

RESOLUTION NO. 09-256

RESOLUTION AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL TO ALLOW FOR THE ESTABLISHMENT FEES FOR PERMITTING PRECIOUS METAL BUYERS

WHEREAS, Session Law 2009-482, House Bill 1637 is an act to modernize the record keeping of precious metals purchases by dealers, to subject all dealers in precious metals to similar record-keeping requirements, to increase precious metals permitting fees, to require that a criminal history record check be conducted on employees of precious metals dealers, and to make various other changes to the precious metals permitting statutes; and

WHEREAS, the NC General Statute 66-164 to 66-165 mandates that the Local Law Enforcement Agencies are responsible for permitting precious metal purchasing business and their employees; and

WHEREAS, NC General Statutes 66-164 to 66-165 allow local law enforcement agencies to assess fees for administrative costs associated with mandatory permitting of precious metal purchasing businesses and their employees;

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

The City of Asheville Fees and Charges Manual be modified to include the following Precious Metal Permitting Fees:

- 1. Annual Permit Application Fee – \$180.00
- 2. Certificate of Compliance for employees - \$10.00
- 3. Certificate of Compliance Annual Renewal for employees – \$3.00
- 4. Special Occasion Permit Application Fee – \$180.00

Read, approved and adopted this 15<sup>th</sup> day of December, 2009.

Magdalen Bourleson  
City Clerk

Angela Bailey  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 09-257

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT EMERGENCY WATER PURCHASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE CITY OF HENDERSONVILLE

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. 160A-461, the City of Asheville has authority to enter into agreements with other local governments to engage in a joint undertaking; and

WHEREAS, the City has been providing wholesale water to the City of Hendersonville through a contract executed in January 2007; and

WHEREAS, the City desires to execute an Interlocal Agreement Emergency Water Purchase Agreement, Exhibit A, with the City of Hendersonville to provide wholesale water under temporary, emergency conditions for either party at a rate to be determined annually through the City's budget process; and

WHEREAS, the City of Asheville or the City of Hendersonville agrees to pay a consumption charge for the actual water used; and

WHEREAS, the Agreement will enhance cooperation between agencies and promote regional coordination of water resources;

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

The Mayor is hereby authorized to sign the Interlocal Agreement Emergency Water Purchase Agreement between the City of Asheville and the City of Hendersonville.

Read, approved and adopted this 15<sup>th</sup> day of December, 2009.

Magdalen Bourleson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

Russell  
City Attorney

Magdalen Bourleson  
City Clerk

## RESOLUTION NO. 09-258

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY A UTILITY EASEMENT TO  
 PROGRESS ENERGY FOR AN EXTENSION OF POWER LINES TO SERVE  
 ASHEVILLE HOUSING AUTHORITY ON WALTON STREET

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

WHEREAS, Progress Energy and the Asheville Housing Authority desire to upgrade existing electric service to public housing facilities owned by the Asheville Housing Authority, and located on Walton Street; and

WHEREAS, an easement on the City's adjacent property at Walton Street Park is required in order to facilitate the provision of this service; and

WHEREAS, City Council has determined that the requested easement is in the public interest;

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

The Mayor be, and is hereby, authorized to execute an easement to Progress Energy across property owned by the City of Asheville, the form of said easement to be approved by the City Attorney.

Read, approved and adopted this 15<sup>th</sup> day of December, 2009.

Magdalen Boulson  
 City Clerk

Angela Buckley  
 Mayor

Approved as to form:

Rudolph  
 City Attorney

Magdalen Boulson  
 City Clerk

RESOLUTION NO. 09-259

RESOLUTION ADOPTING THE 2010 CITY COUNCIL MEETING SCHEDULE

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

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

The following schedule of the meetings of the Asheville City Council for 2010 be, and the same is, hereby established as follows:

City Council Formal Meetings  
5:00 p.m.  
2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month  
Council Chamber – 2<sup>nd</sup> Floor  
City Hall Building, Asheville, N.C.

City Council Community Meetings  
6:00 p.m.  
5<sup>th</sup> Tuesday of any month  
Meeting places to be announced

BE IT FURTHER RESOLVED THAT:

City Council will be holding their annual retreat beginning at 11:00 a.m. on January 8, 2010, through 1:00 p.m. on January 9, 2010, at Warren Wilson College in Canon Lounge in Asheville, North Carolina.

BE IT FURTHER RESOLVED THAT:

Due to the holidays, the following meetings are hereby cancelled: Tuesday, December 21, 2010; and Tuesday, December 28, 2010.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 15<sup>th</sup> day of December, 2009.

Magdalen Burdison  
CITY CLERK

Tommy Bell  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Burdison  
City Clerk

RESOLUTION NO. 09- 260

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT LOAN OFFER FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 LOAN ASSISTANCE FROM THE CLEAN WATER STATE REVOLVING FUND

WHEREAS, the N.C. Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the N.C. Dept. of Environmental and Natural Resources has offered an American Recovery and Reinvestment Act of 2009 loan assistance from the Clean Water State Revolving Fund in the amount of \$454,500 for the construction of the Dingle Creek Stormwater Improvements, and

WHEREAS, the City of Asheville intends to construct said project in accordance with the approved plans and specifications;

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

The City of Asheville does hereby accept the American Recovery and Reinvestment Act of 2009 loan assistance from the Clean Water State Revolving Fund offer of \$454,500.

The City of Asheville does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan/grant offer, Section II – Assurances will be adhered to.

The City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

The City of Asheville has substantially compiled or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Read, approved and adopted this the 15<sup>th</sup> day of December, 2009.

Magdalen Baulson  
City Clerk

[Signature]  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

RESOLUTION NO. 09- 261

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE AGREEMENT WITH THE CLEAN WATER MANAGEMENT TRUST FUND WHICH WILL REDUCE THE AMOUNT TO \$167,500

WHEREAS, the N.C. Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the City of Asheville has been offered funding from the N.C. Clean Water Management Trust Fund in the amount of \$167,500 for the construction of the Dingle Creek Stormwater Improvements, and

WHEREAS, the City of Asheville intends to construct said project in accordance with the approved plans and specifications; and

WHEREAS, the City of Asheville has received additional funding for this project through ARRA;

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

The City of Asheville does hereby amend the North Carolina Clean Water Management Trust Fund agreement, which will reduce the amount from \$335,000 to the amended amount of \$167,500.

The City of Asheville does hereby give assurance to the North Carolina Clean Water Management Trust Fund that all items specified in the loan/grant offer will be adhered to.

The City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

The City of Asheville has substantially compiled or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Read, approved and adopted this the 15<sup>th</sup> day of December, 2009.

Magdalen Burlington  
City Clerk

[Signature]  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlington  
City Clerk

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RESOLUTION NO. 09- 262

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BLUE RIDGE GRADING FOR THE CONSTRUCTION SERVICES NECESSARY FOR THE DINGLE CREEK STORMWATER IMPROVEMENTS PROJECT AND ALLOW THE CITY MANAGER TO APPROVE CONTINGENCIES UP TO TEN PERCENT OF THE ORIGINAL CONTRACT PRICE

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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 Dingle Creek Stormwater Improvements; and

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the N.C. Dept. of Environmental and Natural Resources has offered an American Recovery and Reinvestment Act of 2009 loan assistance from the Clean Water State Revolving Fund in the amount of \$454,500 for the construction of the Dingle Creek Stormwater Improvements, and

WHEREAS, the City of Asheville has been offered funding from the North Carolina Clean Water Management Trust Fund in the amount of \$167,500 for the construction of the Dingle Creek Stormwater Improvements, and

WHEREAS, the City of Asheville intends to construct said project in accordance with the approved plans and specifications; and

WHEREAS, the City of Asheville did advertise and receive bids from qualified contractors to perform the construction activity outlined in the approved documents for the Dingle Creek Wetland project; and

WHEREAS, the City of Asheville did determine Blue Ridge Grading and their bid of \$166,495 as the low responsive and responsible bid;

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 Blue Ridge Grading for the Dingle Creek Wetland project for the bid amount of \$166,495.

The City of Asheville does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan/grant offer, Section II – Assurances will be adhered to in the construction of this project by the Contractor.

The Director of Public Works, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection

with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Read, approved and adopted this the 15<sup>th</sup> day of December, 2009.

Magdalen Burlison  
City Clerk

[Signature]  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 09-263

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT SUBGRANTEE FUNDS VIA THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM THE NC DIESEL EMISSIONS- ECONOMIC RECOVERY GRANT PROGRAM.

WHEREAS, the City has the authority pursuant to N.C.S.G. 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 N.C. Dept. of Environment and Natural Resources (NC DENR), has awarded the City of Asheville in the amount of \$30,000 to offset the incremental cost of purchasing a 5% biodiesel blended fuel for all municipal diesel vehicles for one year;

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

The City Manager is hereby authorized to apply for and enter into an agreement with N.C. Dept. of Environment and Natural Resources for an NC Diesel Emissions – Economy Recovery grant in the amount of \$30,000.

Read, approved, and adopted this 15<sup>th</sup> of December, 2009.

Magdalen Baulson  
City Clerk

Angela Bell  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

RESOLUTION 09- 264

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT WITH LANDMARK LANDSCAPES FOR THE PROJECT KNOWN AS CORRIDOR ENHANCEMENTS IN DOWNTOWN ASHEVILLE, TIP # U-5174/CITY OF ASHEVILLE PROJECT # ARRA 09-10-02

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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 Corridor Enhancements in Downtown Asheville; and

WHEREAS, Landmark Landscapes of Arden, North Carolina, was the lowest responsive, responsible bidder for the Project, in the amount of \$82,362.86; and

WHEREAS, the Project involves the furnishing of labor, material, equipment, and incidentals for the installation of plant materials and much within numerous existing medians and bulb-outs in downtown Asheville; and

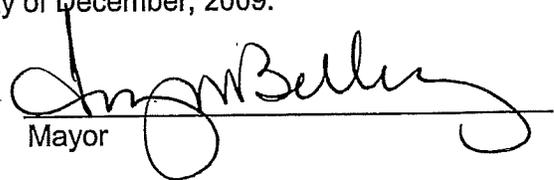
WHEREAS, the bids have been reviewed by the Public Works Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

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

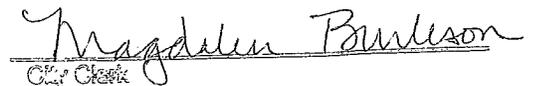
The City Manager of the City of Asheville is hereby authorized to execute on behalf of the City of Asheville the contract with to award the construction contract for the Corridor Enhancements in Downtown Asheville project to Landmark Landscapes in the amount of \$82,362.86 for the construction, and further authorized to execute any change orders to said contract or documents which may arise during the construction of said project up to the budgeted amount, pending concurrence with award by the N.C. Dept. of Transportation.

Read, approved and adopted this the 15th day of December, 2009.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Approved as to form:  
  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
City Clerk

## RESOLUTION NO. 09- 265

**RESOLUTION TO PERMANENTLY CLOSE HAMILTON CIRCLE, A PORTION OF BROOKLET STREET AND A PORTION OF HAMILTON STREET**

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WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute Section 160A-299 to permanently close streets and alleys within its jurisdiction, upon compliance with applicable law; and

WHEREAS a Petition has been filed by Memorial Mission Hospital, Inc., Mission Health System, Inc., and CHSA Building Partnership, adjoining property owners in no particular order, along Brooklet Street, Hamilton Circle and Hamilton Street, asking that Hamilton Circle, Hamilton Street from its intersection from its intersection with Hamilton Circle in a northerly direction to its intersection with Brooklet Street, and the unopened portion of McDowell Street to its intersection with Hamilton Street be permanently closed to public use; and

WHEREAS, City Council on the 10<sup>th</sup> day of November, 2009, adopted a resolution of intent to permanently close Hamilton Circle, a portion of Brooklet Street and a portion of Hamilton Street and ordered a public hearing on the question of this closing for the 15<sup>th</sup> day of December, 2009, at its regular meeting on the 2<sup>nd</sup> floor of the City Hall Building, Asheville, North Carolina; and

Whereas, aforesaid resolution of intent to close and order of said hearing was published in the Asheville Citizen-Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public hearing, as evidenced by the publisher's affidavit presented to the Council at said public hearing; and

Whereas, a copy of said resolution of intent to close and order for public hearing was placed prominently at two location along said streets, and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join in the petition to close; and

WHEREAS, at said public hearing no objections were made that the proposed closing said streets would deprive any individual owning property in the vicinity in which said streets are located of reasonable mean of ingress and egress to their property.

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

Pursuant to North Carolina General Statute Section 160A-299, the following streets or portions thereof are permanently closed to public use as public streets: the unopened portion of Brooklet Street, from its intersection with McDowell Street in an easterly direction to its intersection with Hamilton Street; Hamilton Circle (sometimes known as Hamilton Loop, Old Victoria Road, or Victoria Circle) in its entirety; and Hamilton Street from the intersection with Hamilton Circle in a northerly direction to its intersection with Brooklet Street.

The closing is subject to the retention by the Metropolitan Sewage District of Buncombe County, its successors and assigns, of a 20 foot wide permanent easement, for the operation and maintenance of a public sewer line, lying 10 feet on each side of said sewer line located and existing with the portion of Hamilton Circle proposed to be permanently closed.

The closing is subject to the retention by PSNC Energy of Buncombe County, its successors and assigns, of a 10 foot wide permanent easement for the operation and maintenance of an 8-inch gas main pipe line, lying 5 feet on each side of said gas line located and existing within the portion of Brooklet Street that is proposed to be permanently closed.

That a certified copy of this resolution and ordered be filed in the Buncombe County Register of Deeds.

Read, approved and adopted this 15th day of December, 2009.

Magdalen Burlison  
City Clerk

Ingoballin  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 09-266

RESOLUTION AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL TO ALLOW DEVELOPERS ELIGIBLE FOR THE FEE-IN-LIEU OF CONSTRUCTION TO PAY 50% OF THE FEE IF THE SIDEWALK IS ONLY REQUIRED ON ONE SIDE OF THE STREET

WHEREAS, Section 7-11-8 of the City of Asheville Unified Development Ordinance allows Developers to pay a fee in lieu of constructing sidewalk if the sidewalk is not listed as a needed linkage on the Pedestrian Thoroughfare Plan; and

WHEREAS, the amount of the fee in lieu of is set forth in the City's Fees and Charges Manual; and

WHEREAS, the City's Standards and Specifications Manual identifies standards for roadways that require a sidewalk on both sides of the street, to include requiring that the sidewalk be more than 30 feet wide, be within 1/2 mile of a school, parks and/or other high pedestrian generators; and

WHEREAS, streets that do not meet the above standards do not require sidewalks on both sides of the street per the City of Asheville Standards and Specifications Manual;

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

The City of Asheville Fees and Charges Manual be modified to allow Developers eligible for the fee-in-lieu of construction to pay 50% of the fee if the sidewalk is only required on one side of the street.

Read, approved and adopted this the 15<sup>th</sup> day of December 2009.

Magdalen Boulton  
City Clerk

Angus Bell  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulton  
City Clerk

RESOLUTION NO. 09-267RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH H & M CONSTRUCTORS FOR THE RECREATION CENTER AT LIVINGSTON STREET PARK

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 Recreation Center at Livingston Street Park; and

WHEREAS, H & M Constructors of 187 Deaverview Road in Asheville North Carolina was the lowest responsible bidder for the Project, in the amount of \$1,954,000, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the Project involves the construction of a new Recreation Center at the site of the Livingston Street Park; and

WHEREAS, the bids have been reviewed by the Parks, Recreation and Cultural Arts Department and Mathews Architecture and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

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

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.
2. The City Manager is hereby authorized to execute the contract with H & M Constructors in the amount not to exceed \$1,954,000 for the construction of the Recreation Center at Livingston Street Park 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 the 15<sup>th</sup> day of December, 2009.

Magdalen Boulson  
City Clerk

Angie Bell  
Mayor

Approved as to form:

Lawrence J. ...  
City Attorney

Magdalen Boulson  
City Clerk

EXHIBIT "A" - RECREATION CENTER AT LIVINGSTON STREET PARK

Bid Opening: December 4, 2009

	Cooper Construction Company	EcoWise Construction, Inc.	H&M Constructors	David E. Looper & Company	Perry Bartsch, Jr. Construction Co., Inc.
License No.					
Bid Security					
Base Bid	1,870,000	1,978,000	1,954,000	2,044,000	1,990,000
Alternate # L-1A	-34,000	-21,700	-34,000	-34,000	-34,000
Alternate # L-1B	26,300	26,500	21,250	22,000	18,522
Alternate # L-1C	18,200	18,700	10,000	42,421	27,231
Alternate # L-1D	23,200	31,600	28,500	27,175	22,575
Alternate # L-1E	0	0	-1,000	0	0
Alternate # L-1F	0	8,700	6,100	6,000	5,915
Alternate # A-1	3,560	7,700	2,500	2,205	4,849
Alternate # A-2A	1,660	1,300	3,000	700	935
Alternate # A-2B	26,000	19,300	25,000	20,000	15,656
Alternate # A-3	3,560	3,600	4,300	8,845	8,845
Alternate # A-4	28,700	23,450	21,000	43,050	23,454
Alternate # A-5	10,580	10,100	11,000	24,000	9,803
Alternate # A-6	26,900	27,000	26,500	27,000	26,145
Alternate # A-7	-16,950	-17,350	-15,000	-17,415	-15,695
Alternate # A-8	-12,925	-9,600	-13,000	-14,115	-12,495
Alternate # A-9A	-4,200	-1,130	-1,000	-3,900	-4,200
Alternate # A-9B	-7,125	-6,500	-6,000	-7,125	-7,125
Alternate # A-9C	-8,560	-5,130	-4,700	-8,563	-8,563
Alternate # A-9D		-1,130	-1,000	6,300	6,300
Alternate # A-10A	-300	-2,250	-300	-300	-300
Alternate # A-10B	-2,000	-2,200	-2,000	-2,000	-2,000
Alternate # A-10C	-3,500	-3,800	-3,000	-3,500	-3,500
Alternate # A-10D	-750	-800	-750	-750	-750
Alternate # A-10E	-300	-325	-300	-300	-300
Alternate # A-10F	-3,375	-3,650	-3,375	-3,375	-3,375
Alternate # A-10G	-250	-100	-25	-100	-25
Alternate # A-10H	-750	-800	-750	-800	-750

RESOLUTION NO. 09- 268

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH CAROLINA SPECIALTIES CONSTRUCTION, LLC FOR THE WILLIAM DEBRUHL WATER TREATMENT PLANT BACKWASH PROJECT AND A CHANGE ORDER INCREASING BROWN AND CALDWELL'S AGREEMENT FOR SAID PROJECT

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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 the William DeBruhl Water Treatment Plant Backwash Lagoon; and

WHEREAS, Carolina Specialties Construction, LLC of Hendersonville, North Carolina, was the lowest responsible bidder for the Project, in the amount of \$405,874.35, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the Project involves the furnishing of labor, materials, equipment, incidentals, site work, piping, structures, erosion/sediment control, and demolition for the construction of the 500,000 gallon backwash holding lagoon; and

WHEREAS, the bids have been reviewed by the Water Resources Department, Brown and Caldwell Consulting Engineers, and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid; and

WHEREAS, a change order increasing the Project Engineer's, Brown and Caldwell's, Agreement is required for Construction Administration Services associated with this Project; and

WHEREAS, the current amount of the Agreement is \$49,088.00 and the change order amount is \$58,678.00 additional for a total of \$107,766.00.

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

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.
2. The City Manager is hereby authorized to execute the contract with Carolina Specialties Construction, LLC in the amount of \$405,874.35 for the construction of the William DeBruhl Water Treatment Plant Backwash Lagoon 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.
3. The City Manager is hereby authorized to execute the change order with Brown and Caldwell in the amount of \$58,678.00 increasing the agreement amount from \$49,088.00 to \$107,766.00.

Read, approved and adopted this 15<sup>th</sup> day of December, 2009.

Magdalen Burlison  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

R. W. J. M.  
City Attorney

Magdalen Burlison  
City Clerk

## Exhibit A

Bid Tabulation for the William DeBruhl Water Treatment Plant Backwash Lagoon

Bryant's Land and Development Industries, Inc.  
159 Depot Street  
Burnsville, NC 28714  
828-678-9966  
828-678-9708 (fax)  
NC Utility Contractor License No. 57303  
**Total Base Bid: \$453,480.50**

Carolina Specialties Construction, LLC  
624 7<sup>th</sup> Avenue East  
Hendersonville, NC 28792  
828-697-7184  
828-697-6863 (fax)  
NC Utility Contractor License No. 41451  
**Total Base Bid: \$405,874.35**

MacKenzie Company  
26 Old Charlotte Hwy  
Asheville, NC 28803  
828-296-7455  
828-296-7454 (fax)  
NC Utility Contractor License No. 61970  
**Total Base Bid: \$473,106.70**

Patton Construction Group  
565 Long Shoals Road  
Arden, NC 28704  
828-687-7087  
828-687-7089 (fax)  
NC Utility Contractor License No. 66109  
**Total Base Bid: \$477,000.00**

Spur Construction  
2707 Asheville Highway  
Waynesville, NC 28786  
828-456-5222  
828-452-3763 (fax)  
NC Utility Contractor License No. 67794  
**Total Base Bid: \$563,690.05**

Turner Murphy Company, Inc.  
2500 Southway Drive  
Rock Hill, SC 29730  
803-328-3874  
SC Utility Contractor License No. 09072  
**Total Base Bid: \$609,919.81**