

RESOLUTION NO. 14- 86

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL ON THE DATES OF FRIDAY, MAY 23, 2014, SATURDAY, MAY 24, 2014, & SUNDAY, MAY 25, 2014.

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 Mountain Sports Festival.

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 Mountain Sports Festival event area, as set forth on Exhibit A, attached.

The Mountain Sports Festival event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

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 Mountain Sports Festival on Friday, May 23, 2014 from 4:00 p.m. to 10:00 p.m; Saturday, May 24, 2014 from 10:00 a.m. to 10:00 p.m.; and Sunday, May 25, 2014 from 12:00 p.m. – 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 Mountain Sports Festival 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 Mountain Sports Festival 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 Mountain Sports Festival, 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 13th day of May, 2014.

Magdalen Baulson
City Clerk

Edwin E. Mc
Mayor

Approved as to form:

Billie
City Attorney

Magdalen Baulson
City Clerk

Exhibit A



Carrier Park

RESOLUTION NO. 14- 87

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE PACK SQUARE PARK CANOPY UNVEILING ON THE DATE OF WEDNESDAY, MAY 28, 2014 FROM 5:30 PM – 7:30 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 Pack Square Park Canopy Unveiling.

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 Pack Square Park Canopy Unveiling event area, as set forth in Exhibit A, attached.

The Pack Square Park Canopy Unveiling event area is within the boundaries of Pack Square Park's Roger McGuire Green.

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 Pack Square Park Canopy Unveiling event on Wednesday, May 28, 2014 from 5:30 p.m. – 7:30 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 Pack Square Park Canopy Unveiling 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 Pack Square Park Canopy Unveiling 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 Pack Square Park Canopy Unveiling, 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 13th day of May, 2014.

Magdalen Brunson
City Clerk

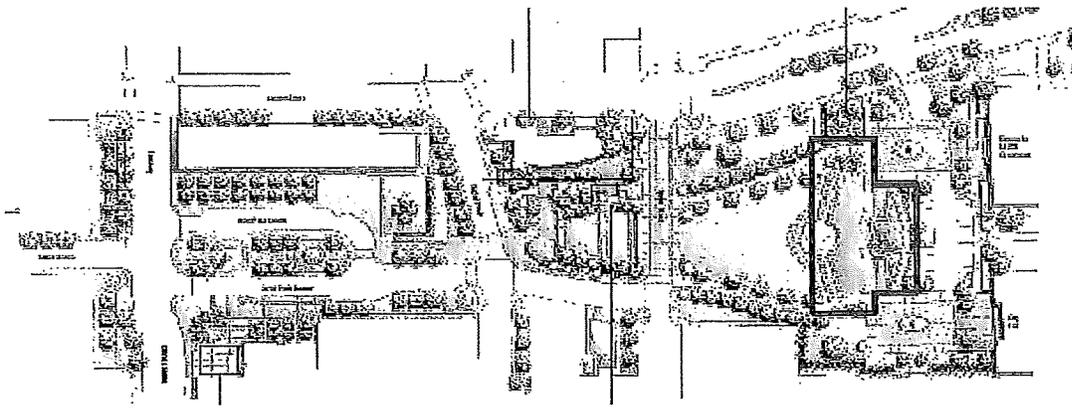
Eden E. Lee
Mayor

Approved as to form:

Ben Celi
City Attorney

Magdalen Brunson
City Clerk

Exhibit A



Alcohol Area

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5 WALNUT ANNIVERSARY ON THE DATE OF THURSDAY, MAY 29, 2014 FROM 5:00 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 5 Walnut Anniversary.

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 5 Walnut Anniversary event area, as set forth in Exhibit A, attached.

The 5 Walnut Anniversary event area is within the boundaries of Walnut Street between the intersections of Broadway & Carolina Lane.

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 5 Walnut Anniversary event on Thursday, May 29, 2014 from 5:00 p.m. – 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 5 Walnut Anniversary 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 5 Walnut Anniversary 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 5 Walnut Anniversary, 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 13th day of May, 2014.

Magdalen Bureson
City Clerk

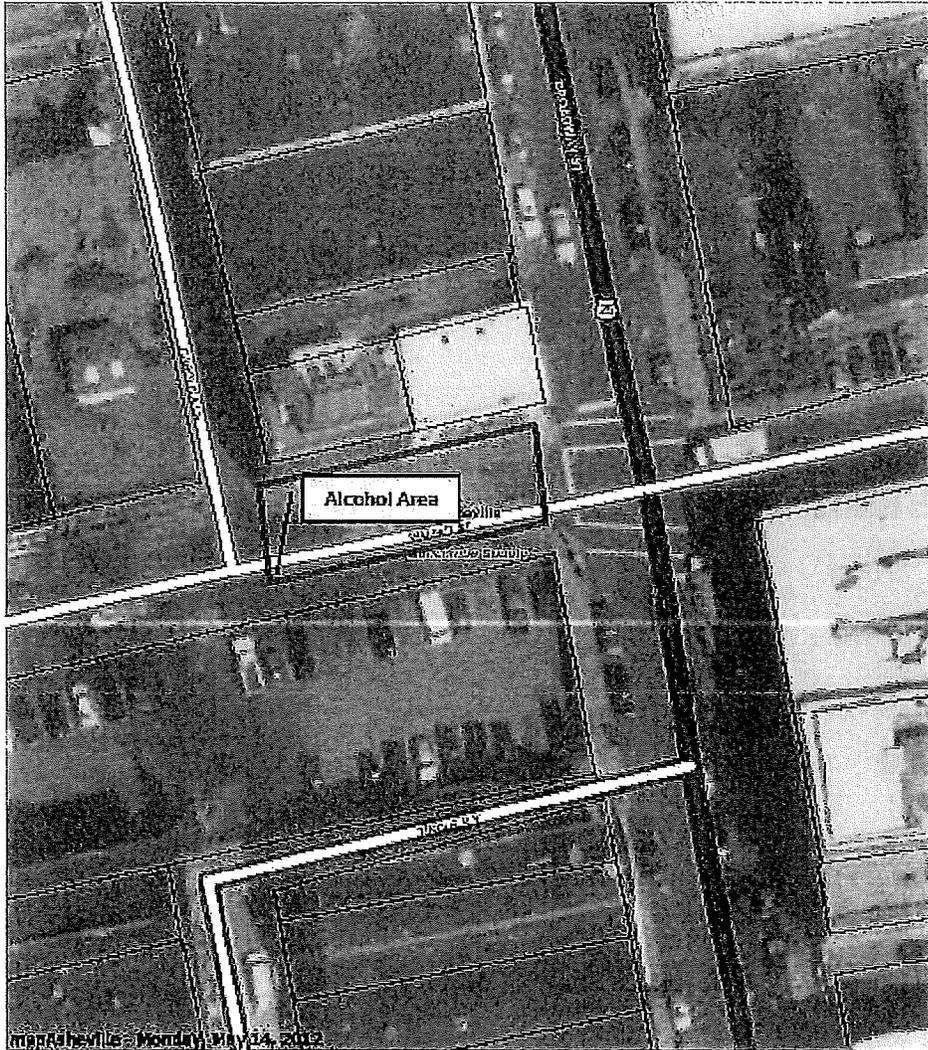
[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bureson
City Clerk

EXHIBIT A



RESOLUTION NO. 14 - 89

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF PROPERTY UNDER THE CONTROL OF THE N.C. DEPT. OF TRANSPORTATION THAT WILL BECOME THE RIGHT-OF-WAY FOR PINEY MOUNTAIN ROAD AND AUTHORIZING THE MAYOR TO CONVEY BACK TO THE N.C. DEPT. OF TRANSPORTATION PROPERTY THAT WAS ERRONEOUSLY CONVEYED TO THE CITY OF ASHEVILLE VIA A QUITCLAIM DEED

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

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

WHEREAS, the City Council of the City of Asheville approved Resolution # 01-131 on August 28, 2001 accepting Piney Mountain Road as a city-maintained street subject to approval by the North Carolina Department of Transportation; and

WHEREAS, the Board of Transportation for the North Carolina Department of Transportation approved the abandonment of SR 2243 (Piney Mountain Road) as a state-maintained street on February 7, 2002; and

WHEREAS, a deed for property which was not the intended right-of-way area was erroneously granted to the City by the North Carolina Department of Transportation in October 2011 by Deed Book 4973, Page 371 and the Parties now wish to correct this error by the City conveying property back to the North Carolina Department of Transportation and accepting the correct right-of-way property from the North Carolina Department of Transportation;

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

The City Council of the City of Asheville approves a resolution authorizing the Mayor to accept the conveyance of property under the control of the N.C. Dept. of Transportation that will become the right-of-way for Piney Mountain Road and authorizing the Mayor to convey back to the N.C. Dept. of Transportation property that was erroneously conveyed to the City of Asheville via a quitclaim deed dated October 13, 2011.

Read, approved and adopted this 13th day of May 2014.

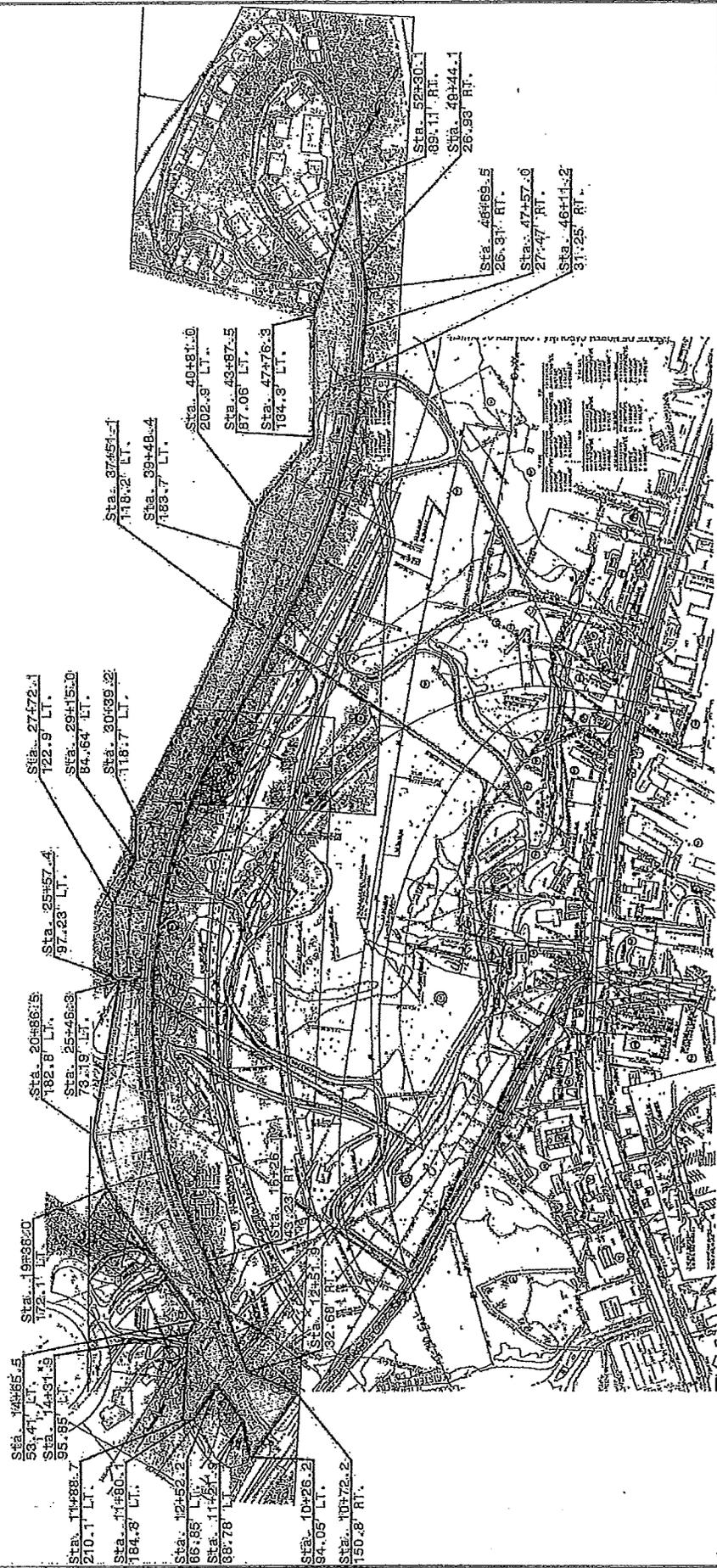
Magdalen Boulton
City Clerk

[Signature]
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulton
City Clerk

PROPOSED ABANDONMENT
 PINEY MOUNTAIN ROAD, SR 2243
 DIVISION FILE NO.: 84-1518
 COUNTY: BUNCOMBE
 SCALE: 1" = 300'
 SURPLUS AREA TO BE DISPOSED:
 AREA = 611,870.6 SQ.FT. (14.047 AC)



RESOLUTION NO. 14 - 90

RESOLUTION ACCEPTING AN EXTENSION OF OLD HAW CREEK ROAD AS A CITY-MAINTAINED STREET

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

WHEREAS, Old Haw Creek Road Extension is located in the corporate limits of the City of Asheville; and

WHEREAS, Old Haw Creek Road Extension was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Old Haw Creek Road Extension including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the 45-foot right-of-way for Old Haw Creek Road Extension has been recorded in Plat Book 130 Page 95; and

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

An extension of Old Haw Creek Road is accepted by the City of Asheville for maintenance as indicated on the attached map.

Read, approved and adopted this 13th day of May, 2014.

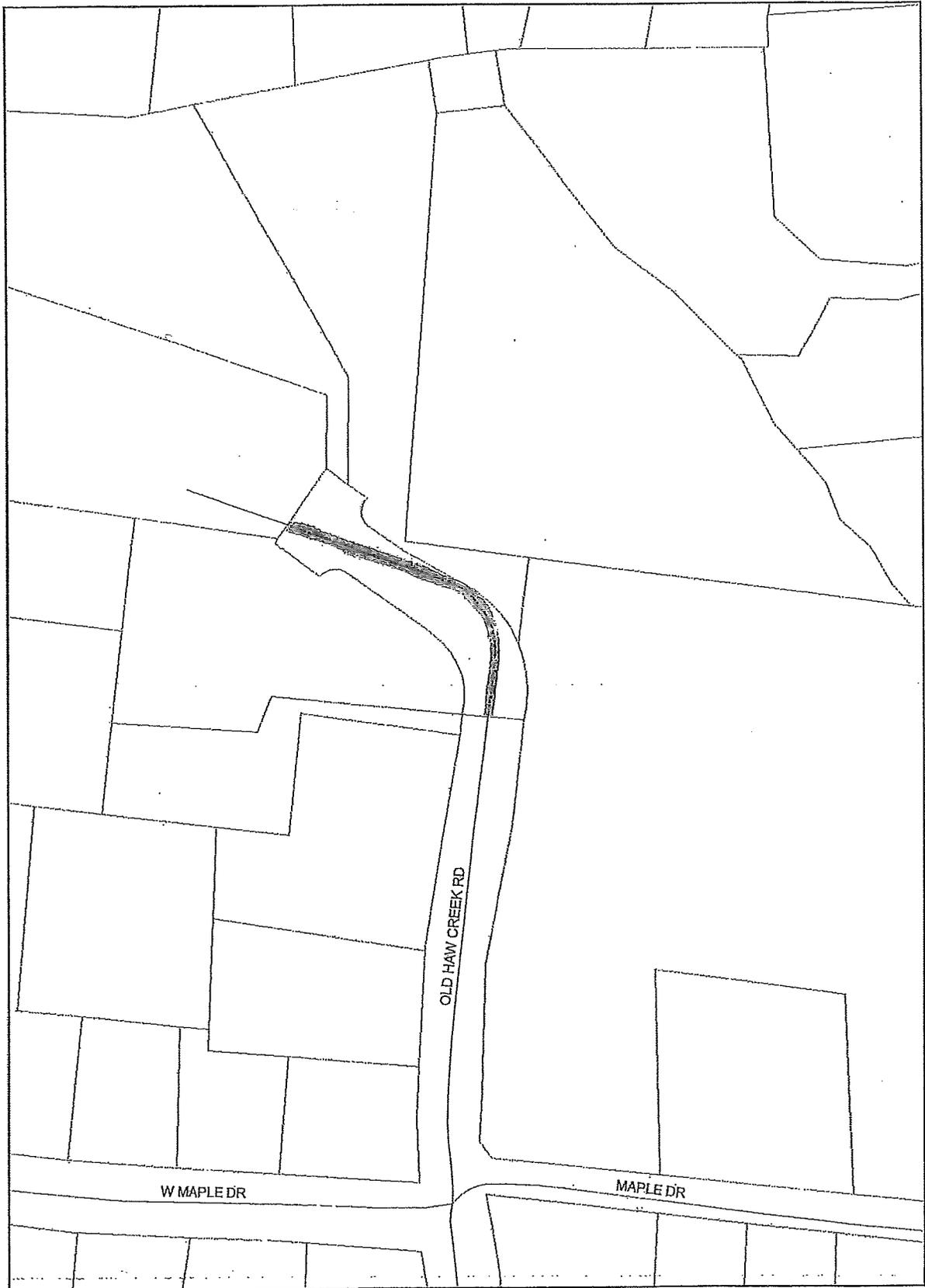
Magdalen Boulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk



RESOLUTION NO. 14-91

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER A CHANGE ORDER IN CONTRACT WITH ASHEVILLE STAFFING, INC FOR TEMPORARY SERVICES IN THE CITY PARKING GARAGES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, TEMPORARY services are needed in the City parking garages; and

WHEREAS, the amount of the contract is \$89,000.00 for one year and the monies have been budgeted in the Transportation Department's Operating Budget for FY 2013-14; and

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 change order in a contract on behalf of the City of Asheville with Asheville Staffing, Inc, not to exceed \$130,000.00 per fiscal year for temporary services in the City parking garages.

Read, approved and adopted this the 13th day of May 2014.

Magdalen Boulson
City Clerk

Eric M.
Mayor

Approved as to form:

Ca Ci
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION TO ACCEPT FAIR HOUSING OUTREACH GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, pursuant to N.C.G.S. 160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the State of North Carolina will receive and administer Partnering to Develop a Comprehensive Fair Housing Outreach, Recruitment and Investigative Program ("Fair Housing Outreach") grant funds from the US Department of Housing and Urban Development; and

WHEREAS, the State has made \$25,000 of these funds available to the City of Asheville; and

WHEREAS, the City of Asheville has agreed to contract with the State, and enter into sub-contracts with the Asheville Buncombe Community Relations Council and Land of Sky Regional Council to provide services using these grant funds;

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

1. The City of Asheville accept the Fair Housing Outreach Grant;
2. The City of Asheville enter into a contract with the State of North Carolina for these funds; and further subcontract with individual agencies to deliver the agreed upon fair housing outreach services;
3. Council authorizes the City Manager to sign all necessary contract documents with the State of North Carolina and sub-agreements with funded agencies, after approval by the City Attorney.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Baulson
City Clerk

Alan E. Mc
Mayor

Approved as to form:

Griffin
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 14 - 93

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH NCDOT APPROVING A PROJECT FOR MAKING IMPROVEMENTS ON NC 81 (SWANNANOVA RIVER ROAD) AT ITS INTERSECTION WITH GASHES CREEK ROAD (AZALEA ROAD)

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

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared and adopted plans to make certain street and highway improvements within the City of Asheville under WBS Element 3613.3.11, Buncombe County, said plans to consist of making improvements on NC 81 (Swannanoa River Road) at its intersection with Gashes Creek Road (Azalea Road); and

WHEREAS, the NCDOT and the City of Asheville propose to enter into an Agreement for the above-captioned project whereby the City agrees to acquire additional right-of-way and/or construction easements if necessary and to be responsible for the maintenance of the sidewalk once the project is completed; and

WHEREAS, the NCDOT agrees to construct the project in accordance with the approved project plans; and

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

The City Council of the City of Asheville authorizes the City Manager to sign and execute a construction agreement between the North Carolina Department of Transportation and the City of Asheville to make improvements on NC 81 (Swannanoa River Road) at its intersection with Gashes Creek Road (Azalea Road) in Asheville.

Read, approved and adopted this 13th day of May 2014.

Magdalena Britton
City Clerk

E. A. M.
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Britton
City Clerk

181
RESOLUTION NO. 14-94

RESOLUTION AUTHORIZING THE EXCHANGE OF CITY-OWNED REAL PROPERTY AT BROADWAY STREET FOR A GREENWAY EASEMENT ON REAL PROPERTY OWNED BY THE UNC ASHEVILLE FOUNDATION, INC. LOCATED AT 525 BROADWAY STREET

WHEREAS, NCGS 160A-271, authorizes cities in North Carolina to exchange any real or personal property belonging to the City for other real or personal property by private negotiation if the City receives a full and fair consideration in exchange for its property; and

WHEREAS, NCGS 160A-353, authorizes cities in North Carolina to acquire real property for parks and recreation programs and facilities by gift, grant, purchase, lease, exercise of eminent domain, or any other lawful method; and

WHEREAS, the City of Asheville (hereinafter referred to as "City"), owns real property located along Broadway Street, further described as a 0.58 acres at PINs 9649-05-6562-00000 and 9649-05-4826-00000 on the Buncombe County Tax Map; and

WHEREAS, UNC Asheville Foundation, Inc., owns real property located at 525 Broadway Street at PINs 9649-05-1813-00000 and 9649-05-5513-00000, and desires to grant an improved greenway easement measuring 1.65 +/- acres to the City of Asheville; and

WHEREAS, per the value of the improvements and land area considered, the City and the UNC Asheville Foundation, Inc. wish to make an even exchange of the two described properties; and

WHEREAS, notice was duly published in the Asheville Citizen-Times on April 11th, 2014;

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

Pursuant to North Carolina General Statute Sec. 160A-271, the Mayor is hereby authorized to execute a deed of conveyance and all related documents in order to convey to the UNC Asheville Foundation, Inc. real property located on Broadway Street, being 0.50 +/- acres identified as of PINs 9649-05-6562-00000 and 9649-05-4826-00000, on the Buncombe County Tax Map, in exchange for a greenway easement on property owned by UNC Asheville Foundation, Inc. further described as a 1.65 +/- acres easement at PINs 9649-05-1813-00000 and 9649-05-5513-00000 on the Buncombe County Tax Map. 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 and approved and adopted this 13th day of May, 2014.

Magdalen Brulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Brulson
City Clerk



City Owned Property shown in Red

Disclaimer: The City of Asheville acquires, develops, maintains, and uses GIS data in support of its internal business functions and the public services it provides. The GIS data which City of Asheville distributes and to which it provides access may not be suitable for other purposes or uses. All GIS data sets are provided "as is" with no warranty. It is your responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Use of all GIS data and map services provided by the City of Asheville are covered by this disclaimer. This map is intended for Display purposes only.

Map Created by: mapAsheville - Standard GIS
 Data Source: City of Asheville GIS
 Map Scale: 1:3080"
 Printed on: Friday, May 02, 2014



RESOLUTION UPDATING THE CITY OF ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL

WHEREAS, the City Council of the City of Asheville approved the Standard Specifications and Details Manual on May 20, 1997 with an effective date of May 27, 1997 via Resolution # 97-68; and

WHEREAS, the Standard Specifications and Details Manual has undergone three major revisions since May 27, 1997; and

WHEREAS, the purpose of the manual is to provide design guidelines and technical specifications for construction activities related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure; and

WHEREAS, the update is needed in order to facilitate development in accordance with sound engineering and complete street principles;

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

The City Council of the City of Asheville approves a resolution updating the Standard Specifications and Details Manual.

Read, approved, and adopted this 13th day of May 2014.

Magdalen Bouleson
City Clerk

E. Ann G. Mc
Mayor

Approved as to form:

Co. Celi
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 14- 96

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHERRY BEKAERT & HOLLAND, FOR AUDITING SERVICES FOR FISCAL YEAR 2013-2014

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, Cherry Bekaert & Holland has submitted an engagement letter and contract pursuant to *Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for fiscal year 2013-2014; and

WHEREAS, the City Council desires that the City's fiscal year 2013-2014 audit service contract be awarded to the firm Cherry Bekaert & Holland; and

WHEREAS, funds are included in the Accounting Division of the Finance Department's budget;

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

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Cherry Bekaert & Holland in the amount of \$85,000 for auditing services for fiscal year 2013-2014.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Paulson
City Clerk

E. A. G. Mc
Mayor

Approved as to form:

W. C. C.
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 14 - 97

RESOLUTION APPROVING A RIGHT-OF-WAY ACQUISITION POLICY FOR
INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville is authorized by NCGS §160A-296 for the maintenance and construction of multi-modal infrastructure within the City limits; and,

WHEREAS, multi-modal infrastructure is important to the health and quality of life of the citizens of the City of Asheville;

WHEREAS, the City of Asheville needs to acquire right-of-ways and/or easements to construct and maintain infrastructure; and,

WHEREAS, it is important to obtain the property for infrastructure purposes in a consistent and fair manner;

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

City Council adopts the attached administrative right-of-way policy for the purpose of acquiring right-of-way and/or easements for the purpose of maintaining and constructing infrastructure.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Bouleson
City Clerk

E. Ann E. Mark
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouleson
City Clerk

DRAFT**ADMINISTRATIVE POLICY**

SUBJECT: Sidewalks and Related Infrastructure Right of Way Acquisitions Policy and Procedure	Department: PUBLIC WORKS
Policy Number:	Effective Date:
Addendum Number:	
Issued By:	City Manager Approval
Cathy Ball, Executive Director	Gary W. Jackson, City Manager

Mission: In accordance with the meaning and intent of the N.C.G.S. §160A-296, it is the mission of the City of Asheville to acquire easements adequate for the installation, repair, rehabilitation and replacement of Sidewalks and related infrastructure improvements in the most fair and cost effective manner possible.

Policy: It is the policy of the City of Asheville to resolve right of way acquisition issues and concerns with private property owners in a fair and equitable manner, utilizing to the extent possible, out of court settlements, so as to minimize the need for judicial intervention.

Common Goal: The Asheville City Council on behalf of the citizens and residents of the City of Asheville, acknowledge that providing sidewalks and related infrastructure improvements to an area is a valuable service to the community. The City notes that it is not the City's intent to purchase the property, only the right to construct, operate, maintain or reconstruct infrastructure that benefit the community. In recognition of this common goal and public benefit, it is, as a general matter, contrary to City policy to provide compensation for such easements.

A. PURPOSE:

The purpose of this Policy is to establish procedures for the City of Asheville to acquire easements in connection with the construction, reconstruction, rehabilitation, operation and maintenance over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control is vested in the North Carolina Board of Transportation. General authority and control includes but is not limited to all of the following:

1. The duty to keep the public streets, sidewalks, alleys, and the bridges in proper repair.
2. The duty to keep the public streets, sidewalk, alleys, and bridges open for travel and free from unnecessary obstructions.
3. The power to open new streets and alleys, and to widen, extend, pave, clean, and otherwise improve existing streets, sidewalks, alleys, and bridges, and to acquire the necessary land therefor by dedication and acceptance, purchase, or eminent domain.
4. The power to close any street or alley either permanently or temporarily.
5. The power to regulate public streets, sidewalk, alleys, and bridges.
6. The power to regulate, license, and prohibit digging in the streets, sidewalks or alleys, or placing therein or thereon and pipes, poles, wires, fixtures, or appliances of any kind either on, above, or below the surface. To the extent a municipality is authorized under applicable law imposes a fee or charge with respect to activities conducted in its rights-of-way, the fee or charge must apply uniformly and on a competitively neutral and nondiscriminatory basis to all comparable activities by similarly situated users of the rights-of-way.
7. The power to provide for lighting the streets, alleys, and bridges of the city.
8. The power to grant easements in the street rights-of-way as permitted by G.S. 160A-273.

B. RESPONSIBILITY

1. Establishment of Right of Way Committee: There is hereby created a three (3) member Right of Way Committee, consisting of three City Department Directors appointed by the City Manager. This Committee shall work under the general direction and control of the City Manager.

2. Duties of Right of Way Committee: The Right of Way Committee is charged with reviewing proposed acquisitions, making recommendations regarding easement acquisitions whether voluntary or involuntary to the City Manager.
3. Project Manager: In all right of way acquisitions, there shall be a project manager who shall initially determine the need for the acquisition of right-of-way in order to meet the purpose above. The project manager shall work under the direction of the Director of Public Works and shall be responsible for acquiring easements in accordance with the procedures set forth herein.
4. City Council: Prior to the beginning of each fiscal year, the project manager shall provide the City Manager with a list of projects, highlighting those projects that may require the acquisition of easements. The City Manager shall present to the City Council prior to the adoption of the fiscal year budget a budget for those projects that may require the acquisition of easements. Council may or may not approve the requested budget. With the exception of exigent circumstances, no project for which Council has declined funding for easement acquisition shall be presented to Council for authorization to proceed with condemnation.

C. **COMPENSATION**

In cases where compensation becomes necessary, the following method may be used to establish a budget for each project and compensation which the Project Manager may negotiate. The current land value (excluding improvement values) established by the Buncombe County Tax Assessor shall be used as a base value for compensations. Permanent Easement areas shall be compensated at fifty percent (50%) of value for the net new square footage. Temporary Construction Easement areas shall be compensated at a ten percent (10%) annual rate of return on the value of the new square footage for the duration of the project. In determining compensation under this policy the Department Director may consider the fact that the property is already encumbered by an existing easement agreement.

D. **PROCEDURE FOR EASEMENT ACQUISITION**

1. Pre-negotiation process:
 - a. The Project Manager shall prepare a schedule for easement acquisition if right-of-way is needed to complete the project.
 - b. The Project Manager will provide the City's Attorney with an easement plat. The attorney shall search or cause to be searched the title to each parcel of real property upon which an easement is needed, the extent, duration and scope of which shall be within the purview of the City Attorney's Office. The attorney shall issue a preliminary legal opinion on title and such other legal data that the City Attorney deem to be in the City's best legal interest.

- c. Upon receipt of the preliminary title opinion from the City Attorney's Office, the Project Manager shall either commence negotiations for easement acquisition with the assistance of the City's property manager or contract such negotiations to a 3rd party.
- d. If the project manager determines that it is in the City's best interest to contract easement negotiations to a 3rd party, the project manager shall follow North Carolina bidding laws and City policy in submitting a proposal(s) for such professional services to the Department Director for approval. The project manager or the 3rd party contractor assigned to the project shall hereinafter be referred to as the "Right of Way Agent, (RWA)."
- e. The project manager shall mail notice of upcoming projects to affected neighborhood associations. Notice shall describe the project and if desired by the neighborhood, offer an opportunity to the neighborhood and other interested persons for a public meeting conducted by Departmental staff to present the preliminary project design.

2. Public meeting: Public meeting notices shall comply with applicable City policies.

E. **NEGOTIATION**

- 1. Following a public meeting, if requested by the neighborhood, and after receipt of the preliminary title opinion, the RWA will send a "Letter of Interest" to each affected property owner. The Letter of Interest will present the need for an assessment, briefly explain negotiation procedures, state negotiation schedule and request an appointment with the owner to discuss acquisition of the easement.
- 2. The RWA will make all reasonable efforts to meet with the affected property owner or the property owner's representative to discuss:
 - (a) the City's acquisition policy and procedure;
 - (b) review the Easement Agreement and easement plan;
 - (c) to invite affected property owner(s) input; and
 - (d) address specific concerns the Owner may have

A minimum of three documented, substantial meetings must occur between the RWA and affected property owner. A substantial meeting is defined as personal contact with the affected property owner, or the affected property owner's representative or appointed agent, where all aspects of the project are reviewed, discussed, and understandings reduced to writing. In the case of a non-local owner, where personal contact may not be possible, substantial meetings may also include but not limited to several telephone conversations or attempted telephone contact, or several certified

letters where receipt of service is received back from the post office. The RWA may schedule and hold as many additional meetings as deemed necessary to reach agreement within the confines of the project schedule.

3. Any special provisions for construction or restoration must be noted on a "Special Provisions Detail Sheet." A copy of the Special Provisions Detail Sheet shall be placed in the file and a copy provided to the affected property owner. A Special Provisions Summary Report with individual detail sheets attached will be provided to the Project Manager and/or Department Director for inclusion in the special conditions of the project specifications. The RWA shall have the authority to offer in lieu of cash compensation, reasonable improvements, trees, plants or other reasonable provisions agreed upon with the Owner.
4. If the City and affected property owner reach an agreement for acquisition of an easement, the RWA is hereby authorized to obtain the signature of the affected property owner(s) as reflected in the preliminary title opinion.
5. Upon execution of the easement agreement by the affected property owner(s), the easement agreement will be forwarded to City attorney to update the title, cause the City to officially accept the easement and prepare a final title opinion. The City's attorney shall return the fully executed and accepted easement along with the final title opinion to the project manager to finalize the process needed to compensate the affected property owner(s), including securing as needed, a 1099S for reporting to the IRS.
6. The project manager shall send copies of the recorded easement agreement, the Right of Way Use Policy and the special provisions detail sheet (if negotiated) to the affected property owner(s). All other remaining documentation pertaining to the project shall be completed and inserted into the file for closing. The cover sheet of the closed file shall contain the name of the project, the number of easements obtained by parcel and the compensation paid if any, the deed book and page number of the recorded easements.

F. **CONDEMNATION**

If, after reasonable efforts by the RWA, negotiations fail and the parties are unable to agree to either the acquisition of an easement or the terms of an easement, the RWA may request authority for condemnation as follows:

1. The right of way agent shall report to the project manager that negotiations have failed unless the project manager is the RWA, in which event, the project manager shall report the Department Director. The Department Director, in considering among other things, the purpose of the project, the benefit of the project to the community, etc., shall then determine whether it is in the City's best interest to proceed with condemnation. If the Department Director recommends

condemnation, then the project manager shall arrange for an appraisal of the property.

2. Upon receipt and review of the appraisal report, the project manager shall make a final offer to the affected property owner(s) in the amount of damages determined by the appraisal. If the offer is accepted, the procedures outlined above shall be followed.
3. If the offer is not accepted, the project manager shall then request authorization to proceed with condemnation from the ROW Committee, the City Manager, the Finance Committee of City Council and City Council.
4. If condemnation is supported by all of the entities as referenced in the preceding paragraph, the project manager shall work with the City's attorney to start the statutory condemnation process as set forth in Article 3 of Chapter 40A of the North Carolina General Statutes.
5. After complying with the statutory procedural condemnation process, the City's attorney upon filing the Complaint, Declaration of Taking and Deposit of just compensation funds with the Buncombe County Clerk of Superior Court shall inform the project manager. Further, no entry shall be made upon the affected condemned parcel until the City's attorney advise the project manager that the City may access the easement area taken.

G. ADVERTISEMENT AND BIDDING OF PROJECT

Once the project manager determines that all required easements including the filing of the Complaint, Declaration of Taking and Deposit of just compensation funds with the Buncombe County Clerk of Superior Court, for the successful completion of the project have been obtained, the project manager shall advise the Department Director that the acquisition process has been completed. The project shall not be advertised for construction until the Project Manager provides written notice to the department director that all required easements have been acquired.

RESOLUTION NO. 14-98

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY 0.764 ACRES OF REAL PROPERTY AND ASSOCIATED EASEMENTS LOCATED AT THE ASHEVILLE REGIONAL AIRPORT TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to transfer interest in real property to any other unit of government; and

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport; and

WHEREAS, NCDOT has requested to purchase property for the purposes of right-of-way needed for NCDOT Project# I-5501 Interstate 26 / NC 280 Interchange, as follows: 0.764 acres of permanent right-of-way, 2.023 acres of temporary construction easement, 0.233 acres of permanent utility and drainage easement, 0.045 acres of dual use easement; and

WHEREAS, NCDOT has offered to purchase this portion of real property for \$1,165,000 and this price has been substantiated by an independent MAI appraisal; and

WHEREAS, this conveyance is subject to Federal Aviation Administration (FAA) regulations, including restrictions on use and disposition of proceeds;

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

Pursuant to North General Statute Sec. 160A-274, the City Manager is hereby directed to convey the aforementioned real property at 61 Terminal Drive, Fletcher, to the North Carolina Department of Transportation. Additionally, 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 subject to compliance with applicable federal and North Carolina law and regulations.

Read and approved and adopted this 13th day of May 2014.

Magdalen Boulton
CITY CLERK

E. Allen E. M.
MAYOR

Approved as to form:
Co. Co.
CITY ATTORNEY

Magdalen Boulton
City Clerk

RESOLUTION NO. 14-99

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 0.483 ACRES OF REAL PROPERTY ACROSS FROM THE ASHEVILLE REGIONAL AIRPORT AT AIRPORT PARK ROAD

WHEREAS, the City of Asheville holds title to real property located at 61 Terminal Drive in Fletcher, known as the Asheville Regional Airport; and

WHEREAS, North Carolina Department of Transportation's Project# I-5501 Interstate 26 / NC 280 Interchange has left a remnant parcel of real property at the corner of New Airport Road and Airport Park Road measuring 0.483 acres; and

WHEREAS, the property is no longer needed by the Asheville Regional Airport; and

WHEREAS, the City of Asheville has received an offer to purchase said property from Youngblood Oil Company, Inc. in the amount of \$420,000, which is fair market value, based on a MAI appraisal; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids; and

WHEREAS, this conveyance is subject to Federal Aviation Administration (FAA) regulations, including restrictions on use and disposition of proceeds;

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

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 0.483 acres parcel of real property at the corner of Airport Road and Airport Park Road to Youngblood Oil Company, Inc. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first \$1,000.00 and 5% of the remainder of the purchase price of \$420,000. If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey aforementioned property to the Youngblood Oil Company, Inc. Additionally, 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 subject to compliance with applicable federal and North Carolina law and regulations.

Read and approved and adopted this 13th day of May 2014.

Magdalen Brulson
CITY CLERK

E. Ann C. Mc
MAYOR

Approved as to form:
[Signature]
CITY ATTORNEY

Magdalen Brulson
CITY CLERK

RESOLUTION NO. 14-100

RESOLUTION DIRECTING STAFF TO PREPARE A REPORT FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR THE SOUTH SLOPE AND CANCELLING THE PUBLIC HEARING ORIGINALLY SET FOR MAY 27, 2014

WHEREAS, the South Slope is recognized as an up and coming economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the South Slope is critical to all citizens; and

WHEREAS, City Council adopted the Downtown Master Plan in May 2009, which recognized the South Slope as distinct place, and recommended cultivating that distinct place as a major southern gateway to downtown; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on April 22, 2014, City Council adopted Resolution No. 14-76 which approved the public hearing date of May 27, 2014; however, this hearing date has been cancelled and will be rescheduled at a later time;

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

Section 1. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 2. Notice of any scheduled public hearing shall be given as required by law.

Read, approved, and adopted this 13th day of May, 2014.

Magdalen Bureson
CITY CLERK

Edmund
MAYOR

Approved As To Form:

Chris
CITY ATTORNEY

Magdalen Bureson
City Clerk

RESOLUTION NO. 14-101

RESOLUTION DIRECTING STAFF TO PREPARE A REPORT FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR THE RIVER ARTS DISTRICT AND CANCELLING THE PUBLIC HEARING ORIGINALLY SET FOR MAY 27, 2014

WHEREAS, the River Arts District is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the River Arts District is critical to all citizens; and

WHEREAS, City Council adopted the Wilma Dykeman RiverWay Master Plan in June 2004, which recommends significant infrastructure improvements be made to support urban revitalization; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on April 22, 2014, City Council adopted Resolution No. 14-77 which approved the public hearing date of May 27, 2014; however, this hearing date has been cancelled and will be rescheduled at a later time;

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

Section 1. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 2. Notice of any scheduled public hearing shall be given as required by law.

Read, approved, and adopted this 13th day of May, 2014.

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Magdalen Bunkerson
CITY CLERK

Edwin E. Murr
MAYOR

Approved As To Form:

Bill Allen
CITY ATTORNEY

Magdalen Bunkerson
City Clerk

RESOLUTION NO. 14-102

RESOLUTION DIRECTING STAFF TO PREPARE A REPORT FOR THE CREATION OF A MUNICIPAL SERVICE DISTRICT FOR NORTH CHARLOTTE STREET AND CANCELLING THE PUBLIC HEARING ORIGINALLY SET FOR MAY 27, 2014

WHEREAS, the north Charlotte Street corridor is recognized as an economic engine for the City of Asheville, Buncombe County, and Western North Carolina; and

WHEREAS, the urban vitality of the north Charlotte Street corridor is critical to all citizens; and

WHEREAS, City Council desires to improve bicycle and pedestrian facilities in the corridor without impairing vehicular access; and

WHEREAS, Article 23 of Chapter 160A of the North Carolina General Statutes authorizes the creation of municipal service districts in any city; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 sets out the procedure for defining a municipal service district authorized by Article 23 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. sec. 160A-537 provides that any municipal governing board considering creating a municipal service district under Article 23 of Chapter 160A of the North Carolina General Statutes shall first cause a report to be prepared which will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536; and

WHEREAS, on April 22, 2014, City Council adopted Resolution No. 14-78 which approved the public hearing date of May 27, 2014; however, this hearing date has been cancelled and will be rescheduled at a later time;

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

Section 1. A report shall be prepared and made available for public inspection at the office of the City Clerk at least four (4) weeks prior to the date of the public hearing. The report will include a map of proposed boundaries, statement showing that the proposed district meets the standards set out in subsection 537(a); and a plan for providing in the district one or more of the services listed in G.S. 160A-536.

Section 2. Notice of any scheduled public hearing shall be given as required by law.

Read, approved, and adopted this 13th day of May, 2014.

Magdalen Boulton
CITY CLERK

Edna M
MAYOR

Approved As To Form:

Di Celi
CITY ATTORNEY

Magdalen Boulton
City Clerk

RESOLUTION NO. 14-103

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY AT 125 JACOB HOLM WAY TO BUNCOMBE COUNTY

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to sell, lease or exchange interest in real property to any other unit of government upon such terms and conditions as it deems wise; and

WHEREAS, the City of Asheville owns certain property at 125 Jacob Holm Way, being a 2.43 acres at PIN 9617-72-4466-00000; and

WHEREAS, Buncombe County has requested to purchase the property for \$195,000 and this offer is based on current fair market appraisal; and

WHEREAS, the City has no anticipated need for the property;

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

Pursuant to North General Statute Sec. 160A-274 the City Manager is hereby directed to convey 2.43 acres of real property at 125 Jacob Holm Way, PIN 9617-72-4466-00000 to Buncombe County. 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 and approved and adopted this 13th day of May 2014.

Magdalen Boulson
CITY CLERK

Eric M.
MAYOR

Approved as to form:

Eric C.
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-104

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2014 JOB ACCESS AND REVERSE COMMUTE GRANT OF THE FEDERAL TRANSIT ADMINISTRATION SECTION 5307 TO FUND PART OF THE COST OF PROVIDING SUNDAY SERVICE

WHEREAS, Section 5307 authorizes Federal funding for transit operations under the Job Access and Reverse Commute program; and

WHEREAS, if awarded, the City will receive \$160,500 to help with cost of operating the transit system on Sundays; and

WHEREAS, The City will contribute with 50% or \$160,500; and

WHEREAS, City staff has been successful leveraging funds with different entities and Sunday service is contemplated in the FY15 City's proposed budget; and

WHEREAS, Sunday service will provide an invaluable service to the community; and

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

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

City Council authorizes the City Manager to apply for the Job Access and Reverse Commute grant, program of the Federal Transit Administration Section 5307 in the amount of \$160,500, which is 50% of the total project of \$321,000.

Read, approved and adopted this the 13th of May 2014.

Margalen Bullison
City Clerk

E. Anna ...
Mayor

Approved as to form:

Orlei
City Attorney

Margalen Bullison
City Clerk

RESOLUTION NO. 14-105

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH ROGERS GROUP, INC. FOR THE PROJECT KNOWN AS ASPHALT PAVING IMPROVEMENTS – FISCAL YEAR 2014, CITY OF ASHEVILLE PROJECT # ENG-13-14-006

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 Asphalt Paving Improvements – Fiscal Year 2014, City of Asheville Project # ENG-13-14-006; and

WHEREAS, Rogers Group, Inc. of Nashville, TN was the lowest responsible bidder for the project, in the amount of \$1,121,330.25, and

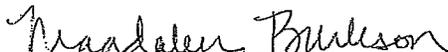
WHEREAS, the project involves the Installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

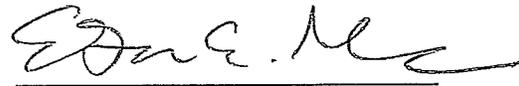
WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

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

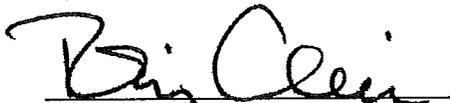
The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$1,121,330.25 plus a contingency of 43% (\$478,669.75) with Rogers Group, Inc. for the project known as Asphalt Paving Improvements – Fiscal Year 2014, City of Asheville Project # ENG-13-14-006.

Read, approved and adopted this the 13th day of May, 2014.


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 14- 106

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ARMEN CONSTRUCTION, LLC AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT FOR THE PROJECT KNOWN AS NORTH LOUISIANA AVE. SIDEWALK IMPROVEMENTS - PHASE 4, CITY OF ASHEVILLE PROJECT #E1014

WHEREAS, the City of Asheville has authority pursuant to Article 3 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 N. Louisiana Ave. Sidewalk Improvements – Phase 4; and

WHEREAS, Armen Construction, LLC, Charlotte, NC was the lowest responsible bidder for the project; and

WHEREAS, Armen Construction, LLC shall provide all labor, material, equipment, etc. for the installation of curb and gutter, sidewalks, drive aprons, ADA ramps, retaining wall, etc as described in the service contract; and

WHEREAS, the amount of the Agreement is \$126,820.00 and the monies have been budgeted in the Public Works Department's 2013-2014 Fiscal Year Budget;

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 on behalf of the City of Asheville with Armen Construction, LLC, for \$126,820.00 for the project known as N. Louisiana Sidewalk Improvements – Phase 4, City of Asheville Project #E1014, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 13th day of May, 2014.

Magdalen Boulton
City Clerk

E. Ann E. Mey
Mayor

Approved as to form:

Chris Clev
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 14 - 107

RESOLUTION TO ADOPT CITY COUNCIL'S 2014-2015 STRATEGIC PLAN

WHEREAS, the Asheville City Council recognizes the importance of strategic leadership in achieving the mission of the City of Asheville; and

WHEREAS, achieving our mission of creating a sustainable, quality of life community requires vision, goal setting, and strategic priorities; and

WHEREAS, the City Council met February 7th and 8th, 2014 in a strategic planning retreat; and

WHEREAS, the City Manager will produce a comprehensive quarterly report and Committee Chairs will produce updates on policy initiatives designed to further achievement of strategic goals for Economic Growth and Sustainability, Affordability and Economic Mobility, and High Quality of Life;

WHEREAS, the City Council received input from each member, discussed the alternatives and established strategic priorities;

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

Affirms its strategic priorities to ensure that Asheville is a City that is:

- Economic Growth and Sustainability – Seek to ensure a sustainable financial future for Asheville by promoting an environment where citizens and businesses want to live, work and invest.
- Affordability and Economic Mobility – Seek to ensure a sustainable future for Asheville through a standard of living that is affordable and attainable for people of all incomes, life stages and abilities.
- High Quality of Life – Seek to ensure a sustainable future for Asheville by promoting a safe environment where basic needs are met and all people can enjoy a high quality of life.

BE IT FURTHER RESOLVED THAT:

The City Council adopts the goals and objectives as described in Exhibit "A" for 2014-2015

Read, approved and adopted this 13th day of May, 2014.

Magdalen Baulson
City Clerk

Ed Arrington
Mayor

Approved as to form:

Chris
City Attorney

Magdalen Baulson
City Clerk

Focus Area 1: Economic Growth and Sustainability**Goal 1: Implement the Economic Development Capital Improvement Plan**

Action Item: Adoption of Municipal Service Districts, including the South Slope, the River Arts District and Charlotte Street Corridor

Action Item: Creation of a separate debt service fund

Action Item: Change in the City's current practice of financing capital projects to the one that utilizes a mix of interim financing and permanent financing.

Action Item: Addition of Special Obligation Bonds to the menu of available permanent financing options.

Action Item: Utilize additional funds to leverage money from other partners including NCDOT, Buncombe County, the TDA, as well as other public and private partners.

Goal 2: Invest and leverage investment in community infrastructure.

Action Item: Research, develop and propose incentives for in-fill and redevelopment. Evaluate City owned property to determine best use.

Action Item: Evaluate the ability to improve and extend ART services.

Action Item: Incorporate Complete Streets Policy in planning for transportation infrastructure, including bike lanes, greenways, and pedestrian access.

Action Item: Support I-26 Connector improvements.

Action Item: Promote innovative forms of development including Form Based Code, mixed use development, and right sizing.

Action Item: Research access to better broad-band internet connectivity

Goal 3: Create economic development and community investment opportunities through partnerships, planning and incentives.

Action Item: Launch process to update the Comprehensive Plan 2025

Action Item: Develop timetable to extend Form Based Code Planning.

Action Item: Leverage regional service provider partnerships to assist small businesses in gaining access to effective business plan development.

Goal 4: Support staff's continued implementation of operational efficiencies and practices of sustainability

Action Item: Utilizing a Development Task Force, evaluate the City's development process, including education and communication

Action Item: Continued sustainability efforts including carbon footprint reduction and clean energy economy

Focus Area 2: Affordability and Economic Mobility

Goal 1: Expand Asheville's supply of quality, affordable homes for current and future residents.

Action Item: Develop an action plan with the Housing Authority for the redevelopment of a public housing community to include affordable, mixed income housing.

Action Item: Revisit our land use regulations to identify zoning and regulatory changes that promote affordable housing located close to the CBD, jobs and transportation.

Action Item: Work with developers to increase production of affordable housing units by providing financial assistance and other development incentives.

Action Item: Evaluate and implement Affordable Housing Advisory Committee recommendations. Develop and action plan for the Affordable Housing Scorecard.

Action Item: Continue City-County Homeless Initiative Advisory Committee's evaluation of next steps and recommendations for moving forward.

Goal 2: Improve citizen equity by reducing disparity gaps with an emphasis on education and socio-economic mobility.

Action Item: Partner with Asheville City Schools to track progress toward the City School Strategic Plan; receive regular updates from the school system through City Council appointed liaison.

Action Item: Identify appropriate partnership opportunities to improve access to affordable housing, transportation, and living wage jobs.

Action Item: Clarify the most effective role the City can play in assisting City Schools in reducing the achievement gap.

Action Item: Facilitate Council policy discussion regarding making the living wage a requirement for city Economic Development incentives.

Focus Area 3: High Quality of Life

Goal 1: Make Asheville one of the safest cities in America based on approved metrics for similarly sized cities

Action Item: Develop strategies to address nuisance behaviors including pan-handling, toplessness, graffiti, litter and public drunkenness

Action Item: Address speeding in neighborhoods through traffic calming measures.

Action Item: Finalize and implement the Police Departments Strategic Plan

Action Item: Support and expand community based policing efforts to improve relationships between the police and the community.

Goal 2: Encourage policies and development that improves public health and safety for City of Asheville employees and citizens.

Action Item: Pursue implementation of the Food Action Plan, including public/private partnerships to create community gardens and farmers markets on publically owned land, to ensure all citizens have access to affordable healthy food options.

Action Item: Continue emphasis on disease management and wellness for City of Asheville employees.

Action Item: Prioritize transportation system that supports multi-modal system, including walking, biking, greenways and transit.

Goal 3: Continue to support Asheville as a culturally diverse city

Action Item: Create public/private partnerships to bring festivals to Asheville that promote a sense of community

Action Item: Continued support of entertainment, art and cultural centers.

Goal 4: Develop a Council Legislative Agenda

Action Item: Set Council positions prior to each session of the North Carolina General Assembly.

Action Item: Create Council overall guiding principles for legislation giving direction to staff and legislative liaisons.

Goal 5: Continue to develop City Council communications and partnerships with citizens, community leaders, the media and elected officials.

Action Item: Identify advocates working in communities and begin dialogue to improve effective engagement. Evaluate and implement best practices through City outreach initiatives already in progress; East of the Riverway, Haywood Road Vision Process, and RADTIP.

Action Item: Improve diversity and engagement of City Council's Boards and Commissions.

Action Item: Conduct a citizen satisfaction survey.

Action Item: Engage and develop working relationships with state and local legislators on issues regarding the City's legislative priorities.

Action Item: Create opportunities to communicate City efforts and achievements through traditional media, social media and community meetings.

RESOLUTION NO. 14-108

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, Matthew Sprouse has resigned as a member on the Asheville Downtown Commission, thus leaving an unexpired term until December 31, 2015;

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

Ms. Pamela Winkler, 21 Battery Park Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Asheville Downtown Commission, to serve the unexpired term of Mr. Sprouse, term to expire December 31, 2015, or until her successor has been appointed.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Bullison
CITY CLERK

Edwin E. Mc
MAYOR

Approved as to form:

Bill Celi
CITY ATTORNEY

Magdalen Bullison
City Clerk