

RESOLUTION NO. 16- 35

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH COOPER CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS ANGLE STREET BRICK SIDEWALK REHABILITATION _____

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

WHEREAS, the project involves the Rehabilitation of Brick Sidewalk that has Been Damaged; and

WHEREAS, bids were solicited for the project known as Angle Street Brick Sidewalk Rehabilitation, City of Asheville Project # TR-15-16-010; and

WHEREAS, Cooper Construction Company, Inc. of Flat Rock, NC was the lowest responsible bidder for the project; 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;

WHEREAS, the amount of the Agreement is \$161,999 and the monies have been budgeted in the Public Works Department's Fiscal Year 2016 budget;

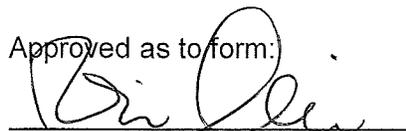
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$161,999 plus a contingency of 20% (\$32,400) with Cooper Construction Company Inc. 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 for the project known as Angle Street Brick Sidewalk Rehabilitation, City of Asheville Project # TR-15-16-010.

Read, approved and adopted this the 23rd day of February, 2016.


City Clerk


Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-36

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH BELL ATLANTIC MOBILE OF ASHEVILLE, INC. D/B/A/ VERIZON WIRELESS FOR TELECOMMUNICATIONS EQUIPMENT ON CITY-OWNED PROPERTY AT 87 HAYWOOD STREET, KNOWN AS THE U.S. CELLULAR CENTER

WHEREAS, the City of Asheville is the owner of real property located at 87 Haywood Street, known as the U.S. Cellular Center, identified as PIN #9649-31-3304-00000; and

WHEREAS, Bell Atlantic Mobile of Asheville, Inc. d/b/a/ Verizon Wireless approached the City with a request to install cellular communication infrastructure within the building in order to better serve their customers; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 30 days' public notice; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed license agreement on January 8, 2016 in the Asheville Citizen-Times; and

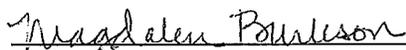
WHEREAS, the initial term of the lease agreement will be for ten (10) years with, for the rental rate of \$9,600 per year, with annual increases to commence in year three (3) at 3% per year, and Verizon Wireless agrees to install fiber optic cable for the City's use; and

WHEREAS, the proposed lease agreement will not interfere with the current use of the property during the term of the lease;

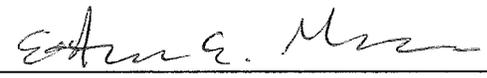
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute sec. 160A-272, the City Manager is hereby authorized to execute the License Agreement between the City of Asheville and Bell Atlantic Mobile of Asheville, Inc. d/b/a/ Verizon Wireless for antennas and related equipment at 87 Haywood Street. In addition, the City Manager be, and 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.

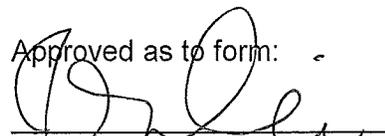
Read, approved and adopted this 23rd day of February, 2016.



City Clerk



Mayor

Approved as to form:


City Attorney

RESOLUTION 16-~~37~~

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT JURISDICTIONAL AGREEMENT WITH THE BOARD OF TRUSTEES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE AND BUNCOMBE COUNTY TO EXPAND THE A-B TECH POLICE DEPARTMENT'S JURISDICTION

WHEREAS, pursuant to N.C. Gen. Stat. § 115D-21.1(b), the Board of Trustees of an institution of any community college in North Carolina that has a law enforcement agency established pursuant to N.C. Gen. Stat. § 115-21.1(a) may enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction; and

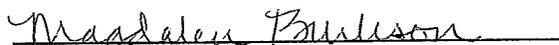
WHEREAS, Asheville-Buncombe Technical Community College ("A-B Tech") has a law enforcement agency established pursuant to N.C. Gen. Stat. § 115-21.1; and

WHEREAS, The Board of Trustees of A-B Tech and Buncombe County wish to enter into a joint agreement granting the A-B Tech Police Department authority to perform law enforcement activities and use the power of arrest on real property leased by A-B Tech from Buncombe County, identified as PIN# 9648-33-7732, and more particularly described in a deed recorded in Book 4996, 1764 of the Buncombe County registry, and all property owned by the County and leased by A-B Tech that is contiguous to A-B Tech's property located at PIN# 9648-21-0661, more particularly described in a deed recorded in Book 1216, Page 35 of the Buncombe County registry;

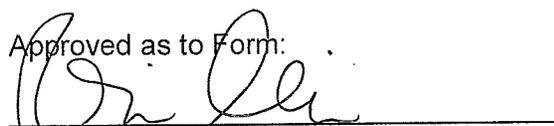
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor for the City of Asheville is hereby authorized to enter into a joint agreement with A-B Tech to allow the A-B Tech Police Department limited jurisdiction to perform law enforcement activities and have the powers of arrest as stated in N.C. Gen. Stat. § 15A-401, on real property leased by A-B Tech from Buncombe County, identified as PIN# 9648-33-7732, and more particularly described in a deed recorded in Book 4996, 1764 of the Buncombe County registry, and all property owned by the County and leased by A-B Tech that is contiguous to A-B Tech's property located at PIN# 9648-21-0661, more particularly described in a deed recorded in Book 1216, Page 35 of the Buncombe County registry.

Read, approved and adopted this 23rd day of February, 2016.


CITY CLERK


MAYOR

Approved as to Form:

CITY ATTORNEY

RESOLUTION NO. 16-38

RESOLUTION AUTHORIZING THE CITY MANAGER TO RECEIVE FUNDS FROM THE ASHEVILLE PARKS AND GREENWAYS FOUNDATION AND FRIENDS OF CONNECT BUNCOMBE TO CONDUCT A GREENWAY FEASIBILITY STUDY IN EAST ASHEVILLE: SWANNANOA RIVER GREENWAY CORRIDOR – PHASE ONE

WHEREAS, pursuant to N.C.G.S. §160A-353 the City is authorized to accept any gift or grant for parks and recreation programs; and

WHEREAS, The City Greenway Master Plan identifies this project area as part of the Swannanoa River Greenway Corridor; and

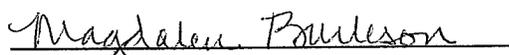
WHEREAS, The Asheville Parks and Greenways Foundation and Friends of Connect Buncombe have collected funds through fundraising efforts specifically for this project; and

WHEREAS, There will be no matching funds needed from the City to conduct this project;

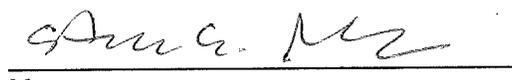
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to approve this feasibility study.

Read, approved and adopted this 23rd day of February, 2016.

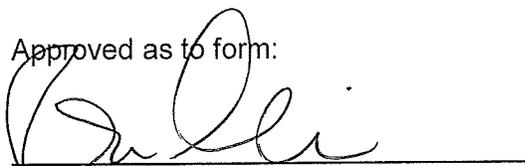


City Clerk



Mayor

Approved as to form:



City Attorney

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, pursuant to N.C.G.S 160A-456 the City is authorized to expend funds for Community Development programs and activities; and

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, six (6) qualified applications for Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals from Beacatcher Properties, LLC, Biotat, LLC, Groce united Methodist Church, Hearthstone, LCC, and Leah and James Kim (sole proprietors) and has made its recommendation to Council to approve the loans;

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

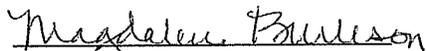
1. A loan of \$45,000 amortized at 4.50% interest for 30 years to Beacatcher Properties, LLC for the development of three (3) single-family rental homes on Virginia Avenue; to be made immediately available for disbursement following loan closing. Three (3) single-family homes units are to be restricted to families earning 80% or less of the Area Median Income (AMI) and shall have a thirty (30) year affordability period.
2. A loan of \$45,000 at 2.00% annual interest-only with principal deferred for twenty (20) years to Beacatcher Properties, LLC for the development of three (3) garage apartments on three (3) lots on Virginia Avenue; to be made immediately available for disbursement following loan closing. Three (3) units are to be restricted to families earning 60% or less of the Area Median Income including voucher accepted (50% AMI) and shall have a twenty (20) year affordability period.
3. A loan of \$300,000 at 2.00% annual interest-only with principal deferred for twenty (20) years to Beacatcher Properties, LLC for the development of sixty (60) multifamily units on Simpson Street; to be made immediately available for disbursement following loan closing. Sixty (60) units are to be restricted to families earning 60% or less of the Area Median Income including voucher accepted (50% AMI) and shall have a twenty (20) year affordability period.
4. A loan of \$520,000 amortized at a graduated 2.00% interest for 20 years to Biotat, LLC for the development of seventy-two (72) multifamily units on Oak Hill Drive. The graduated interest payment is as follows: year 1-5 at .05%, year 6-10 at 1%, year 11-15 at 1.5%, year 16-20 at 2%; all funds to be made immediately available for disbursement following loan closing. Thirty-six (36) units are to be restricted to families earning 60% or less of the area median income, including vouchers (50% AMI) and shall have a twenty (20) year affordability period.

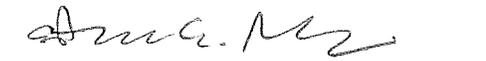
4. A loan of \$30,000 at 0% annual interest with principal deferred for twenty (20) years to Groce United Methodist Church for the development of two (2) units on Tunnel Road; on the condition that developer installs energy star appliances and other green features when possible; to be made immediately available for disbursement following loan closing. Two (2) units are to be restricted to homeless with children earning 60% or less of the Area Median Income, including vouchers (50% AMI) and shall have a twenty (20) year affordability period.

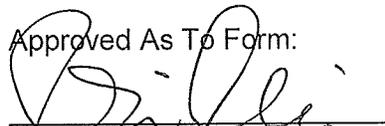
5. A loan of \$128,000 at 2% annual interest-only with principal deferred for fifteen (15) years to Hearthstone, LLC for the development of sixteen (16) units on Booker Street; to be made immediately available for disbursement following loan closing. Sixteen (16) units are to be restricted to families earning 60% or less of the Area Median Income shall have a fifteen (15) year affordability period.

6. A loan of \$150,000 at 0% annual interest with principal deferred for twenty (20) years to Leah and James Kim for the development of fifteen (15) units on White Pine Drive; to be made immediately available for disbursement following loan closing. Fifteen (15) units are to be restricted to veterans earning 60% or less of the Area Median Income, including vouchers (50% AMI) and shall have a fifteen (15) year affordability period.

Read, approved and adopted this 23rd day of February, 2016.


CITY CLERK


MAYOR

Approved As To Form:

City Attorney

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH BUCKEYE BRIDGE, LLC., FOR THE VICTORIA ROAD WATERLINE IMPROVEMENTS PROJECT

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 project involves construction and installation of approximately 5,000 Linear Feet of 12-inch Ductile Iron Pipe and other work and materials required in order to complete the project; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Victoria Road Waterline Improvements; and

WHEREAS, Buckeye Bridge, LLC., of Canton, NC was the lowest responsible, responsive bidder for the Project, in the amount of \$673,514.50, with the bid tabulation attached hereto as Exhibit "A"; and

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

WHEREAS, the amount of the Agreement is for \$673,514.50 plus a contingency amount of \$81,000.50 for a total project budget of \$754,515.00 and the monies have been budgeted in the Water Resources Capital Improvement Projects fund.

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, on behalf of the City of Asheville, is hereby authorized to enter into a construction agreement with Buckeye Bridge, LLC., for the bid amount of \$673,514.50 plus a contingency amount of \$81,000.50 for a total project budget in the amount of \$754,515.00 for the Victoria Road Waterline Improvements Project 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 23rd day of February, 2016.

Magdalena Paulson
City Clerk

Esther E. Maly
Mayor

Approved as to form:

G. Allen
City Attorney

Exhibit A

Bid Tabulation for the Victoria Road Waterline Improvements Project

Buckeye Bridge, LLC
PO Box 1367
654 Buckeye Cove Rd,
Canton, NC 28716
Total Bid: \$ 673,514.50

Cooper Construction Company, Inc.
761 S Allen Rd
Flat Rock, NC 28731
Total Bid: \$ 746,413.00

Davis Grading, Inc.
3420 W. Zion Church Rd
Shelby, NC 28150
Total Bid: \$ 786,426.00

Patton Construction Group, Inc.
PO Box 15054
Asheville, NC 28813
Total Bid: \$ 681,760.00

Thomas Construction Co., Inc.
PO Box 4806 CRS
Johnson City, TN 37602-4806
Total Bid: 799,865.00

T&K Utilities, Inc
204 Charlotte Hwy
Asheville, NC 28803
Total Bid: \$ 804,950.00

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH PATTON CONSTRUCTION GROUP, INC., FOR THE WATER SERVICE RENEWALS WEST PROJECT

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 Resources Department has the need to renew existing water services that have been identified as sub-standard as part of the department's ongoing Automated Meter Reading (AMR) water meter conversion project; and

WHEREAS, pursuant to N.C.G.S. § 143-131, informal bids must be obtained and the City must award to the lowest responsible and responsive bidder; and

WHEREAS, Patton Construction Group, Inc., was selected as the lowest responsible and responsive bidder by City staff in the amount of \$346,800.00; and

WHEREAS, the amount of the Agreement is \$346,800.00 plus a contingency amount of \$34,680.00 for a total project amount of \$381,480.00 and the monies have been budgeted in the Water Resources Capital Improvement Projects fund; and

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

1. The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a construction agreement with Patton Construction Group, Inc., for the bid amount of \$346,800.00 plus a contingency amount of \$34,680.00 for a total project budget in the amount of \$381,480.00 for the Water Resources Water Service Renewals West Project 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 23rd day of February, 2016.

Magdalen Brundson
City Clerk

Ed Arrington
Mayor

Approved as to form:

[Signature]
City Attorney

Exhibit A

Bid Tabulation for the Water Resources
Water Service Renewals West Project

WATER SERVICE RENEWAL WEST							
Bid Tab				Patton Const.		Cooper Const.	
1	3/4 x 5/8 inch Water Service Renewal Complete Including Connection to Existing Corp Stop, Meter Box, Meter Setter, & Connection to existing house line.	115	EA	\$1,250.00	\$143,750.00	\$1,704.00	\$195,960.00
2	3/4-inch Copper Service Type K (Open Cut)	750	LF	\$16.30	\$12,225.00	\$29.40	\$22,050.00
3	3/4-inch Copper Service Type K (Bore)	1800	LF	\$18.50	\$33,300.00	\$35.82	\$64,476.00
4	Asphalt Pavement Repair 8-inch Stone Base & 2-inch Asphalt Surface Course (4ft x 5ft)	75	EA	\$183.36	\$13,752.00	\$512.00	\$38,400.00
5	Asphalt Surface Course 1.5-inch thick	5000	SY	\$27.50	\$137,500.00	\$31.75	\$158,750.00
6	Concrete Pavement Repair 8-inch Stone & 6-inch Concrete (4ft x 6ft Cut)	15	EA	\$418.20	\$6,273.00	\$710.00	\$10,650.00
TOTAL BID CONSTRUCTION COST					\$346,800.00		\$490,286.00

RESOLUTION NO. 16- 42

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CHANGE ORDER FOR THE EXISTING CONTRACT WITH TENNOCO CONSTRUCTION COMPANY FOR THE CONSTRUCTION SERVICES NECESSARY FOR THE COMPLETION OF THE CRAVEN STREET IMPROVEMENT PROJECT

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

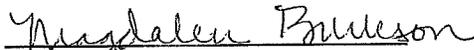
WHEREAS, on June 24, 2014, City Council approved the contract with Tennoco Construction Company, Inc. in the amount of \$6,901,570.66; and

WHEREAS, additional construction services are necessary in order to complete the project, creating additional cost related to the original construction budget approximately up to \$185,000.00; and

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

The City Manager is hereby authorized to complete negotiations and execute a change order up to \$185,000.00 with Tennoco Construction Company, Inc. for the additional construction services associated with the Craven Street Improvement project. The total construction contract shall not exceed \$7,086,570.66

Read, approved and adopted this the 23th day of February, 2016.


City Clerk


Mayor

Approved as to form:


City Attorney

RESOLUTION NO. 16- 43

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED
NEAR 119 AND 121 SAND HILL RD.

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a an unnamed alley located near 119 and 121 Sand Hill Rd.; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close an unnamed alley located near 119 and 121 Sand Hill Road, described as follows:

Legal Description for Proposed Partial Closure of alley located near 119 and 121 Sand Hill Rd.

Beginning at an Existing Iron Pin located in the Northern Right of Way of Sand Hill Road and the Western Right of Way of an unopened Road as shown on PB. 11 PG. 70 and known as Old Sand Hill Road and runs thence with the Western Right of Way Old Sand Hill Road and the property of Jennifer Ryan Fulton DB. 4358 Pg. 1903 and the line shown on PB. 83 Page 185, N 15-32-32 E 10.45' to a calculated point, thence N 08-27-07 E 70.01' to an Existing Iron Pin common comer of Jennifer Ryan Fulton and Debra S. Carter, thence with the line of Debra S. Carter N 08-27-07 E 26.74' to a calculated point, thence N 23-32-36 E 75.78' to a calculated point, thence N 34-58-02 E 18.39' to an Existing Iron Pin, thence with the line of Vivianne C. Wersel, DB. 5145 PG. 1336 and PB. 74 PG. 173, S 58-26-50 E 27.79' to an Existing Iron Pin located in the Eastern Right of Way of Old Sand Hill Road and the Northeast comer of Lot #1, PB. 11PG. 70, thence with the land of Debra S. Carter and the Eastern Right of Way of Old Sand Hill Rd. S 34-58-02 W 27. 4' to an Existing Iron Pin, thence S 23-32-36 W 47.91' to an Iron Pin Set, the Northeast comer of DB. 1925 PG. 776, thence S23-32-36 W 12.00' to an Existing Iron Pin, the Northwest comer of Lot #1, PB. 11 PG. 70, thence continuing with the land of Debra S. Carter, S 11-36-14 W 67.10' to an Iron Pin Set at the Intersection of the Right of Way of Old Sand Hill Road and the Right of Way of Sand Hill Road, thence with the Right of Way of Sand Hill Road, S 40-57-21 W 43.52' to the Beginning.

Having an area of 0.101 acres (4418 sq. ft.). The foregoing description is based on an unrecorded survey by William E. Anders, Jr., PLS, dated August 19, 2015, entitled Survey For: Debra S. Carter, 119 and 121 Sand Hill Road, Asheville, NC; a copy of said survey can be found in the Office of the City Clerk.

2. A public hearing on the question of permanently closing an unnamed alley located near 119 and 121 Sand Hill Road is hereby called for on March 22, 2016, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on March 22, 2016.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley located near 119 and 121 Sand Hill Road. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 23rd day of February, 2016.

Magdalena Bullock
City Clerk

Steve Mc
Mayor

Approved as to form:
Billi
City Attorney

RESOLUTION NO. 16- 44

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED
BETWEEN OTEEN PARK PLACE AND PINE CONE DRIVE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a an unnamed alley located between Oteen Park Place and Pine Cone Drive; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close an unnamed alley located between Oteen Park Place and Pine Cone Dr., described as follows:

Legal Description for Proposed Closure of alley located between Oteen Park Place and Pine Cone Dr.

Beginning at a 2 inch iron pipe filled with concrete in the western margin of the right of way for Oteen Park Place, said iron pipe marking the southeast corner of the Edson Degobbi and Lilian H. Degobbi property described in Record Book 5352, at Page 1061 of the Buncombe County, NC Register's Office (the "Registry"), and runs thence with the southern boundary of the Degobbi property North 84° 54' 33" West 112.47 feet to a % inch capped rebar at the southwest corner of the Degobbi property and the eastern margin of the right of way of Pine Cove Drive, said rebar more particularly located by Grid Coordinates Y=686835.34, X=9626! 7.70, NAD 83, 2011; thence with the margin of Pine Cove Drive South 4° 49' 12" West 15.00 feet to a % inch rebar at the northwest corner of the Paul & Doris G. Ray Living Trust property described in Record Book 4800, at Page 745 of the Registry; thence with the northern boundary of the Ray Trust property South 84° 54' 33" East 112.55 feet to a % inch rebar at the northeast corner of the Ray Trust property and in the western margin of Oteen Park Place; thence with the margin of Oteen Park Place North 4° 29' 13" East 15.00 feet to the point of Beginning; containing 0.039 acre, more or less, as shown on that "Boundary Survey for Lilian Degobbi" dated October 26, 2015, bearing Job File No. 15053, as prepared by NC Survey, P.C.

2. A public hearing on the question of permanently closing an unnamed alley between located between Oteen Park Place and Pine Cone Dr., is hereby called for on March 22, 2016, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a March 22, 2016.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley located between Oteen Park Place and Pine Cone Dr. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 23rd day of February, 2016.

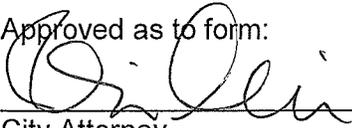


City Clerk



Mayor

Approved as to form:



City Attorney

RESOLUTION NO. 16-45

RESOLUTION AMENDING THE ESTABLISHED CRITERIA FOR DESIGN-BUILD DELIVERY METHOD FOR CONSTRUCTION CONTRACTS

WHEREAS, on June 24, 2014, the City Council adopted Resolution 14-138 establishing the criteria for a Design-Build Method for Construction Contracts pursuant NC G.S. 143-128.1A; and

WHEREAS, later in 2014, the NC Legislature slightly amended the wording of one of these adopted criteria, Criteria 6, in Session Law 2014-42 replacing the terms "costs and benefits" with the terms "advantages and disadvantages"; and

WHEREAS, the City desires to amend the previously adopted criteria to be consistent with the language of the current statute;

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

- (1) The criterion for the design-build delivery method for construction contracts established by Resolution No. 14-138, is hereby superseded and amended as follows:

Establishment of Criteria

Criteria 1: The extent to which the City can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder.

The design-build method may be used if it is determined that, for the project, the City has professional staff that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications (RFQ) for a design-builder. Consideration will be given to the qualifications and experience of City staff and the availability of professional staff in the areas of purchasing, finance and legal to assist in the development of an RFQ.

Criteria 2: The time constraints for the delivery of the project. The design-build delivery method may be used if a project has a firm date by which a facility must be operational and the normal delivery method (i.e. RFQ, study, design, bid and construct) is likely not to be timely. The size and cost of a project will dictate complexity and schedule.

Criteria 3: The ability to ensure that a quality project can be delivered. The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced staff to ensure that the design-build firm will provide a quality project within the budget constraints established by Council. Consideration will be given to the qualifications and experience of City staff charged with management of the project.

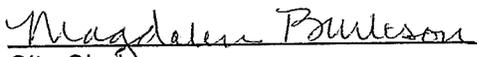
Criteria 4: The capability of the City to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. The design-build delivery method may be used if it is determined that, for the project, the City has professional and experienced staff that are knowledgeable of design-build projects or, in the alternative, experienced consultants local to Asheville are available to be retained to perform the construction management of a design-build contract.

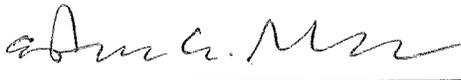
Criteria 5: A good-faith effort to comply with historically underutilized business participation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small business entities. The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which ensure that contractors will comply with the M/WBE goals set by Council.

Criteria 6: The criteria utilized by the City, including a comparison of the advantages and disadvantages of using the design-build delivery method of a given project in lieu of the other delivery methods identified. The criteria utilized by the City when considering a design-build delivery method for a project will be as follows:

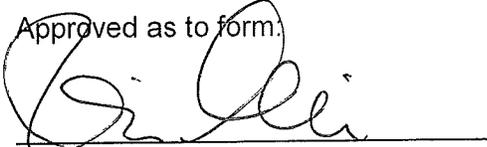
- Is the project well defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
 - Is the project timeline overly constrained and will it be necessary to have the facility complete and operational within a short timeframe?
 - Will it be necessary to have beneficial use of a portion of the facility while it is under construction?
 - Given the scope of the project, is there a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
 - Does the design-build delivery method meet the ultimate operational goals established for a given facility and the quality of product achieved as a result of a more fluid and flexible delivery method?
- (2) The City Manager or his designee is authorized to review and approve the criteria for each individual design-build project to ensure compliance with this adopted criteria.

Read, approved and adopted this 23rd day of February, 2016.


City Clerk


Mayor

Approved as to form:


City Attorney