RESOLUTION NO. 16-88

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH THE UNITED STATES OF AMERICA FOR CITY-OWNED REAL PROPERTY AT 224 LOUISIANA AVENUE, ASHEVILLE, NC

WHEREAS, the City of Asheville is the owner of real property located at 224 Louisiana Avenue, identified as PIN #9638.17-8276-00000; and

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. sec. 160A-274, to lease its real or personal property to other governmental agencies and units of government upon such terms as it deems wise; and

WHEREAS, said property has been leased to the United States of America (Government) since 1950 for the operation of an Army Reserve Center; and

WHEREAS, the United States of America has offered to lease said property for an term of five (5) years at rate of $110,000 per year, with 3% annual increases; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed lease agreement on April 1, 2016, in the Asheville Citizen-Times; and

WHEREAS, the City has no anticipated need for the property during the term of the lease;

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

Pursuant to N. C. Gen. Stat. sec. 160A-274, the City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and the United States of America for property at 224 Louisiana Avenue, at the rate of $110,000 per year with 3% annual escalations. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16 - 89

RESOLUTION ACCEPTING WHITE ASH DRIVE EAST AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to NCGS § 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, White Ash Drive East is located in the corporate limits of the City of Asheville; and

WHEREAS, the developer agreed to a voluntary annexation contingent upon the acceptance of the streets in Biltmore Park provided they are constructed to City standards; and

WHEREAS, White Ash Drive East was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, dedication of the 45 to 50-foot right-of-way for White Ash Drive East has been recorded in Plat Book 78 Page 174; and

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

White Ash Drive East is accepted by the City of Asheville for maintenance as indicated on the attached map section.

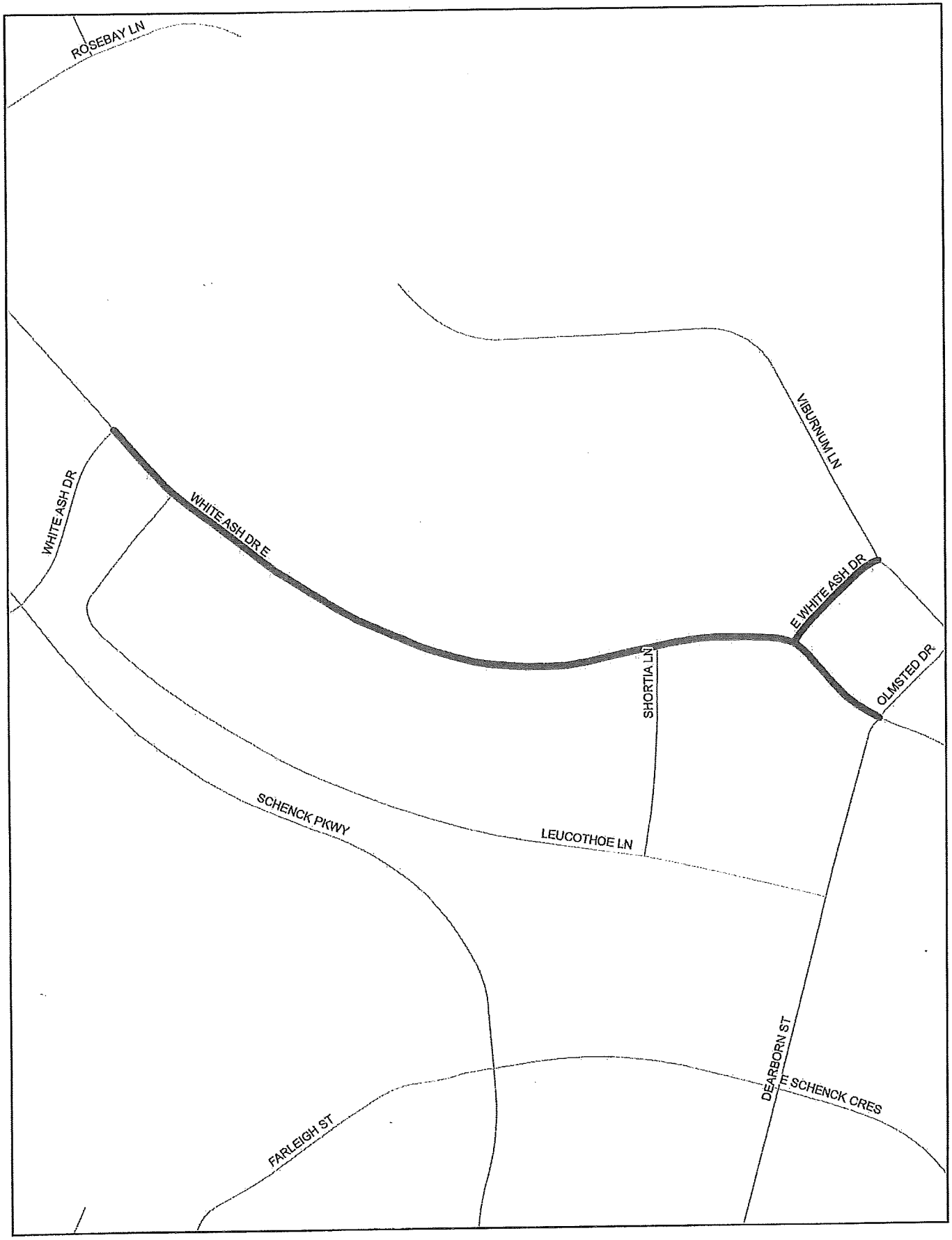
Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney


ROSEBAY LN
VIBURNUM LN
WHITE ASH DR
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E WHITE ASH DR
SHORTIA LN
OLMSTED DR
SCHENCK PKWY
LEUCOTHOE LN
DEARBORN ST
E SCHENCK CRES
FARLEIGH ST

RESOLUTION NO. 16 - 90

RESOLUTION ACCEPTING OCASO DRIVE, PACIFICO DRIVE, AND VERANO COURT AS CITY-MAINTAINED STREETS

WHEREAS, pursuant to NCGS § 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, Ocaso Drive, Pacifico Drive, and Verano Court are located in the corporate limits of the City of Asheville; and

WHEREAS, Ocaso Drive, Pacifico Drive, and Verano Court were constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the Bonito Ocaso Homeowners Association is responsible for repairing any major failures to Ocaso Drive, Pacifico Drive, and Verano Court 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 Ocaso Drive has been recorded in Plat Book 108 Page 44; and

WHEREAS, dedication of the 45-foot right-of-way for Pacifico Drive has been recorded in Plat Book 108 Pages 44, 45, 46, and 47; and

WHEREAS, dedication of the 45-foot right-of-way for Verano Court has been recorded in Plat Book 108 Page 44; and

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

Ocaso Drive, Pacifico Drive, and Verano Court are accepted by the City of Asheville for maintenance as indicated on the attached map section.

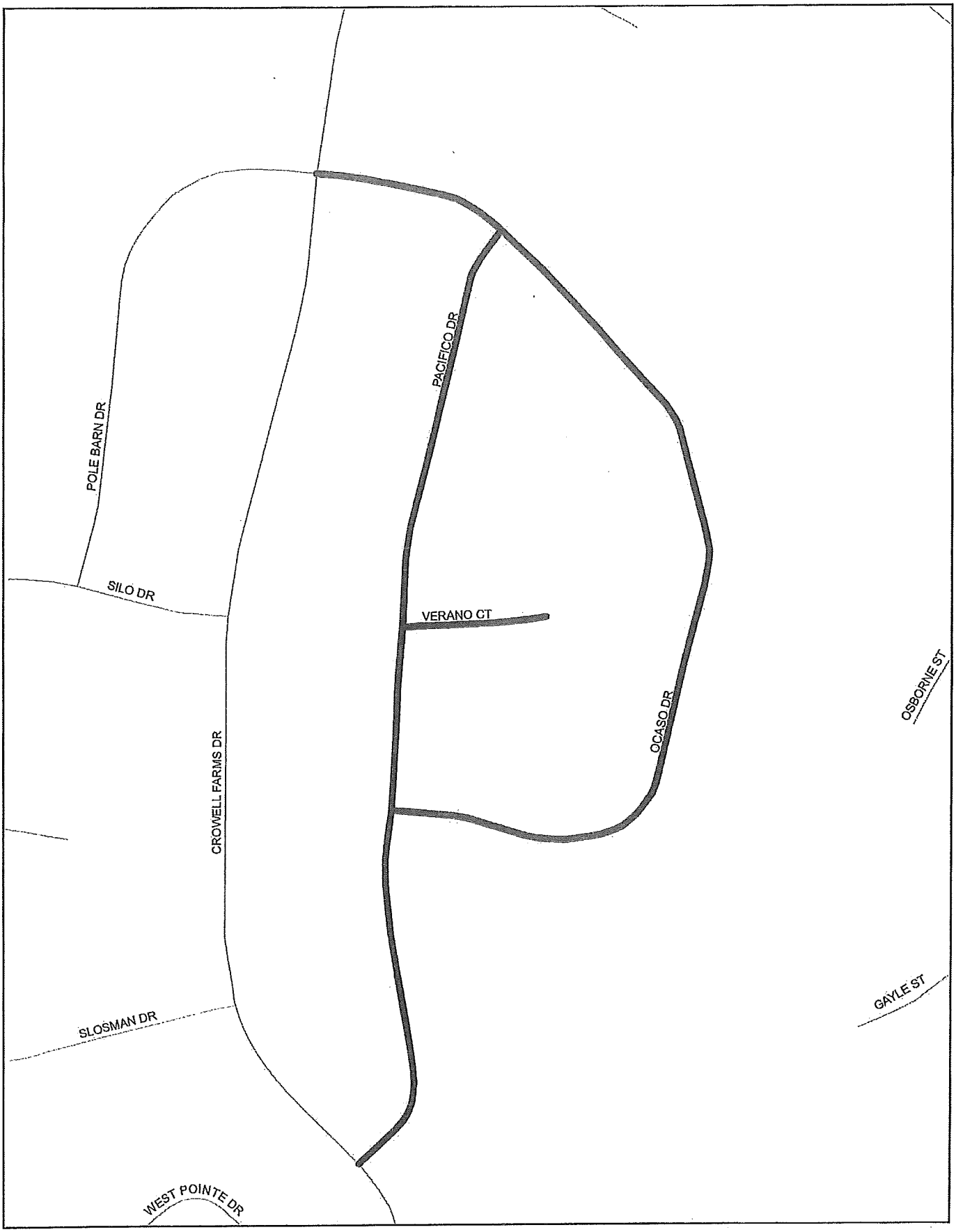
Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney


POLE BARN DR
SILO DR
PACIFICO DR
VERANO CT
OCASO DR
CROWELL FARMS DR
OSBORNE ST
GAYLE ST
SLOSMAN DR
WEST POINTE DR

RESOLUTION NO. 16- 91

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CAROLINA CORNERSTONE CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE CARRIER PARK MULTI-PURPOSE BUILDING RENOVATIONS

WHEREAS, the City 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 City has determined existing multi-purpose building at Carrier Park has code violations and has exceeded its life expectancy, and is in poor condition for users; and

WHEREAS, the City has identified the need for renovation and has planned to complete the project under the general capital improvement fund for Parks and Recreation Department; and

WHEREAS, the Carrier Park multi-purpose building renovation demonstrates the City's commitment to maintain and improve the City's infrastructure as identified in the 2036 Council Vision; and

WHEREAS, the Carrier Park multi-purpose building renovations will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, Carolina Cornerstone Construction, Inc. was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

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 Carolina Cornerstone Construction, Inc. to renovate Carrier Park multi-purpose building for an amount of 274,108.00 plus a contingency of 15,892.00, and further authorized to execute any change orders to said contract or documents which may arise during construction of said project within the approved budget.

Read, approved and adopted this the 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-92

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE APPRENTICE/INTERN PROGRAM FOR FISCAL YEAR 2016-17

WHEREAS, funds for FY 2016-17 are available from the North Carolina Department of Transportation (NCDOT) to hire a transit planning apprentice to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $32,432 for the cost of transit planning from the NCDOT; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $3,244; and

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

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

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the apprentice/intern program for FY 2016-17.

Read, approved and adopted this 26th day of April 2016.

Magdalen Burleson
City Clerk

Eric E. Martin
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-93

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGERS GROUP, INC. FOR THE PROJECT KNOWN AS ASPHALT PAVING IMPROVEMENTS – FISCAL YEAR 2016, CITY OF ASHEVILLE PROJECT # ST-15-16-002

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 2016, City of Asheville Project # ST-15-16-002; and

WHEREAS, Rogers Group, Inc. of Nashville, TN was the lowest responsible bidder for the project, and

WHEREAS, Rogers Group Inc. shall provide all labor, materials and equipment for the installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $1,798,261.65 and the monies have been budgeted in the Capital Projects 2015-2016 Fiscal Year Budget; 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 $1,798,261.65 plus a contingency of 11.47% ($206,255.95) with Rogers Group, Inc. for the project known as Asphalt Paving Improvements – Fiscal Year 2016, City of Asheville Project # ST-15-16-002, and further authorized to execute any change orders to said contract which may arise during construction of said project up to the budgeted amount of $2,004,517.60.

Read, approved and adopted this the 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION 16-_94

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

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

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

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, the proceeds of which were used to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities, including a parking facility at 51 Biltmore (each of the projects described above to be financed and refinanced with the proceeds of the 2012 Contract are referred to herein as the "*Prior Projects*");

WHEREAS, the City Council of the City of Asheville, North Carolina (the *"City Council"*), hereby determines that it is in the best interest of the City to enter into an amendment to the 2012 Contract (the *"Contract Amendment"* and together with the 2012 Contract, the *"Contract"*) with the Corporation in order to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the *"2016 Projects"* and collectively with the Prior Projects, the *"Projects"*);

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012 (the *"Deed of Trust"*) on the real property on which City Hall is located;

WHEREAS, as part of the 2016 Projects the City will make certain repairs and renovations to its Public Works Facility and the Municipal Building and has determined to amend the Deed of Trust to include a lien on the sites of the Public Works Facility and the Municipal Building in order to further secure its obligations under the Contract;

WHEREAS, the City hereby determines that the Projects are essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Projects will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract Amendment is necessary and expedient for the City by virtue of the findings presented herein; and

WHEREAS, the City hereby determines that the Contract Amendment allows the City to purchase the 2016 Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City; and

WHEREAS, the City hereby determines that the estimated cost of financing the 2016 Projects is an amount not to exceed $46,000,000.00 and that such cost of the Projects exceed the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State; and

WHEREAS, although the cost of financing the 2016 Projects pursuant to the Contract Amendment is expected to exceed the cost of financing the 2016 Projects pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the 2016 Projects pursuant to the Contract Amendment and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring and constructing the 2016 Projects; and (3) insufficient revenues are produced by the 2016 Projects so as to permit a revenue bond financing; and

WHEREAS, the City has determined and hereby determines that the estimated cost of financing the 2016 Projects pursuant to the Contract Amendment reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles; and

WHEREAS, the City does not anticipate a future property tax increase to pay installment payments falling due under the Contract Amendment; and

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel (*"Bond Counsel"*), will render an opinion to the effect that entering into the Contract Amendment and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the *"LGC"*), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on the Contract Amendment after publication of a notice with respect to such public hearing will be held on May 10, 2016 and approval of the LGC with respect to entering the Contract Amendment must be received;

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

Section 1. ***Authorization to Negotiate Amendment.*** That the City Manager or the Chief Financial Officer, with advice from the City Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City for the financing of the 2016 Projects under the Contract Amendment for a principal amount not to exceed $46,000,000 under the Contract Amendment to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

Section 2. ***Application to LGC.*** That the Chief Financial Officer or her designee is hereby directed to file with the LGC an application for its approval of the Contract Amendment and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. ***Direction to Retain Professionals.*** That the Chief Financial Officer is hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, as bond counsel; DEC Associates, Inc., as financial advisor; and Branch Banking and Trust Company, as trustee. The Chief Financial Officer is hereby authorized to retain such other professionals as she deems necessary in his judgment to carry out the transaction contemplated in this Resolution.

Section 4. ***Public Hearing.*** That a public hearing (the *"Public Hearing"*) shall be conducted by the City Council on May 10, 2016 at or about 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, concerning the Contract Amendment, the extension of the Deed of Trust and the proposed 2016 Projects. The City Clerk is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the City no fewer than 10 days prior to the Public Hearing.

Section 5. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

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

Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
NOTICE OF PUBLIC HEARING

The City Council (the "City Council") of the City of Asheville, North Carolina (the "City") is considering entering into an amendment (the "Amendment") to an existing installment financing contract (the "Contract"), in a principal amount not to exceed $46,000,000, under which the City will make certain installment payments, in order to pay the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the "Projects"). A complete list of the Projects is available in the City Clerk's office. Under the Contract the City has previously financed and refinanced various projects in the City, including renovation to City Hall. In connection with the Contract, the City has granted a deed of trust and security agreement (the "Deed of Trust") under which the site of City Hall, and the improvements thereon, have been mortgaged by the City to create a lien thereon for the benefit of the entities, or their assigns, providing the funds to the City under the Contract. In connection with the Amendment, the City is considering amending the Deed of Trust to grant additional liens on the City's Public Works Facility and Municipal Building, repairs and renovations to each are included as part of the Project, in order to further secure the City's obligations under the Contract, as amended by the Amendment. City Hall is located at 70 Court Plaza, the Public Works Facility is located at 161 S. Charlotte Street and the Municipal Building is located at 100 Court Plaza, each in Asheville, North Carolina. On payment by the City of all installment payments due under the Contract, the Deed of Trust and any lien created thereunder will terminate and the County's title to the mortgaged property will be unencumbered.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on May 10, 2016 at or about 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, a public hearing will be conducted concerning the approval of the execution and delivery of the Amendment, the extension of the Deed of Trust and the City's financing of the Projects. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Amendment, the extension of the Deed of Trust and the Projects to be financed thereby.

/s/ Magdalen Burleson
City Clerk
City of Asheville, North Carolina

RESOLUTION NO. 16-95

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH SITEWORK STUDIOS, PLLC FOR GEOTECHNICAL ASSESSMENTS FOR THE TOWN BRANCH GREENWAY

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, on February 22, 2011, the City Council approved the Cooperative Agreement with the Federal Transportation Administration for the use of TIGER II Planning Grant funds, including the allocation of funds for Greenways and RADTIP; and

WHEREAS, a Request for Qualifications was issued on February 22, 2012 for design and engineering services for the Clingman Forest and Town Branch Greenways, and Sitework Studios, PLLC was selected following a thorough staff review and evaluation; and

WHEREAS, City Council on January 8, 2013, City Council authorized the City Manager to enter into a contract with Sitework Studios, PLLC to prepare architectural and engineer construction documents for the Town Branch and Clingman Forest Greenways in the original amount of $370,000 and this contract was amended in September 2013 to $495,000 to include preparation of engineering construction documents for the Five Points Roundabout and March 2016 to $540,000 to update the plans, specifications, and engineering estimates and the contract requires an additional amendment to perform geotechnical design services; and

WHEREAS, the City Council has approved funding via the Capital Improvement Project budget for Stormwater and Greenways;

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

The City Manager is hereby authorized to amend the existing contract on behalf of the City of Asheville with Sitework Studios in an additional amount not to exceed $37,000 for the Town Branch Greenway geotechnical design services 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 26th day of April, 2016.

Madeleine Bullwinkel
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-96

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2016-2017 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2016-17; and

WHEREAS, a public hearings has been held on April 26, 2016 to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

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

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2016-17 which is incorporated by reference as if fully set forth herein.

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

RESOLUTION NO. 16-97

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH DUKE ENERGY PROGRESS FOR THE PURCHASE OF PROPERTY AT 319 BILTMORE AVENUE, KNOWN AS THE MATTHEWS FORD PROPERTY, FOR THE PURPOSE OF PROVIDING MIXED USE DEVELOPMENT WITH SIGNIFICANT MIXED INCOME HOUSING AND TO EXECUTE ANY OTHER DOCUMENTS NECESSARY FOR THIS TRANSACTION

WHEREAS, pursuant to N.C.G.S. 160A-11 and 160A-240.1, the City is authorized to acquire property by purchase or any other lawful method; and

WHEREAS, The Asheville City Council has established a Strategic Goal to increase the supply of affordable housing in the City; and

WHEREAS, The Asheville City Council has established an action Item to identify and initiate use of city owned land for development of affordable housing projects to achieve that goal; and

WHEREAS, the property located at 316 Biltmore Avenue is owned by Duke Energy Progress and is contiguous to Lee Walker Heights; and

WHEREAS, the Housing Authority of the City of Asheville is in the process of obtaining tax credits to assist in the redevelopment of Lee Walker Heights into a mixed income community; and

WHEREAS, the consolidation of the Biltmore Ave. Property and the Lee Walker Heights property can become a transformational mixed income community that improves economic mobility for all of our citizens in the area; and

WHEREAS, the MOU allows for the ability to provide multimodal access to Lee Walker Heights from Biltmore Avenue; and

WHEREAS, this redevelopment model that includes mixed-income housing, and multi-modal access to jobs, services and schools has been recognized through various communities as the best practice for moving individuals in public housing into a more stable financial, physical and emotional status;

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 Memorandum of Understanding with Duke Energy Progress for the purchase of property at 319 Biltmore Avenue, known as the Matthews Ford property, for the purpose of providing mixed use development with significant mixed income housing and to execute any other documents necessary for this transaction.

Read, approved and adopted the 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-98

RESOLUTION OF FUNDING COMMITMENT IN SUPPORT OF AN APPLICATION TO THE NORTH CAROLINA HOUSING FINANCE AGENCY FOR LOW INCOME HOUSING TAX CREDITS TO ASSIST WITH THE REDEVELOPMENT OF LEE WALKER HEIGHTS

WHEREAS, the City and region face a serious current and projected shortage of affordable housing; and

WHEREAS, the City has developed a Consolidated Strategic Housing and Community Development Plan to guide the City's efforts in helping address this shortage, including high level priorities for developments that (1) provide affordable rental housing for households earning 60% of median income or less, (2) respond to the urgent need for one bedroom units and (3) provide rental housing for low income people in mixed-income developments; and

WHEREAS, the City Council 2036 Vision also prioritizes the transformation of former public housing communities, to create a diverse mix of affordable rate homes within vibrant neighborhoods; supports a diverse community by creating opportunities for Asheville residents to fulfill their potential because they have improved access to transportation, and living wage jobs from affordable housing that will continue to serve a racially diverse population; and supports quality affordable housing that will be affordable not only because of reasonable prices but also because of low energy and transportation costs, and

WHEREAS, the Asheville Housing Authority, in collaboration with Mountain Housing Opportunities and a team of affordable housing design professionals, after extensive consultation with the current residents of Lee Walker Heights, has developed a plan for the redevelopment of Lee Walker Heights, which will include replacement of the existing 96 public housing units with 212, new affordable mixed-income units; and

WHEREAS, the Lee Walker Heights redevelopment project will (1) significantly expand the number of units affordable to households earning less than 60% of median income in a mixed-income setting; (2) increase the number of one bedroom units by at least 1200% (from 8 to 96 on the current site); (3) provide higher density construction within walking distance of Mission Health System and downtown Asheville; and (4) include Enterprise Green Communities certification and food production opportunities for residents;

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

1. The City of Asheville strongly supports this redevelopment effort and the application to the North Carolina Housing Finance Agency for Low Income Housing Tax Credits to provide key equity funding for the initial phase; and

2. The City hereby commits an amount not to exceed $4.2 million to the Lee Walker Heights redevelopment project, conditional on the award of 2016 Low Income Housing Tax Credits to the project by the North Carolina Housing Finance Agency; and

3. The City Manager is authorized to communicate this commitment to the Asheville Housing Authority by letter, so that this commitment may be communicated in a timely fashion concurrent with the anticipated application for Low Income Housing Tax Credits for the project.

Read, approved and adopted the 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-99

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SKIDMORE OWINGS AND MERRILL FOR THE PURPOSE OF DEVELOPING THE CITY OF ASHEVILLE 2025 COMPREHENSIVE PLAN UPDATE

WHEREAS the current Comprehensive Plan for the City of Asheville was completed in 2003, and is in need of updating; and

WHEREAS, the City of Asheville Department of Planning and Urban Design issued a Request for Proposals ("RFP") # 298-16-PUD-CP on November 9, 2015, for consulting services to update the Comprehensive Plan for the City of Asheville and the firm, Skidmore Owings and Merrill, PLLC, was selected; and

WHEREAS, the City of Asheville has approved $200,000 in the fiscal 2016 year budget for the purpose of developing the Comprehensive Plan Update and has identified an additional $64,345 to cover the cost of the contract with Skidmore Owings and Merrill, PLLC;

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

The City Manager is hereby authorized to enter into a contract with Skidmore Owings and Merrill, PLLC, PLLC, in an amount not to exceed $264,345, for the purposes of developing the City of Asheville Comprehensive 2025 Plan Update.

Read, approved and adopted this 26th day of April, 2016.

Madeleine Pwllson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney