

421
RESOLUTION NO. 14- 251

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE CITY MARKET ON THE DATES OF SATURDAY, DECEMBER 6, 2014 AND SATURDAY, DECEMBER 13, 2014, FROM 8:00 AM – 1:00 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 Asheville City Market;

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 Asheville City Market event area, as set forth on Exhibit A, attached.

The Asheville City Market event area is within the boundaries the city-owned parking lot located at 161 S. Charlotte Street.

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 Asheville City Market on Saturday, December 6, 2014 and Saturday, December 13, 2014 from 8:00 a.m. to 1:00 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 Asheville City Market 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 Asheville City Market 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 Asheville City Market, 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 11th day of November, 2014.

Magdalen Bureson
 City Clerk

[Signature]
 Mayor

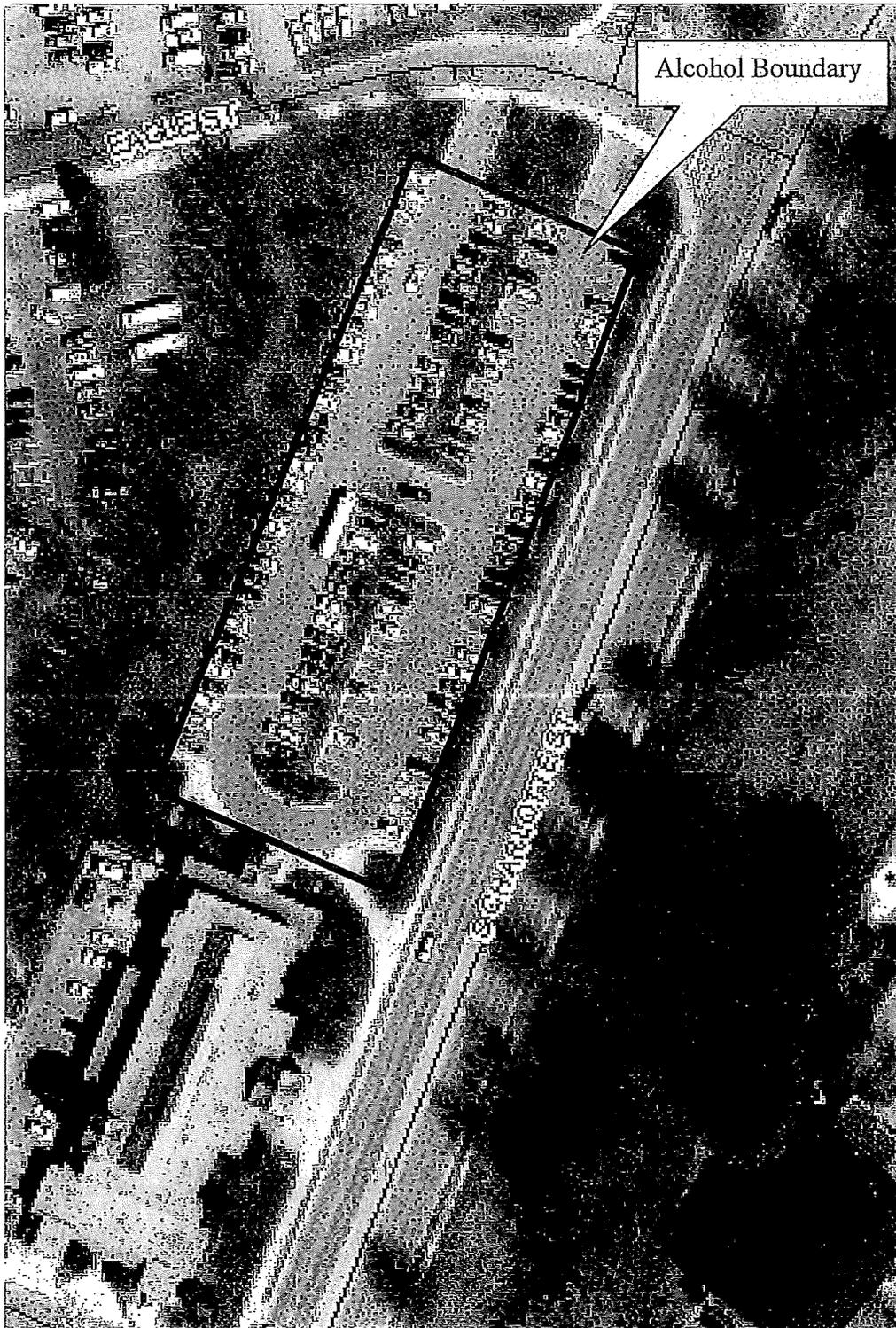
Approved as to form:

[Signature]
 City Attorney

Magdalen Bureson
 City Clerk

423

EXHIBIT A



RESOLUTION NO. 14- 252

RESOLUTION TO ACCEPT EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, pursuant to N.C. Gen. Stat. § 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 has received Emergency Solution Grant (ESG) funds for FY 2014 from the US Department of Housing and Urban Development; and

WHEREAS, the State made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded the City, as fiscal agent, \$194,492;

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

- 1. The City of Asheville accept funds for the Emergency Solutions Grant;
- 2. Council authorizes the City Manager to sign all necessary application documents with the State of North Carolina.

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

Magdalen Boulton
CITY CLERK

[Signature]
MAYOR

Approved As To Form:
[Signature]
CITY ATTORNEY

Magdalen Boulton

RESOLUTION NO. 14-253

RESOLUTION AUTHORIZING AMENDMENTS TO LOAN DOCUMENTS FOR THE EAGLE MARKET PLACE PROJECT

WHEREAS, the City Council of the City of Asheville approved a commitment of: a) \$3,867,618 in General Funds; and b) \$800,000 of Housing Trust Funds, to Mountain Housing Opportunities for the Eagle Market Place Project by Resolution No. 13-193 and 13-192 respectively; and

WHEREAS, the City and Mountain Housing Opportunities entered into an Urban Redevelopment and Loan Agreement (URLDA) and an Amended Housing Trust Fund Loan Agreement (AHTFLA), outlining the duties and responsibilities of both parties with regard to the \$3,867,618 and \$800,000 funding respectively; and

WHEREAS, the URLDA and AHTFLA require that the City's lien position remain in third security position during the period of construction and in second lien position at the close of permanent financing but, with the exception of the URLDA remaining in second lien position at the close of permanent financing, the remaining lien positions are no longer viable; and

WHEREAS, Housing and Community Development Committee reviewed the request of Mountain Housing Opportunities to amend the URLDA and AHTFLA to provide for further subordination of the City's lien security position and on October 21, 2014, unanimously recommended approval of the request.

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

1. The Urban Redevelopment and Loan Agreement be amended to allow the City to be in the fourth security position during construction of the Eagle Market Place Project.
2. The Housing Trust Fund Loan Agreement be amended to allow the City to be in the fifth security position during construction and in the fourth security position at the close of the permanent financing of the Eagle Market Place project.
3. That the City Manager is hereby authorized to execute any and all documents to effectuate the amendments set forth herein upon approval of the City Attorney.

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

Magdalen Boulleson
CITY CLERK

John E. Mc
MAYOR

Approved As To Form:

[Signature]
CITY ATTORNEY

Magdalen Boulleson
CITY CLERK

RESOLUTION NO. 14-254

RESOLUTION FOR THE CITY OF ASHEVILLE TO BE THE LOCAL GOVERNMENT FOR THE PARTNER FOR THE ASHEVILLE AREA ARTS COUNCIL'S APPLICATION 2015 NEA *OUR TOWN* GRANT

WHEREAS, at its meeting on October 21, 2014, the Planning and Economic Development Committee of City Council presents for consideration the grant criteria and applicable outcomes; and

WHEREAS, the grant, if awarded, will require a partnership between the City of Asheville and the Asheville Area Arts Council on the proposed project; and

WHEREAS, the approval will allow for the Asheville Area Arts Council to meet the required grant deadlines;

WHEREAS, the grant, if awarded, requires a non-federal dollar for dollar match to be covered by the Asheville Area Arts Council;

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

(1) The City of Asheville will be the local government partner for the Asheville Arts Council's application for the 2015 NEA *Our Town* Grant.

(2) Contingent upon support from other local governments, staff is hereby directed to include funding for the match, in an amount of not to exceed \$25,000, in the proposed Fiscal Year 2015-16 budget that will be presented to City Council in the spring of 2015.

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

Magdalen Boulton
CITY CLERK

John E. Mc
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulton
City Clerk

RESOLUTION NO. 14-255

RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF SAFARILAND BALLISTIC VESTS FOR CONSISTENCY IN OPERATION AND FUNCTIONALITY

WHEREAS, N.C.G.S. 143-129 details the procedures for the letting of public contracts; and

WHEREAS; N.C.G.S. 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129 (e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bid when "(i) performance or price competition for a product are not available or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, The Bureau of Justice Assistance (BJA) and City matching funds has been approved by City Council to purchase equipment;

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

City Council hereby authorizes the purchase of Safariland Body Armor as permitted under N.C.G.S 143-129 (e) (6) for equipment standardization for the through Fiscal Year 2019.

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

Magdalena Buleson
CITY CLERK

[Signature]
MAYOR

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

Magdalena Buleson
City Clerk

RESOLUTION NO. 14-256

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 FINALEE AVENUE RETAINING WALL CONSTRUCTION, CITY OF ASHEVILLE PROJECT # ST-13-14-003

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 Finalee Avenue Retaining Wall Construction, City of Asheville Project # ST-13-14-003; and

WHEREAS, NHM Constructors, LLC was the lowest responsible bidder for the project, in the amount of \$658,578.50, and

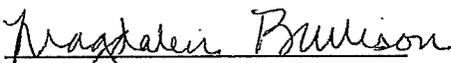
WHEREAS, the project involves the construction of a retaining wall to support a failing road surface that has the potential for liability to the City of Asheville; and

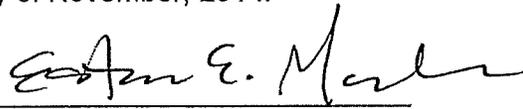
WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

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

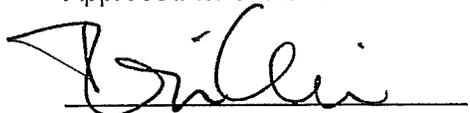
The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$658,578.50 plus a contingency of 15% (\$98,786.78), for a total of \$757,365.28, with NHM Constructors, LLC for the project known as Finalee Avenue Retaining Wall Construction, City of Asheville Project # ST-13-14-003.

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


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 14- 257

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ARMEN CONSTRUCTION, LLC FOR THE PROJECT KNOWN AS SHILOH ROAD SIDEWALK IMPROVEMENTS, CITY OF ASHEVILLE PROJECT #ENG-12-13-003

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 Shiloh Road Sidewalk Improvements; and

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

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

WHEREAS, the amount of the Agreement is \$138,000.00 and the monies have been budgeted in the Public Works Department's 2014-2015 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 \$138,000 plus 15% contingency for the project known as Shiloh Road Sidewalk Improvements, City of Asheville Project #ENG-12-13-003, 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 of \$189,775.

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

Magdalen Brulson
City Clerk

Edna E. Mark
Mayor

Approved as to form:

Griller
City Attorney

Magdalen Brulson
City Clerk

RESOLUTION NO. 14-258

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO DUKE ENERGY PROGRESS, INC. FOR AN ELECTRIC POWER LINE ON PROPERTY LOCATED ON JOHNSTON BOULEVARD

WHEREAS, North Carolina General Statute Section 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 71 Deaverview Road, identified as PIN # 962866332400000; and

WHEREAS, Duke Energy Progress, Inc. requests that the City grant an easement measuring approximately 2,403 square feet in order to accommodate an electric power line; 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 Carolina General Statute 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 on the Johnston Boulevard side of the property PIN # 9628663324 to Duke Energy Progress, Inc. 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 11th day of November 2014.

Magdalen Boulson
CITY CLERK

[Signature]
MAYOR

Approved as to form:
[Signature]
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-259

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A NON MATCHING GRANT FROM THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE OF EQUIPMENT FUNDS TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the Department of Public Safety, Division of Emergency Management has awarded RRT 6 – Asheville a non-matching grant in the amount of \$27,400 for the purchase of specialized equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters;

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Department of Public Safety, Division of Emergency Management, for a non-matching grant in the amount of \$27,400.00 to purchase equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters.

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

Magdalen Baulson
City Clerk

Ann G. M.
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 14-260

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

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

WHEREAS, the North Carolina Governor's Highway Safety Program has invited the City of Asheville to submit a grant contract in the amount of \$411,331 for the implementation of year two (2) of the DWI Task Force that would enforce DWI laws and provide community education on traffic safety issues in Asheville and Buncombe County;

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program, for a grant in the amount of \$411,331 to continue year two of the DWI Task Force in Asheville and Buncombe County.

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

Magdalena Boulson
CITY CLERK

Ar E M
MAYOR

APPROVED AS TO FORM:

W. C. C.
CITY ATTORNEY

Magdalena Boulson
City Clerk

RESOLUTION NO. 14-261

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HENDERSON COUNTY TO LEASE ONE CNG BUS

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to buy a replacement CBG bus as one of the priorities in their capital program; and

WHEREAS, there is a contract in place that the City can use to order the bus; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, a lease agreement has to be signed by both parties to define the terms and conditions to operate these buses, as required by the Federal Transit Administration; and

WHEREAS, the City of Asheville 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 enter into an agreement with Henderson County to lease one bus.

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

Magdalen Boulson
City Clerk

Alan G. [Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 14-262

RESOLUTION AUTHORIZING SUBSTANTIAL AMENDMENT #1 OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2014-2015

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, on April 22, 2014 City Council approved an Annual Action Plan for the use of these funds in 2014-2015; and

WHEREAS, the Asheville Regional Housing Consortium has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2014-2015;

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

1. The Consolidated Annual Action Plan 2014-2015 be amended as follows:
 - a. Removal of Award of \$425,000 of HOME funds to Housing Assistance Corporation for the Rosebay Development;
 - b. Allocation of those funds as follows:
 - a. Asheville Area Habitat for Humanity, Shiloh Taft Avenue development. Additional allocation, \$140,000 for a total 2014 allocation of \$150,000.
 - b. Asheville Buncombe Community Christian Ministries, Homelessness Prevention and Raid Rehousing. Additional allocation, \$9,326, total allocation, \$20,000.
 - c. Madison County, Rural Housing rehabilitation. Additional allocation, \$50,000, total allocation, \$90,000.
 - d. Mountain Housing Opportunities, East Haven Apartments. Additional allocation, \$62,837, total allocation, \$162,387.
 - e. Housing Assistance Corporation, Mud Creek Village, Allocation, \$162,287.

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

Magdalen Boulson
CITY CLERK

E. Ann G. M.
MAYOR

Approved As To Form:

Ben Clin
CITY ATTORNEY

Magdalen Boulson
CITY CLERK

RESOLUTION NO. 14-263

RESOLUTION APPOINTING A MEMBER AND THE CHAIR TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Jim Ellis and John Menkes, as members and Chairman on the Alcoholic Beverage Control Board, expire on November 13, 2014; and

WHEREAS, the Chair shall be appointed by City Council;

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

Mr. John Menkes, 604 Old Toll Road, Asheville, N.C., be and he is hereby reappointed as a member of the Alcoholic Beverage Control Board, to serve a three-year term, term to expire November 13, 2017, or until his successor has been appointed.

Mr. Lewis Isaac, 64 Owens Bell Lane, Asheville, N.C., be and he is hereby appointed as a member of the Alcoholic Beverage Control Board, to serve a three-year term, term to begin November 14, 2014, and expire November 13, 2017, or until his successor has been appointed.

Mr. Wilfred Lack, 319 Sulphur Springs Road, Asheville, N.C., be and he is hereby appointed as Chairman of the Alcoholic Beverage Control Board until his term expires on November 13, 2016, or until City Council appoints a replacement.

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

Magdalen Bullison
CITY CLERK

Eden E. Hart
MAYOR

Approved as to form:

Ron Cui
CITY ATTORNEY

Magdalen Bullison
City Clerk

RESOLUTION NO. 14-264

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WNC ROOFING INC. TO CONDUCT ROOF REPAIRS AT THE US CELLULAR CENTER.

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, the US Cellular Center has previously repaired the roof substrate numerous times; and

WHEREAS, the US Cellular Center solicited quotes for repair of the roof substrate; and

WHEREAS, the contract with WNC Roofing Inc will have a 'not to exceed' amount of \$185,000, and the monies have been budgeted in the Civic Center's 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 WNC Roofing Inc., for roof repairs at a cost not to exceed \$185,000. The City Manager is further authorized to approve and execute any change orders to said contract or documents which may arise during the term of said contract up to the budgeted amount.

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

Magdalen Bullison
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bullison
City Clerk