RESOLUTION NO. 14-129

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DECLARING THE INTENT OF THE CITY OF ASHEVILLE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CAPITAL IMPROVEMENT PROJECTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN THE FISCAL YEAR 2015

WHEREAS, the City Council of the City of Asheville, North Carolina (*"City"*) has determined that it is in the best interests of City to finance various capital improvements as part of its capital improvement plan in Fiscal Year 2014, including the demolition of a building and construction of a retaining wall in Handy Park (the *"Projects"*);

WHEREAS, the City reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the *"Obligations"*) during fiscal year 2015 to finance the Projects;

WHEREAS, the City desires to proceed with the Projects and will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Obligations (the *"Original Expenditures"*), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the City intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Contract to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina as follows:

Section 1. *Official Declaration of Intent.* The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by City to pay for all or a portion of the costs of the Projects is $450,000.

Section 2. *Compliance with Regulations.* The City adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. *Itemization of Capital Expenditures.* The Chief Financial Officer of the City, the Deputy Finance Director, the Budget Manager and their respective designees, with advice from special counsel, are each hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. *Effective Date.* This Resolution shall become effective immediately upon the date of its adoption.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-130

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DESIGNATING THE CITY MANAGER AND FINANCE DIRECTOR AS AUTHORIZED OFFICERS TO DECLARE THE INTENTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH TAX-EXEMPT OBLIGATIONS

WHEREAS, the City of Asheville, North Carolina (*"City"*) from time to time finances capital projects with tax-exempt obligations;

WHEREAS, the City sometimes must expend its own available funds for capital projects in advance of completing a tax-exempt financing;

WHEREAS, under certain provisions of the Internal Revenue Code, in order for the City to reimburse itself for expenditures incurred before a tax-exempt financing is completed, the City must declare its intent to reimburse itself within 60 days from the date of such capital expenditure;

WHEREAS, the declaration of the intent to reimburse itself does not obligate the City to complete the tax-exempt financing but allows the City to reimburse itself from an expected tax-exempt financing;

WHEREAS, for administrative convenience the City Council of the City wants to designate the City Manager and the Finance Director of the City as authorized officers to declare the intention of the City to reimburse itself for capital expenditures incurred in connection with a tax-exempt financing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina as follows:

Section 1. *Designation to Make Declarations of Intent.* The City Manager and the Finance Director of the City, individually or collectively, are hereby authorized and designated by the City Council to make, by appropriate action as an authorized representative of the City acting on behalf of City, declarations of official intent within the meaning of Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, evidencing the City's intent to reimburse itself for expenditures incurred and paid by the City in connection with projects from the proceeds of tax-exempt obligations.

Section 2. *Effective Date.* This Resolution shall become effective immediately upon the date of its adoption.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION 14- 131

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an installment financing agreement (the *"Contract"*) with Wells Fargo Bank, National Association (the *"Bank"*) in order to pay the capital costs of the acquisition and installation of computer equipment, vehicles and general governmental equipment (collectively, the *"Projects"*), and to put a security interest in the Projects in favor of the Bank in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $1,810,000;

WHEREAS, there have been made available to the City Council the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

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

Section 1. ***Ratification of Prior Actions.*** All actions of the City, the City Manager, the City Attorney, the City Purchasing Director, the Finance Director and the Fiscal Services Manager of the City and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with their terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed $1,810,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Finance Director and the Fiscal Services Manager of the City and the City Clerk or their respective designees (each a *"Designated Representative"*), individually or collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City,

including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Contract, and the City Manager, the City Purchasing Director, the Finance Director and the Fiscal Services Manager of the City are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bouleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 14-132

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION SERVICES CONTRACT WITH TENNOCA CONSTRUCTION COMPANY FOR THE CONSTRUCTION SERVICE NECESSARY FOR THE CRAVEN STREET 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 Craven Street Improvement Project; and

WHEREAS, the Economic Development Administration, Golden Leaf Trust Fund and Clean Water Management Trust Fund has provide funding to the Craven Street Improvements Project; and

WHEREAS, the City of Asheville has been named as a recipient of funding from these partners; and

WHEREAS, the City wishes to complete major construction in advance of the New Belgium Brewery opening; 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 Craven Street Improvement project and the City of Asheville determined that Tennoca Construction Company and their bid of $6,001,365.79 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 into a contract with Tennoca Construction Company for the construction services necessary for completion of the Craven Street Improvement Project for $6,001,365.79. Additionally, the City Manager is authorized to enter into change orders to this contract not to exceed 15% of the original contract or $900,204.87.

Read, approved and adopted this the 24th day of June, 2014.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

243

RESOLUTION NO. 14- 133

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE DAY CELEBRATION ON THE DATE OF FRIDAY, JULY 4, 2014 FROM 2:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Ingle's Independence Day Celebration.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Ingle's Independence Day event area, as set forth on Exhibit A, attached.

   The Ingle's Independence Day event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for

the Ingle's Independence Day Celebration on Friday, July 4, 2014 from 2:00 p.m. to 10:00 p.m.;

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Ingle's Independence Day Celebration event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Ingle's Independence Day Celebration event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Ingle's Independence Day Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bowlesan
City Clerk

Mayor

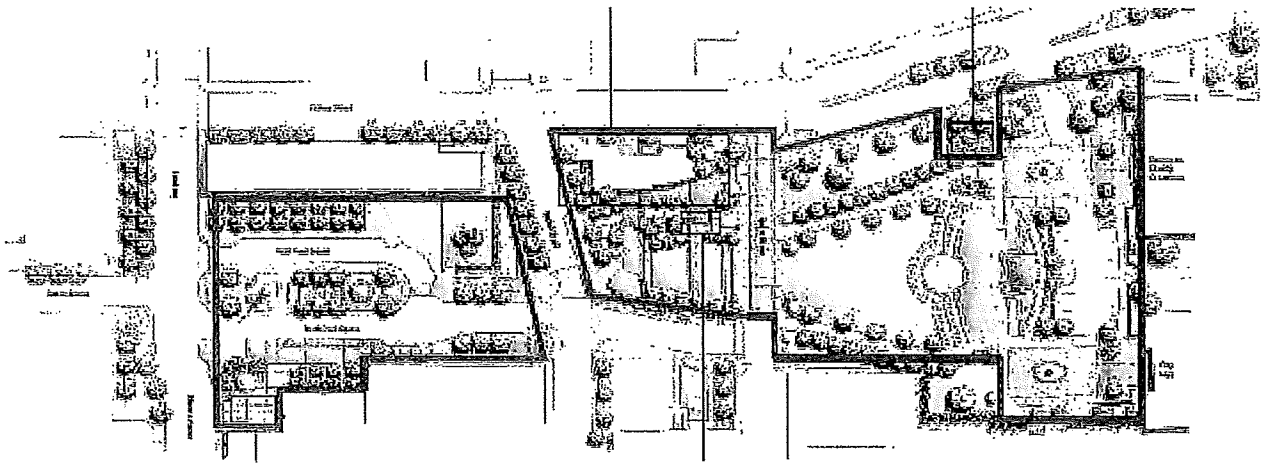
Approved as to form:

City Attorney

Magdalen Bowlesan
City Clerk

245

Exhibit A



Alcohol Area

RESOLUTION NO. 14- 134

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RIVERFEST ON THE DATE OF SATURDAY, AUGUST 9, 2014 FROM 1:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Riverfest.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Riverfest event area, as set forth in Exhibit A, attached.

   The Riverfest event area is within the boundaries of French Broad River Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Riverfest on Saturday, August 9, 2014 from 1:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Riverfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be

allowed in the Riverfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Riverfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bullerson
City Clerk

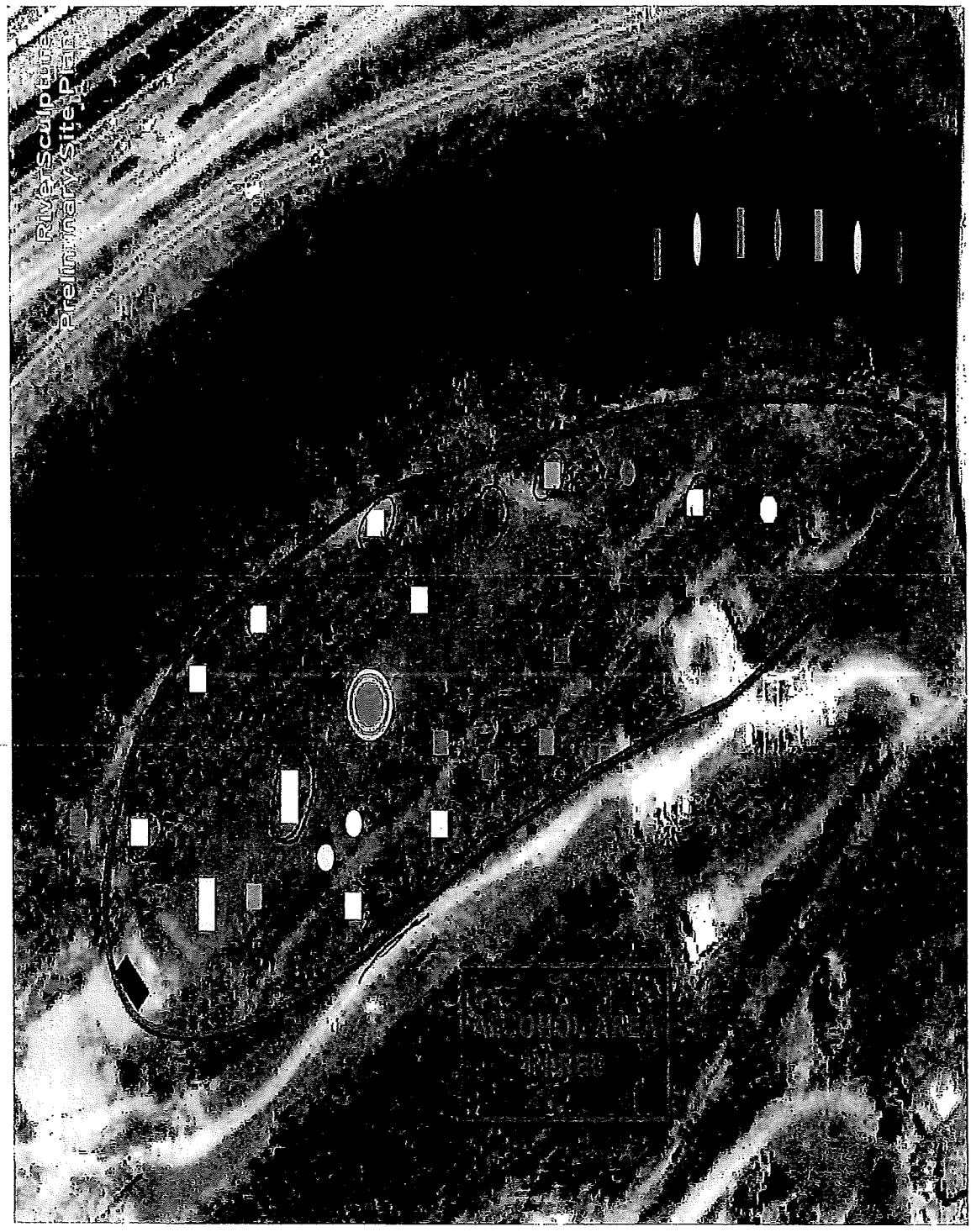
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

Exhibit A



249

RESOLUTION NO. 14- 135

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE NEW BELGIUM CLIPS BEER & FILM TOUR ON THE DATE OF FRIDAY, SEPTEMBER 5, 2014 FROM 7:30 PM – 10:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the New Belgium Clips Beer & Film Tour.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the New Belgium Clips Beer & Film Tour event area, as set forth in Exhibit A, attached.

   The New Belgium Clips Beer & Film Tour event area is within the boundaries of Pack Square Park's Roger McGuire Green and Reuter Terrace, including South Spruce Street between the intersections of South Pack Square and College Street, and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the New Belgium Clips Beer & Film Tour event on Friday, September 5, 2014 from 7:30 a.m. – 10:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the New Belgium Clips Beer & Film Tour event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed the New Belgium Clips Beer & Film Tour event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the New Belgium Clips Beer & Film Tour, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bellamy
City Clerk

Mayor

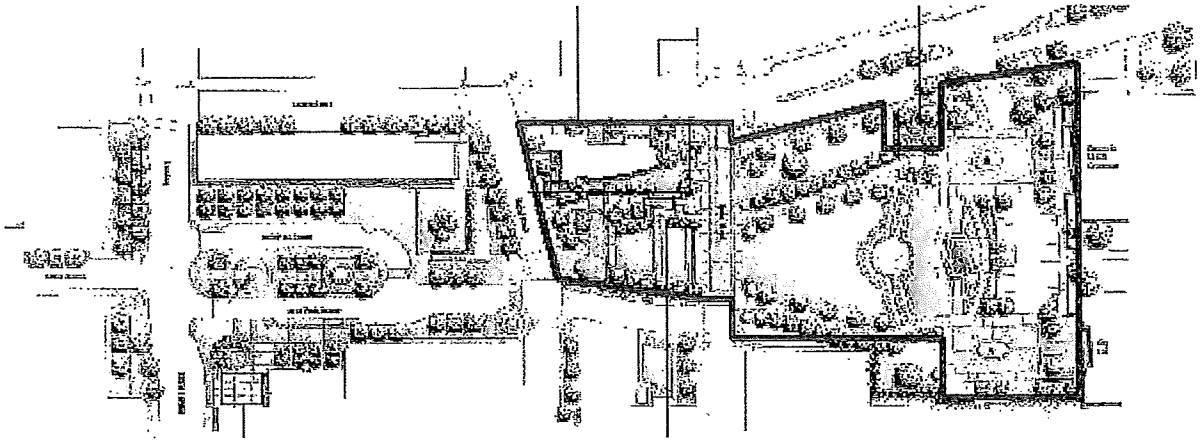
Approved as to form:

City Attorney

Magdalen Bellamy
City Clerk

251

EXHIBIT A



Alcohol Area

RESOLUTION NO. 14- 136

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ORGANICFEST ON THE DATE OF SUNDAY, SEPTEMBER 7, 2014 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Organicfest.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Organicfest event area, as set forth on Exhibit A, attached.

   The Organicfest event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Organicfest on Sunday, September 7, 2014 from 12:00 p.m. to 6:00 p.m.;

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages

and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Organicfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Organicfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Organicfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bullock
City Clerk

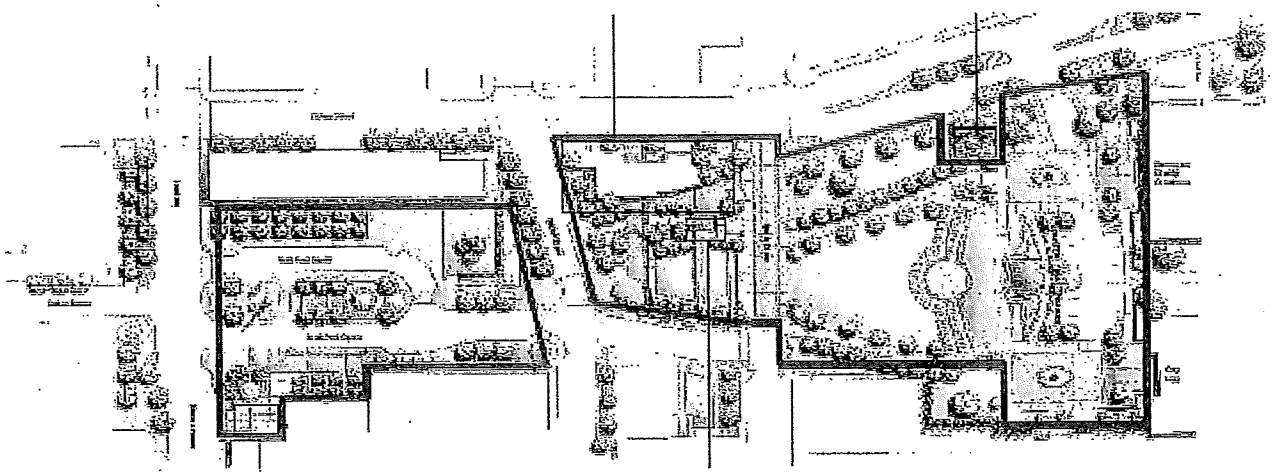
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

Exhibit A



Alcohol Area

RESOLUTION NO. 14-137

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the initial two-year terms of Robert Roepnack (representing the 28804 zip code), Barber Melton (representing the 28805 zip code), and Elaine Poovey (at-large representative), as members on the Neighborhood Advisory Committee, expire on July 1, 2014; and

WHEREAS, Carmen Ramos-Kennedy (at-large representative), has resigned as a member on the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2016;

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

Mr. Robert Roepnack, 23 W. Black Oak Drive, Asheville, N.C., be and he is hereby reappointed to serve a three-year term (representing the 28804 zip code), term to expire July 1, 2017, or until his successor has been appointed.

Ms. Barber Melton, 15 Melton Drive, Asheville, N.C., be and she is hereby reappointed to serve a three-year term (representing the 28805 zip code), term to expire July 1, 2017, or until her successor has been appointed.

Ms. Elaine Poovey, 61 Bear Creek Road, Asheville, N.C., be and he is hereby reappointed to serve a three-year term (at-large representative), term to expire July 1, 2017, or until her successor has been appointed.

Ms. Teddy Jordan, 30 Normandy Road, Asheville, N.C., be and she is hereby appointed to serve the unexpired term of Ms. Ramos-Kennedy as an at large representative, term to expire July 1, 2016, or until her successor has been appointed.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bulleson
CITY CLERK

Edwin G. Mc
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-138

RESOLUTION ESTABLISHING CRITERIA FOR DESIGN-BUILD DELIVERY METHOD FOR CONSTRUCTION CONTRACTS

WHEREAS, the State of North Carolina recently passed Session Law 2013-401 authorizing local governmental entities in North Carolina to utilize the design-build method for construction contracting pursuant NC G.S. 143-128.1A; and

WHEREAS, the design-build method is an integrated approach to a construction project that delivers both design (architectural and engineering) and construction services under one contract with a single point of responsibility. Under this delivery method, the City is provided the benefit of the design team and contractor working together to achieve the City's objectives under a single contract; and

WHEREAS, the statute requires the City to establish written criteria for determining when the design-build method is appropriate for a project; and

WHEREAS, the statute also requires the City to approve criteria for each individual project; and

WHEREAS, the statute defines the written criteria for determining when the design-build method is appropriate for a project as;

Establishment of Criteria
Criteria 1: The extent to which the City can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder. The design-build method may be used if it is determined that, for the project, the City has professional staff that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications (RFQ) for a design-builder. Consideration will be given to the qualifications and experience of City staff and the availability of professional staff in the areas of purchasing, finance and legal to assist in the development of an RFQ.

Criteria 2: The time constraints for the delivery of the project. The design-build delivery method may be used if a project has a firm date by which a facility must be operational and the normal delivery method (i.e. RFQ, study, design, bid and construct) is likely not to be timely. The size and cost of a project will dictate complexity and schedule.

Criteria 3: The ability to ensure that a quality project can be delivered. The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced staff to ensure that the design-build firm will provide a quality project within the budget constraints established by Council. Consideration will be given to the qualifications and experience of City staff charged with management of the project.

Criteria 4: The capability of the City to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced staff that are knowledgeable of design-build projects or, in the alternative, experienced consultants local to Asheville are available to be retained to perform the construction management of a design-build contract.

Criteria 5: A good-faith effort to comply with historically underutilized business partici0pation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small business entities. The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which ensure that contractors will comply with the M/WBE goals set by Council.

Criteria 6: The criteria utilized by the City, including a comparison of the costs and benefits of using the design-build delivery method of a given project in lieu of the other delivery methods identified. The criteria utilized by the City when considering a design-build delivery method for a project will be as follows:

- Is the project well defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
- Is the project timeline overly constrained and will it be necessary to have the facility complete and operational within a short timeframe?
- Will it be necessary to have beneficial use of a portion of the facility while it is under construction?
- Given the scope of the project, is there a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
- Does the design-build delivery method meet the ultimate operational goals established for a given facility and the quality of product achieved as a result of a more fluid and flexible delivery method?

In general terms, if it is determined that the expected expense of a design-build project will be no more than ten (10%) greater than the expected expense of a traditional RFQ, study, design, bid and construct project, the design-build delivery method may be utilized.

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

(1) The criterion for the design-build delivery method for construction contracts is established.

(2) The City Manager or his designee is authorized to review and approve the criteria for each individual design-build project to ensure compliance with this adopted criteria.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 14-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE ASHEVILLE SAFECAM PROGRAM

WHEREAS, the implementation of the Asheville Safecam Program would encourage property owners and businesses to utilize their surveillance cameras to make areas safer for shoppers and the community; and

WHEREAS, this no-cost program would assist in criminal investigations by aiding law enforcement in identifying offenders of crimes;

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

The City Manager is hereby authorized to implement the Asheville Safecam Program.

Read, approved, and adopted this 24th day of June 2014.

Magdalen Bullen
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullen
City Clerk

RESOLUTION NO. 14-140

RESOLUTION NAMING CITY OF ASHEVILLE FIRE STATION NUMBER ONE AFTER CHARLES AUGUSTUS WERHAN

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities, and

WHEREAS, City of Asheville Firefighter Charles Augustus Werhan was tragically killed in the line of duty on December 9th, 1963, while fighting a fire at 23 Biltmore Ave., and

WHEREAS, Asheville City Council would like to honor Firefighter Charles Augustus Werhan by naming City of Asheville Fire Station One after him;

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

City of Asheville Fire Station One is named after City of Asheville Firefighter Charles Augustus Werhan.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-141

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 July 29, 2014, City Council community meeting is hereby cancelled.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bullion
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

261

RESOLUTION NO. 14-142

RESOLUTION AUTHORIZING THE CITY MANAGER TO MODIFY THE EXISTING MEMORANDUM OF UNDERSTANDING WITH NEW BELGIUM BREWERY TO ALLOW FOR COST SAVING PARTNERSHIPS DURING THE CONSTRUCTION PROCESS

WHEREAS, the City of Asheville entered into a Memorandum of Understanding with New Belgium Brewer to located to Asheville on September 17, 2012; and

WHEREAS both the City of Asheville and New Belgium Brewery have seen areas to partner to obtain cost savings; and

WHEREAS, the City wishes to complete the construction activities ahead of the opening of New Belgium Brewery;

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

The City Manager is herby authorized to modify the existing Memorandum of Understanding with New Belgium Brewery to allow for cost saving partnerships during the construction process.

Read, approved and adopted this the 24th day of June, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 14-143

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO DAVID WILLIAMSON FOR A DRIVEWAY EASEMENT ON CITY PROPERTY LOCATED AT CURVE STREET

WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, owns property located at Curve Street, identified as PIN # 964868587800000; and

WHEREAS, David Williamson requests that the City grant an easement measuring approximately 435.6 square feet in order to accommodate driveway to a residential lot; and

WHEREAS, the easement will not interfere with the City's intended use of the property;

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

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at Curve Street PIN # 964868587800000 to David Williamson. In addition, the City Manager 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 24th day of June, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

263

RESOLUTION NO. 14-144

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT PRIVATE DONATIONS FROM CITIZENS OR GROUPS FOR THE ASHEVILLE POLICE DEPARTMENT

WHEREAS, pursuant to N.C.G.S. 160A-240.1, a city may acquire, by gift, grant, devise, exchange, purchase, lease or any other lawful method, the fee or any lesser interest in real or personal property for use by the City or any department of the City; and

WHEREAS, a group has donated to the Asheville Police Department the amount of $1,100;

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

The City Manager is hereby authorized to accept funds donated to the Asheville Police Department in the amount of $1,100.

Read, approved, and adopted this 24th day of June, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 14-145

RESOLUTION AUTHORIZING CITY STAFF TO PROCEED WITH THE STATUTORY CONDEMNATION PROCESS AS SET FORTH IN ARTICLE 3 OF CHAPTER 40A OF THE NORTH CAROLINA GENERAL STATUTES FOR THE PROPERTY LOCATED AT 61 HAYWOOD ROAD, ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 40A of the North Carolina General Statutes to exercise eminent domain in the condemnation of property; and

WHEREAS, the City of Asheville is planning to make multi-modal improvements to a portion of Haywood Rd., from Craven Street to the new traffic signal at Beechum's curve; and

WHEREAS, more specifically the multi-modal improvements along the portion of 61 Haywood Road consist of the construction of a sidewalk; and

WHEREAS, after numerous attempts at acquiring an easement on the property at 61 Haywood Road, Asheville NC 28806, an agreement with the property owner could not be reached; and

WHEREAS the City made an offer of $6,950, per an MAI appraisal and pursuant to the City's Sidewalks and Related Infrastructure Right of Way Acquisitions Policy and Procedures; and

WHEREAS, the property owner refused the offer; and

WHEREAS, the City has no other course of action other than to exercise eminent domain and condemn the property,

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

1. The City shall acquire by condemnation the easement needed crossing the property at 61 Haywood Rd. Asheville NC 28806, necessary for the Multi-Modal Improvements Project for public use and benefit as set forth in Article 3 of Chapter 40A of the North Carolina General Statutes.

2. The City Attorney's Office and/or designee, is directed to institute the necessary proceedings under applicable provisions of the North Carolina General Statutes to acquire the property interest herein described.

3. The City Manager is hereby authorized to execute any necessary documents related to the easement acquisition by condemnation of property.

Read, approved and adopted this the 24th day of June, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 14-146

RESOLUTION AUTHORIZING $10,000 CONTINGENCY AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS TO THE EXISTING CONTRACT WITH PINNACLE LANDSCAPING, LCC FOR GROUND MAINTENANCE SERVICES AT PACK SQUARE PARK.

WHEREAS, the City of Asheville currently contracts grounds maintenance services for Pack Square Park that supports basic city services, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, City Council approved the existing contract on July 23, 2013 with Pinnacle Landscaping, LCC in the amount of $115,795 for a twelve (12) month period with an option for two (2) twelve (12) month renewals based on contractor performance; and

WHEREAS, the $10,000 contingency, and City Manager authorization to approve change orders included in the existing contract were omitted from the existing contract resolution; and

WHEREAS, a technical resolution revision is required to 1) reflect the actual terms of the contract, 2) to be authorized to spend the $10,000 contingency, and 3) for the City Manager to be authorized to approve change orders to the existing contract with Pinnacle Landscaping, LCC for ground maintenance services at Pack Square Park; and

WHEREAS, the $125,795 for the contract and any necessary change orders between the city and Pinnacle Landscaping, LCC for ground maintenance in Pack Square Park is budgeted in the Parks and Recreation Department operating budget for Pack Square Park.

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

The $10,000 contingency is authorized to the existing contract with Pinnacle Landscaping, LCC for ground maintenance services at Pack Square Park., and the City Manager to approve change orders necessary within the approved budget, for a twelve (12) month period with an option for one (1), twelve (12) month renewal based on contractor performance.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 14-147

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH NHM CONSTRUCTORS, LLC FOR THE PROJECT KNOWN AS BENT TREE ROAD 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 Bent Tree Road Retaining Wall Construction, City of Asheville Project # ST-13-14-002; and

WHEREAS, NHM Constructors, LLC was the lowest responsible bidder for the project, in the amount of $594,567.50, and

WHEREAS, the project involves the construction of a retaining wall to support a failing road surface that has 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 $594,567.50 plus a contingency of 10% ($59,456.75), for a total of $654,024.25, with NHM Constructors, LLC for the project known as Bent Tree Road Retaining Wall Construction, City of Asheville Project # ST-13-14-002.

Read, approved and adopted this the 24th day of June, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-148

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, the terms of Victor Palomino, Jaan Ferree, Julie Calhoun-Roepnack, Gwynne Rukenbrod, Guillermo Rodriguez and Leslie Klingner, as members on the Public Art & Cultural Commission, will expire on June 30, 2014;

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

(1) Mr. Victor Palomino, 105 Joyner Avenue, Asheville, N.C., be and he is hereby reappointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2017, or until his successor has been appointed.

(2) Ms. Jaan Ferree, 1333 Merrimon Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Public Art & Cultural Commission, to serve a an additional three-year term, term to expire June 30, 2017, or until her successor has been appointed.

(3) Mr. Jay Fields, 71 Sherwood Road, Asheville, N.C., be and he is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to begin July 1, 2014, and expire June 30, 2017, or until his successor has been appointed.

(4) Ms. Gwynne Rukenbrod, 5 Brock Terrace, Asheville, N.C., be and she is hereby appointed, as a member of the Public Art & Cultural Commission, to serve an additional three-year term, term to expire June 30, 2017, or until her successor has been appointed.

(5) Mr. Guillermo Rodriguez, 5 Lucky Lane, Asheville, N.C., be and he is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2017, or until her successor has been appointed.

(6) Ms. Jenny Bowen, 372 Depot Street, Asheville, N.C., be and she is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to begin July 1, 2014, and expire June 30, 2017, or until her successor has been appointed.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 14-149

RESOLUTION AUTHORIZING THE DESIGN-BUILD DELIVERY METHOD FOR CONSTRUCTION OF THE NATURE CENTER PAVILION AND RESTROOM PROJECT

WHEREAS, the City of Asheville has authority pursuant NC G.S. 143-128.1A to utilize the design-build method for construction contracting; and

WHEREAS, the statute requires the City to approve written criteria for each individual construction project; and

WHEREAS, the design-build method for construction applies to the Nature Center Pavilion and Restrooms in that,

Criteria 1: The extent to which the City can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder. Within the Parks & Recreation Department's Planning and Development Division the City has professional personnel with extensive experience in project solicitation, project management, construction design, and contract management. Additionally professional personnel are available in the areas of purchasing, finance, risk management, minority business, and legal to assist in the development of an RFQ.

Criteria 2: The time constraints for the delivery of the project. Through the State of North Carolina the WNC Nature Center will receive grant funding that requires the funds to be encumbered within FY14-15. Construction of the restroom and pavilion will be complete by winter 2014-15. By utilizing the design-build method the City is able to combine RFQ and contractor selection into one-step reducing the overall project schedule by at least one month, and reduce staff resources by preparing one solicitation. Additionally, if the design and construction phases can take place simultaneously the overall project schedule could be reduced by another month, allowing the project timeline to be compressed by 60 days or more.

Criteria 3: The ability to ensure that a quality project can be delivered. Within the Parks & Recreation Department's Planning and Development Division the City has professional personnel with extensive experience in project management, construction design and management. The division's staff has a proven history in budget and construction/design project management to ensure that the design-build firm will provide a quality project within the budget constraints established by Council.

Criteria 4: The capability of the City to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. Within the Parks & Recreation Department's Planning and Development Division the City has professional and experienced personnel that are knowledgeable of design-build projects. Should it become necessary to contract the construction management of a design-build contract, there are experienced consultants available.

Criteria 5: A good-faith effort to comply with historically underutilized business participation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small business entities. The City of Asheville has adopted a Minority Business Plan to encourage

participation by minority businesses in the award of contacts. Bidders are hereby notified that this bid is subject to the provisions of that Plan. It is the policy of the City to (1) provide minorities an equal opportunity to participate in all aspects of its contracting and procurement programs, and (2) prohibit any and all discrimination against persons or businesses in pursuit of these opportunities.

Criteria 6: The criteria utilized by the City, including a comparison of the costs and benefits of using the design-build delivery method of a given project in lieu of the other delivery methods identified. As noted under criteria #2, one of the benefits of the design-build method is that it may reduce overall project timeline by more than 60 days. This has a direct fiscal impact on the project budget. The design- build delivery method is not expected to involve any additional expenses beyond those necessary to deliver a complete project through the traditional RFQ, study, design, bid, and construct project method. The budget for the proposed project is $100,000, including preliminary planning, provided the scope of design services can be reduced. This enables more of the approved project budget to go directly towards the physical improvements of the facilities. It is expected that the design-build process will enable approximately 5% of the available funds (about $5,000) to be allocated to the construction over what a typical design-bid-build process would allow. These benefits to both the project schedule and cost make the design- build option more appealing than the more conventional design-bid-build in this instance.

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

The criterion for the design-build delivery method for construction for the Nature Center Pavilion and Restrooms is authorized.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bradley
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

RESOLUTION NO. 14-150

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the terms of David Hillier and Bob Roberts, as members of the Greater Asheville Regional Airport Authority, will expire on June 30, 2014; and

WHEREAS, due to legislation, the seat of Mr. Hillier will now be a seat for Henderson County;

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

Mr. Bob Roberts, 21 Bent Oak Lane, Asheville, N.C., be and he is hereby reappointed as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, to serve an additional four-year term, term to expire on June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk