

RESOLUTION NO. 09-76

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH DALTON LAWN AND LANDSCAPING AND RIVERTOP CONTRACTING INC. TO PROVIDE CONTRACTED MOWING SERVICES FOR THE CITY OF ASHEVILLE PARKS SYSTEM

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, this proposed contract is contingent upon City Council approving the funds associated with providing contracted mowing services as part of the City's FY 2009-2010 operating budget; and

WHEREAS, the City is contracting mowing services that supports basic City services and is part of the provision of core park maintenance level of service programs for the City's park system;

WHEREAS, the City issued a request for proposals and Dalton Lawn and Landscaping at the cost of \$60,655.00 to perform mowing services for the East, North and South Districts; and Rivertop Contracting, Inc. at a cost of \$33,012.00 to perform mowing services for the West District were selected as the most qualified contractors;

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

The City Manager is authorized to enter into contracts to provide mowing services for the City of Asheville park system with Dalton Lawn and Landscaping for a cost of \$60,655.00 for the North, South and East Districts; and Rivertop Contracting, Inc. at a cost of \$33,012.00 for the West District beginning July 1, 2009, contingent upon City Council approving the funds associated with providing contracted mowing services as part of the City's FY 2009-2010 operating budget.

Read, approved and adopted this 28th day of April, 2009.

Magdalena Brulson
City Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Brulson
City Clerk

RESOLUTION NO. 09-77

RESOLUTION AUTHORIZING EXECUTION OF A UTILITY EASEMENT ACROSS CITY PROPERTY AT 35 BELL ROAD IN HAW CREEK FOR A NEW WATER PUMPING STATION

WHEREAS, the City has the authority, pursuant to N.C.G.S. 160A-273, to grant easements across City property; and

WHEREAS, the City Council has determined that it is in the public interest to grant an easement to Progress Energy Carolinas, Inc., across certain property located at 35 Bell Road in Haw Creek, as shown on Exhibit A, attached hereto; and

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

The Mayor is hereby authorized to execute an easement to Progress Energy across City property at 35 Bell Road in Haw Creek, the form of said easement to be approved by the City Attorney.

Read, approved and adopted this 28th day of April 2009.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09- 78

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FROM JULY 1, 2009 THROUGH JUNE 30, 2010

WHEREAS, pursuant to G.S. § 160A-493, a city may contribute to the support of an animal shelter; and

WHEREAS, pursuant to G.S. §160A-20.1, the city has authority to contract with private entities in order to carry out any public purpose; and

WHEREAS, the City Council has determined that it is in the public interest to provide animal shelter services for the City of Asheville.

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

Contingent upon being funded in Fiscal Year 2009-10, the City Manager be and is hereby authorized to enter into an agreement with the Asheville Humane Society to provide animal sheltering services for the City of Asheville for the FY 2009-2010.

Read, approved and adopted the 28th day of April, 2009.

Magdalen Boulson
CITY CLERK

Jeffrey M. Bellamy
MAYOR

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-79

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SUTTON-KENNERLY AND ASSOCIATES TO CONDUCT AN EXTERIOR INSPECTION OF CITY OF ASHEVILLE CITY BUILDING

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, City Council approved the funds associated for conducting an exterior inspection for water infiltration of the City of Asheville City Building as part of the City's FY 2007-2008 capital improvements budget; and

WHEREAS, the City is conducting an exterior condition survey that supports and enhances basic city services and is part of the public facilities maintenance program to make facility improvements, and preserves an historic building in downtown Asheville; and

WHEREAS, pursuant to N.C.G.S. 143-64.31, the City issued a request for qualifications and Sutton-Kennerly & Associates was selected as the most qualified firm;

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

The City Manager is authorized to enter into a contract with Sutton-Kennerly & Associates to conduct an exterior inspection of the City of Asheville City Building for an amount not to exceed \$77,940.00.

Read, approved and adopted this 28th day of April, 2009.

Magdalen Bouderson
City Clerk

Doug Bullamy
Mayor

Approved as to form:

Chris O'Neil
City Attorney

Magdalen Bouderson
City Clerk

RESOLUTION NO. 09- 80RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BROWN AND CALDWELL ENVIRONMENTAL ENGINEERS FOR THE COMPLETION OF THE SWANNANOA FLOOD RISK MANAGEMENT PROJECT NOT TO EXCEED \$1,437,000

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

WHEREAS, The Biltmore Village area of the City of Asheville (within the Swannanoa River watershed) was named as a recipient of this funding; and

WHEREAS, the City of Asheville solicited proposals from qualified engineering firms to perform a feasibility study to identify and evaluate measures to reduce flood damage reduction in the Swannanoa Watershed area; and

WHEREAS, Brown and Caldwell was determined to be the most qualified to perform the work; and

WHEREAS, City Council previously approved a budget amendment for this project.

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

The City Manager is authorized to execute a contract with Brown and Caldwell Environmental Engineers for the completion of the Swannanoa Flood Risk Management Project not to exceed \$1,437,000. The City Manager is authorized to phase the contract to allow the project to be used as a match for a cooperative agreement with the Corp of Engineers.

Read, approved and adopted this 28th day of April, 2009.

Magdalen Brulson
City Clerk

Jeff Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Brulson
City Clerk

RESOLUTION NO. 09-81

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS FOR THE ELEVEN REVENUE BOND CONSTRUCTION CONTRACTS IN THE AMOUNT OF \$2,812,639.00 FOR THE PROJECTS KNOWN AS WATER REVENUE BOND PROJECTS

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

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

WHEREAS, the Water Department determined that it is in the public interest to have and execute a revenue bond for \$40 million for water system improvements of the City of Asheville's water system; and

WHEREAS, due to price increases encountered throughout the projects the total construction cost has increased from \$38,331,310.67 to \$39,235,036.67; and

WHEREAS, the Water Resources staff recommends that City Council approve the request to allow the City Manager to approve change orders totaling an additional \$903,726.00 for the eleven revenue bond projects.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute and sign all change orders for construction costs up to \$39,235,036.67 for the eleven revenue bond construction projects and further allow staff to move the additional funds between the 11 projects as cost estimates come in higher or lower than expected.

Read, approved, and adopted this 28th day of April 2009.

Magdalena Bouleson
CITY CLERK

Greg Buckley
MAYOR

Approved as to form:
Russ Doherty
CITY ATTORNEY

Magdalena Bouleson
City Clerk

RESOLUTION NO. 09-82

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, the term of Pat Whalen expired on December 31, 2008; and

WHEREAS, City Council felt it was in their best interest to continue Mr. Whalen's term until April 1, 2009;

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

Mr. Harry Weiss, 17 Chiles Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Asheville Downtown Commission, to serve the remainder of Mr. Whalen's original 3-year term, term to expire December 31, 2011, or until his successor has been appointed.

Read, approved and adopted this 28th day of April, 2009.

Magdalen Bourleson
CITY CLERK

Gregory B. Bell
MAYOR

Approved as to form:

Richard
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-83

RESOLUTION APPOINTING A MEMBER TO THE URTV INC. BOARD OF DIRECTORS

WHEREAS, Mark Wilson has resigned from the URTV Inc. Board of Directors, thus leaving an unexpired term until June 30, 2009;

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

Mr. Matthew Howard, 287 Hillside Street, Asheville, N.C., be and he is hereby appointed as a member of the URTV Inc. Board of Directors to serve the unexpired term of Mr. Wilson, term to expire June 30, 2009, and then a full two-year term, term to expire June 30, 2011, or until his successor has been appointed.

Read, approved and adopted this 28th day of April, 2009.

Magdalen Burlison
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burlison
City Clerk