program – Directly Attributable (STP-DA) funds and Transportation Alternative Program (TAP) funding sources; and

WHEREAS, the City of Asheville has identified projects that are eligible for this funding; and

WHEREAS, if any of these projects are funded, agreements can be expected to be required from the granting and administering agencies prior to receipt of the grant.

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

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for STP-DA and TAP funding.

2. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

283

RESOLUTION NO. 14-163

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH UNIFIED A/V FOR RENOVATIONS TO THE CITY OF ASHEVILLE GOVERNMENT CHANNEL AND AUDIO VISUAL SYSTEMS IN THE COUNCIL CHAMBER AND FIRST FLOOR CONFERENCE ROOM

WHEREAS, broadcasting and live streaming government programming, including City Council meetings, contributes to transparent and accessible government;

WHEREAS, current broadcast and audio visual equipment in the Council Chamber and Council's First Floor Conference Room is failing or reaching the end of its useful life; and

WHEREAS, the repairs to the Asheville City Hall Building support and enhance basic City services;

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

City Council authorizes the City Manager to execute a contract with Unified A/V to design, install and service a high-definition video technology upgrade for the government channel control room, Council Chamber and Council First Floor Conference Room.

Read, approved and adopted this the 22nd day of July, 2014.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 140164

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH BRANTLEY CONSTRUCTION FOR ADDITIONAL CONSTRUCTION CHANGE ORDERS RELATED TO THE U.S. CELLULAR CENTER RENOVATIONS

WHEREAS, the City of Asheville is nearing completion of renovation of the US Cellular Center; and

WHEREAS, Brantley Construction is the Contractor of record for the project; and

WHEREAS, existing building conditions not anticipated in the original construction contract and approved alternates have arisen which require an amendment to the construction contract;

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

The City Council of Asheville authorizes the City Manager to sign a contract amendment with Brantley Construction for additional construction change orders related to the US Cellular Center renovations in the amount of $11,399.33 for a total contract amount not to exceed $3,006,235.61 for the project.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

285

RESOLUTION NO. 14-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BETSCH ASSOCIATES/ CLARK NEXSEN FOR ADDITIONAL DESIGN SERVICES RELATED TO THE U.S. CELLULAR CENTER RENOVATIONS

WHEREAS, the City of Asheville is nearing completion of renovation of the US Cellular Center; and

WHEREAS, the design team of Betsch Associates/Clark Nexsen is the design team of record for the project; and

WHEREAS, design elements not anticipated in the original scope of services have arisen which require a professional services contract amendment for architectural and engineering design services;

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

The City Council of Asheville authorizes the City Manager to sign a contract amendment with Betsch Associates/Clark Nexsen for additional professional design services related to the US Cellular Center renovations in the amount of $7340.00 for a total contract amount not to exceed $1,116,795 for the project.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Bouldson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouldson
City Clerk

RESOLUTION NO. 14-166

RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPOINTMENTS TO THE 51 BILTMORE CONDOMINIUM ASSOCIATION

WHEREAS, the City is an owner/member of the 51 Biltmore Condominium Association, which owns the property located at 51 Biltmore Avenue, on which the City has constructed and operates a public parking facility as part of a public-private project that includes the Aloft Hotel and property being held for future development; and

WHEREAS, the governing documents of the 51 Biltmore Condominium Association provide for owner/members to appoint one representative to the board of directors, and to make appointments to other boards and committees of the Association; and

WHEREAS, the City needs to appoint a new director to the board of directors of the condominium association;

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

The City Manager be, and is hereby, authorized to appoint and remove the City representative to the board of directors of the 51 Biltmore Condominium Association, and to make such other appointments and take such other actions as deemed necessary or advisable in order for the City to carry out its responsibilities with respect to the business of the Condominium Association, in accordance with the Association by-laws.

The City Manager shall advise the Council of any such appointments, removals or other actions within a reasonable time.

Read, approved, and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

287

RESOLUTION NO. 14-167

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 146 ROBERTS STREET (RAD LOFTS)

Whereas, at its meeting on July 22, 2014, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and RAD Lofts LLC for the 146 Roberts Street development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

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

The public hearing to consider a land use incentive grant for the 146 Roberts Street development is hereby set on August 26, 2014, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-168

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE WITH THE COLBURN EARTH SCIENCE MUSEUM

WHEREAS, the City owns the real estate known as Pack Place Center which has been formally under lease to Pack Place Education, Arts and Science Center, Inc. (PPEASC) since 1988; and

WHEREAS, the current lease with PPEASC ends July 31, 2014; and

WHEREAS, the lease with PPEASC will not be renewed; and

WHEREAS, the Colburn Earth Science Museum, a North Carolina non-profit corporation, currently occupies space as a tenant at Pack Place Center and desires to remain as a tenant for an additional year; and

WHEREAS, the City agrees that the Colburn Earth Science Museum may remain as a tenant for a limited period of time and therefore, negotiated a direct lease with them; and

WHEREAS, pursuant to NCGS 160A-272, this City is authorized to enter into leases of city owned property for such terms and conditions as the council may determine and if the lease term is one year or less, no public notice is required;

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

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute the lease agreement with the Colburn Earth Science Museum for a term of August 1, 2014 - June 7, 2015, and subject to the additional terms and conditions as contained in the agreement.

Read, approved and adopted this 22 day of July, 2014.

Magdalen Bouleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

289

RESOLUTION NO. 14-169

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LONG-TERM LEASE WITH THE ASHEVILLE ART MUSEUM

WHEREAS, the City owns the real estate known as Pack Place Center which has been formally under lease to Pack Place Education, Arts and Science Center, Inc. (PPEASC) since 1988; and

WHEREAS, the current lease with PPEASC ends July 31, 2014; and

WHEREAS, the lease with PPEASC will not be renewed; and

WHEREAS, the Asheville Art Museum, a North Carolina non-profit corporation, currently occupies space as a tenant at Pack Place Center and desires to remain there; and

WHEREAS, the City desires the Asheville Art Museum to remain as a tenant and has therefore, negotiated a direct lease with the Asheville Art Museum,; and

WHEREAS, pursuant to NCGS 160A-272, the City has the authority to enter into leases upon such terms and conditions as the Council determines and for terms of more than 10 years as long as the same procedures as for a sale of property are followed; and

WHEREAS, pursuant to NCGS 160A-279, the sale of a property (or disposition by long-term lease) to entities carrying out a public purpose may be conducted by private sale; and

WHEREAS, pursuant to NCGS 160A-267, disposal of property by private sale (or long-term lease) requires that a notice summarizing the contents of the resolution approving such sale or lease be published once after its adoption and sale or lease cannot be entered into until 10 days after its publication;

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

A proposal to enter into a lease of space at Pack Place Center with the Asheville Art Museum for a term of 30 years, with two renewal options of ten years each; with payment of nominal annual rental rate and additional consideration in the form of major renovations to be undertaken by AAM, as well AAM contributions to City Managed capital maintenance fund for Pack Place Center; and subject to additional terms and conditions to be approved;

The City Clerk is hereby directed to publish a notice summarizing the contents of the resolution after its adoption;

The Mayor, on behalf of the City of Asheville, be authorized to execute the lease agreement no sooner than 10 days after the resolution is published.

Read, approved and adopted this 22 day of July, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-170

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LONG-TERM LEASE WITH THE DIANA WORTHAM THEATRE

WHEREAS, the City owns the real estate known as Pack Place Center which has been formally under lease to Pack Place Education, Arts and Science Center, Inc. (PPEASC) since 1988; and

WHEREAS, the current lease with PPEASC ends July 31, 2014; and

WHEREAS, the lease with PPEASC will not be renewed; and

WHEREAS, the Diana Wortham Theatre, a North Carolina non-profit corporation, currently occupies space as a tenant at Pack Place Center and desires to remain there; and

WHEREAS, the City desires the Diana Wortham Theatre to remain as a tenant and has therefore, negotiated a direct lease with the Diana Wortham Theatre; and

WHEREAS, pursuant to NCGS 160A-272, the City has the authority to enter into leases upon such terms and conditions as the Council determines and for terms of more than 10 years as long as the same procedures as for a sale of property are followed; and

WHEREAS, pursuant to NCGS 160A-279, the sale of a property (or disposition by long-term lease) to entities carrying out a public purpose may be conducted by private sale; and

WHEREAS, pursuant to NCGS 160A-267, disposal of property by private sale (or long-term lease) requires that a notice summarizing the contents of the resolution approving such sale or lease be published once after its adoption and sale or lease cannot be entered into until 10 days after its publication;

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

A proposal to enter into a lease of space at Pack Place Center with the Diana Wortham Theatre for a term of 30 years, with two renewal options of ten years each; with payment of nominal annual rental rate and additional consideration in the form of contributions to City Managed capital maintenance fund for Pack Place Center; and subject to additional terms and conditions to be approved;

The City Clerk is hereby directed to publish a notice summarizing the contents of the resolution after its adoption;

The Mayor, on behalf of the City of Asheville, be authorized to execute the lease agreement no sooner than 10 days after the resolution is published.

Read, approved and adopted this 22 day of July, 2014.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk