RESOLUTION NO. 16 - 169

RESOLUTION ACCEPTING HOSPITAL DRIVE AS A CITY STREET

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over all public streets within its jurisdiction, including the power to acquire streets through dedication and acceptance; and

WHEREAS, Hospital Drive is located within the corporate limits of the City of Asheville; and

WHEREAS, Hospital Drive has been offered for dedication to the City for public use; and

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

WHEREAS, the developer is responsible for repairing any major failures to Hospital Drive 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 variable right-of-way width of 101 to 102 feet for Hospital Drive has been recorded in Plat Book 132 Page 6; and

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

The City of Asheville accepts Hospital Drive as a City Street, as indicated on the attached map section.

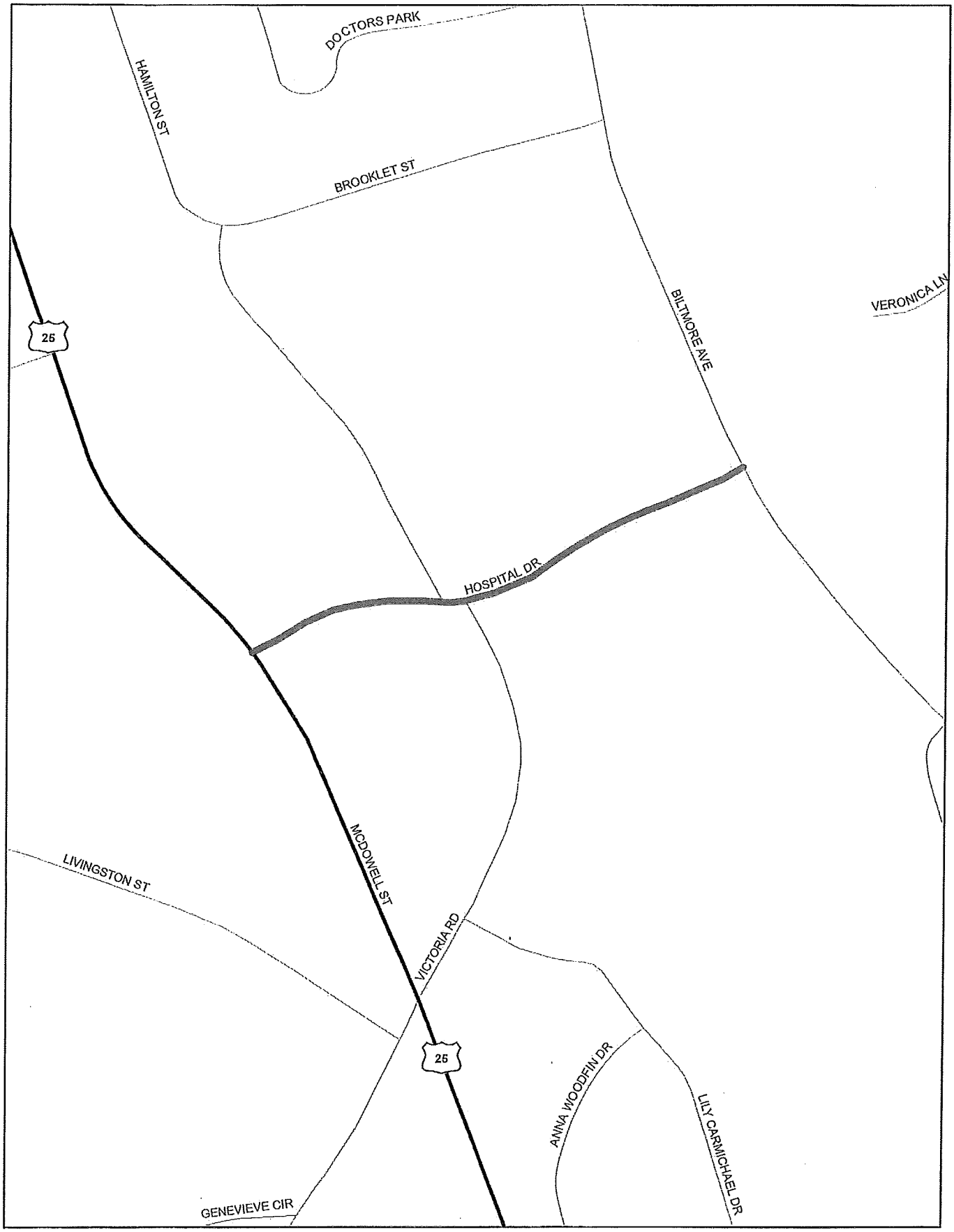
Read, approved and adopted this 26th day of July, 2016.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney


DOCTORS PARK
HAMILTON ST
BROOKLET ST
BILTMORE AVE
VERONICA LN
25
HOSPITAL DR
MCDONELL ST
LIVINGSTON ST
VICTORIA RD
25
ANNA WOODFIN DR
LILY CARMICHAEL DR
GENEVIEVE CIR

RESOLUTION NO. 16- 170

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEAF DOWNTOWN AVL ON THE DATES OF SATURDAY, JULY 30, 2016 FROM 12:00 PM – 10:30 PM AND SUNDAY, JULY 31, 2016 FROM 12:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at LEAF Downtown AVL.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the LEAF Downtown AVL event area, as set forth in Exhibit A, attached.

   The LEAF Downtown AVL event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for LEAF Downtown AVL on Saturday, July 30, 2016 from 12:00 p.m. – 10:30 p.m. and Sunday, July 31, 2016 from 12:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the LEAF Downtown AVL event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the LEAF Downtown AVL event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the LEAF Downtown AVL, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

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

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A

Off The Wagon Dueling Piano Bar Asheville
Parking Lot
Over Easy Cafe
Strada Italiano
Lawyers Walk
Twisted Laurel
Ananda Hair Studio
Room Nine
Korean House
Suwana's Orchid Thai
College St
Market St
N Market St
N Spruce St
S Spruce St
S Market St
Pack Square Park
Buncombe County Clerk of Court
Davidson Dr
Broadway
N Vance Memorial
Ct Pz
Pack's Tavern
Marjorie St
Patton Ave
French Broad Chocolate Lounge
Asheville Police Department
Rhubarb
Biltmore Ave
Asheville Art Museum
Jimmy John's

RESOLUTION NO. 16- 171

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON THE DATES OF FRIDAY, SEPTEMBER 9, 2016 FROM 5:00 PM – 10:00 PM, SATURDAY, SEPTEMBER 10, 2016 FROM 10:00 AM – 10:00 PM, AND SUNDAY, SEPTEMBER 11, 2016 FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Goombay Festival.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Goombay Festival event area, as set forth in Exhibit A, attached.

   The Goombay Festival event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Goombay Festival on Friday, September 9, 2016 from 5:00 p.m. – 10:00 p.m., Saturday, September 10, 2016 from 10:00 a.m. – 10:00 p.m., and Sunday, September 11, 2016 from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay Festival event area. No other possession of

open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Goombay Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Goombay Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

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

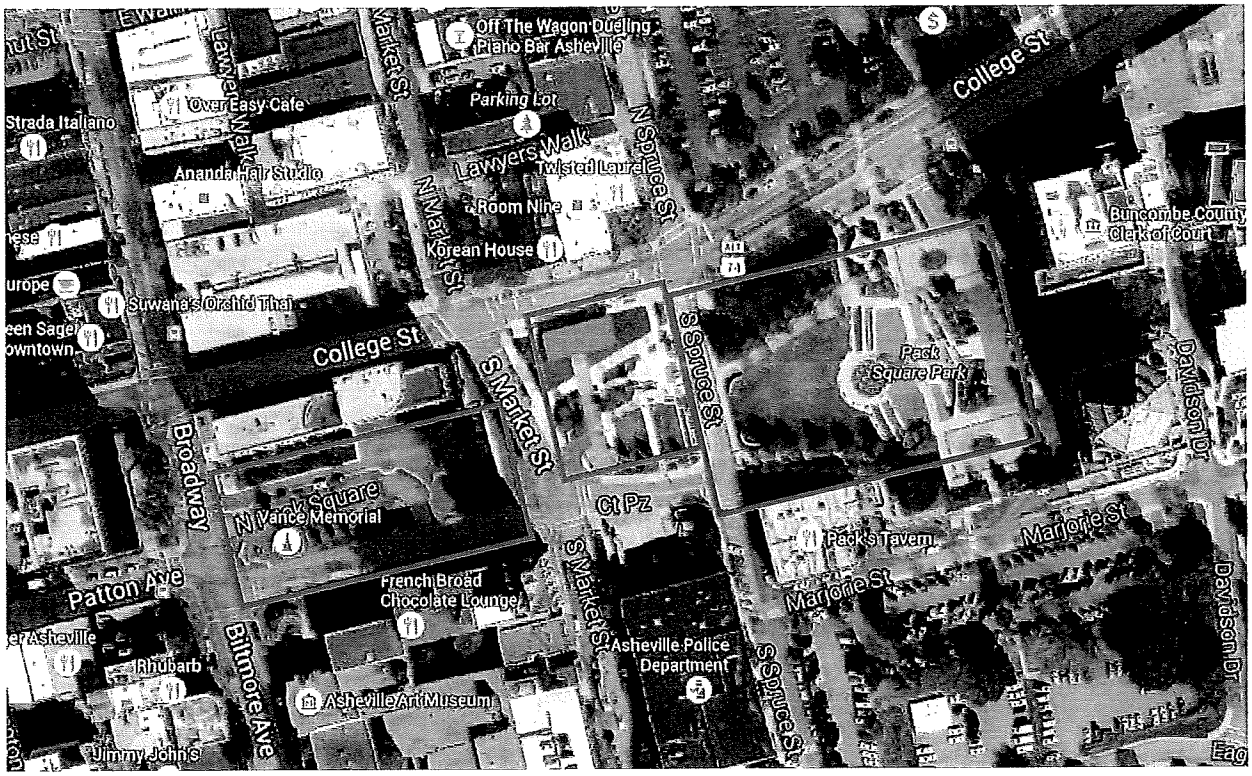
Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A


Off The Wagon Dueling Piano Bar Asheville
Over Easy Cafe
Parking Lot
College St
Strada Italiano
Lawyers Walk
Ananda Hair Studio
Twisted Laurel
Room Nine
Buncombe County Clerk of Court
Korean House
Suwanee Orchid Thai
College St
S Market St
Pack Square Park
Broadway
Pack Square
N Vance Memorial
Ct Pz
Pack's Tavern
Marjorie St
Patton Ave
French Broad Chocolate Lounge
Asheville Police Department
Rhubarb
Biltmore Ave
Asheville Art Museum
Jimmy John's
S Spruce St
Davidson Dr

RESOLUTION NO. 16-172

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II RENEWAL PERMIT APPLICATION IN ADDITION TO ANY OTHER PAPERWORK NECESSARY TO COMPLY WITH THE EPA NON-FUNDED STORMWATER MANDATE

WHEREAS, the Environmental Protection Agency has mandated that operations of Municipal Separate Storm Sewer Systems (MS4) with a population of 10,000 to 100,000 or a density greater than 1,000 per square mile as designated the latest Census submit an application for a permit to operate such systems; and

WHEREAS, the City of Asheville is currently participating in this program; and

WHEREAS, the City of Asheville owns and operates a MS4; and

WHEREAS, the City of Asheville wishes to reduce water pollution as a result of stormwater runoff;

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

The City Manager be authorized to sign the National Pollution Discharge Elimination System (NPDES) Phase II renewal application in addition to any other paperwork necessary to comply with the program.

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

Magdalen Burleson
City Clerk

E. Ann E. Mahl
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-173

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS WITH THE NC GOVERNOR'S CRIME COMMISSION'S STATE APPROPRIATION COMMITTEE

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

WHEREAS, the NC Governor's Crime Commission's State Appropriation Committee allows for the City of Asheville to apply for the amount of $100,000.00 to purchase an additional 60 Body-Worn Taser Axon Flex Camera Systems;

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 the NC Governor's Crime Commission's State Appropriation Committee for the 2016-17 Body-Worn Video Cameras - Local Solicitation in the amount of $100,000.00. If awarded, APD will spend this amount for an additional 60 Body-Worn Taser Axon Flex Camera and accessories for a total of 180 Body-Worn Taser Axon Flex Cameras.

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

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION NO. 16-174

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH THE MILLS RIVER PARTNERSHIP, INC. (MRP) TO PARTIALLY FUND PROJECTS DIRECTLY RELATED TO WATER QUALITY PROTECTION AND/OR IMPROVEMENT IN THE MILLS RIVER WATERSHED

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 (WRD) desires to contract with the Mills River Partnership, Inc. (MRP) to partially fund projects directly related to water quality protection and/or improvement in the Mills River Watershed; and

WHEREAS, the contract will be for a total not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year and the level of participation recommended is an amount up to $60,000 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds; and

WHEREAS, the monies are budgeted in WRD's operating budget for each year of the three-year agreement;

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a multi-year general services agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year; and further the level of participation recommended is an amount up to $60,000 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

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

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-175

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND RECEIVE FUNDS FROM THE NCDOT BICYCLE AND PEDESTRIAN PLANNING GRANT PROGRAM TO CONDUCT A GREENWAY FEASIBILITY STUDY IN EAST ASHEVILLE: SWANNANOA RIVER CORRIDOR GREENWAY – PHASE ONE

WHEREAS, pursuant to N.C.G.S. § 160A-17.1, the City is authorized to make contracts and accept grants and loans from other governments and their agencies; and

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

WHEREAS, the N.C. Dept. of Transportation requested proposal for studies to be submitted on July 1, 2016; 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:

That the City of Asheville continue with the application process for this grant program and, if awarded, the City Manager accept the funds for a feasibility study for the East Asheville Greenway, a segment of the Swannanoa River Greenway.

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 26th day of July, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-176

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION OF A CONTRACT WITH SAGE SECURITY SOLUTIONS, LLC TO PROVIDE SECURITY SYSTEMS SERVICES IN VARIOUS CITY FACILITIES FOR THE SECOND-YEAR RENEWAL; AND TO EXERCISE THE OPTION TO RENEW THE CONTRACT FOR ONE (1) ADDITIONAL TWELVE-MONTH PERIOD BASED ON THE CONTACTOR'S SATISFACTORY PERFORMANCE AND AVAILABLE BUDGET

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 City of Asheville in the General Services Department contracts for security systems service at various City facilities, which is part of the provision of core facility maintenance level of service for City facilities; and

WHEREAS, the City entered into a one-year contract with Sage Security Solutions, LLC in the amount of $43,222.22 for FY 2014-2015 for security protection service and new equipment, and amended the contract for FY 2015-2016 in the amount of $38,670.70 with an option to renew for one year; and

WHEREAS, the City wishes to elect to exercise the second year for FY 2016-2017 in the amount of $40,923.55, increasing the cumulative amount of the contract to $122,815.55; and

WHEREAS, the funding required is budgeted in the FY 2016-17 department operating budget as part of the Facilities Maintenance division budget.

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

The City Manager is authorized to 1) exercise the second-year option of a contract in the amount of $40,923.55 with Sage Security Solutions, LLC for security protection services at various facilities owned by the City of Asheville (City) for the second year in the cumulative amount of $122,815.55; and 2) to exercise the option to renew the contract for one (1) additional twelve-month period based on the contactor's satisfactory performance and available budget.

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

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-177

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE A CONTRACT WITH HYDROCYCLE ENGINEERING FOR THE PROFESSIONAL SERVICES ASSOCIATED WITH A WATERSHED ASSESSMENT OF THE WELLINGTON STREET AREA

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City Council has previously approved the City Manager the ability to provide an exemption to the Mini-Brooks Act in order to enter into professional services for project under $50,000; and

WHEREAS, the City wishes to perform a watershed assessment for the Wellington Street area; and

WHEREAS, the City's goal is to continue to be proactive with stormwater related projects;

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

City Manager is hereby authorized to complete negotiations and execute a contract with HydroCycle Engineering for the professional services associated with the watershed assessment of the Wellington Street for an amount of $47,000.

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

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-178

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH CAROLINA CORNERSTONE CONSTRUCTION, INC. FOR THE PROJECT KNOWN AS 14 RIVERSIDE RENOVATION, CITY OF ASHEVILLE PROJECT RAD-15-16-003

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 14 Riverside renovation, City of Asheville Project # RAD-15-16-001; and

WHEREAS, Carolina Cornerstone construction, Inc. was the lowest responsible bidder for the project, in the amount of $724,980 with a 15% contingency of $108,900; and

WHEREAS, the project involves the Renovation of a historical building that will serve visitors to the River Arts District; 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 $724,980.00 plus contingency with Carolina Cornerstone construction, Inc. for the project known as 14 Riverside renovation, City of Asheville Project # RAD-15-16-001.

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

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-179

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DR. J. PAUL MARTIN (DBA ASHEVILLE ADDICTION CONSULTANTS, PA) FOR PHYSICIAN SERVICES

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, under the purview of the City Manager, the Human Resources Department contracts with Dr. J. Paul Martin for physician services; and

WHEREAS, pursuant to Resolution No. 15-147, the City entered into a contract with Dr. J. Paul Martin for FY 2015-16 in the amount of $120,000; and

WHEREAS, there is a time-limited need to extend said services while a new contract is procured for physician services; and

WHEREAS, the contract amendment will have a one-month termination clause and a maximum duration of six months; and

WHEREAS, the amount of the contract amendment is not to exceed $60,000.00 and the monies have been budgeted in the Health Care Fund Budget;

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

The City Manager is hereby authorized to amend the contract on behalf of the City of Asheville with Dr. J. Paul Martin (DBA Asheville Addiction Consultants, PA) and further authorized to execute any change orders to said contract or documents which may arise during performance of said project up to the budgeted amount.

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

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-180

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF THREE STORMWATER EASEMENTS FOR THE PURPOSE OF IMPLEMENTING STORMWATER IMPROVEMENTS ALONG PATTON AVENUE, PEARL STREET AND HILLIARD AVENUE

WHEREAS, on March 22, 2016, City Council approved the City Manager to enter into a public private partnership agreement to make stormwater improvements to city infrastructure; and

WHEREAS, most of the project improvements will be located within the public right of way but it has been determined that the most cost effective and most constructible solution is install a portion of the drainage system on private property, requiring additional stormwater easements ; and

WHEREAS, the City through, this partnership, will gain needed stormwater infrastructure along Pearl Street; and

WHEREAS, the necessary easements consist of the following: an easement from Claude DeBruhl to the City for an area consisting of approximately 2,657 SF; an easement from Claude and William DeBruhl to the City for an area consisting of approximately 2,416 SF; and an easement from Cope Street Complex, LLC to the City for an area consisting of approximately 4,640 SF; and

WHEREAS, these stormwater easements will be donated by the project development partner at no cost to the City;

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

The City Manager is hereby authorized to accept the donation of the aforementioned easements for the purpose of implementing stormwater improvements located along Patton Avenue, Pearl Street and Hilliard Avenue and execute any documents necessary to give effect to this resolution.

Read, approved and adopted this the 26nd day of July 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-181

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE, A CONTRACT WITH H&M CONSTRUCTORS TO PROVIDE DESIGN SERVICES FOR THE PARKS MAINTENANCE FACILITIES RELOCATION PROJECT

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. § 143-128.1A, approval to use the design build method was obtained (in accordance with City resolution No. 16-45) and requests for qualifications were solicited for the design-build project known as Parks Maintenance Relocation, City of Asheville Project # ED-14-15-001; and

WHEREAS, H&M Constructors was selected following a thorough review and evaluation process; and

WHEREAS, H&M Constructors and their design team, shall provide the all labor, material, equipment, etc. for the design phase of the Parks Maintenance Relocation;

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 $151,840 plus a contingency of 20% ($30,368) with H&M constructors for the project known as Parks maintenance relocation project, City of Asheville Project # ED-14-15-001.

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

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-182

RESOLUTION AMENDING THE 2016 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:

1. The Asheville City Council will hold a formal meeting on September 6, 2016, beginning at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

2. The formal meeting of the Asheville City Council scheduled for Tuesday, September 13, 2016, is hereby cancelled.

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

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16- 183

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR SMITH MILL PLACE (BIOTAT LLC)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Smith Mill Place development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the Smith Mill Place development located at 29 Oak Hill Road will be a 72 unit multi-family rental development project that will fulfill an important public purpose, in that it will provide 36 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 60% of the area median income), and 36 units of workforce housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 100% of the area median income), and will be located within .25 mile of a one-half hour frequency public transit route;

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

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with Biotat LLC to support the development of the Smith Mill Place project. The annual land use incentive grant will be the difference between the current City tax and the estimated post-completion City tax, said grant amount currently estimated to be $31,854.51, the exact amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of 9.5 years and a 95% fee rebate is approved.
2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

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

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION 16-184

RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA REGARDING BOND ORDERS AUTHORIZING THE ISSUANCE OF $32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS, $25,000,000 GENERAL OBLIGATION HOUSING BONDS AND $17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS, SETTING A PUBLIC HEARING THEREON AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING

WHEREAS, bond orders entitled:

"BOND ORDER AUTHORIZING THE ISSUANCE OF $32,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;"

"BOND ORDER AUTHORIZING THE ISSUANCE OF $25,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;" and

"BOND ORDER AUTHORIZING THE ISSUANCE OF $17,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA;"

have been introduced at a meeting of the City Council (the "*City Council*") of the City of Asheville, North Carolina this 26th day of July, 2016; and

WHEREAS, the City Council desires to provide for the holding of a public hearing thereon on August 9, 2016 and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA that the public hearing on said bond orders shall be held on the 9th day of August, 2016 at 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of said bond orders to be published with a notice of such hearing in the form prescribed by law in a newspaper of general circulation in the City on or before the 3rd day of August, 2016.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to file prior to publication of the bond orders with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the net debt of the City, the assessed value of property subject to taxation by the City and the percentage that net debt of the City bears to the assessed value of property subject to taxation.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

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

Magdalen Burleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 16-185

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the term of Viola Spells, as a member of the African American Heritage Commission, expired on July 1, 2016;

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

Ms. S. Antanette Mosley, 3 Devonshire Place, Asheville, N.C., be and she is hereby appointed as a member to the African American Heritage Commission, to serve a three-year term, term to expire July 1, 2019, or until her successor has been appointed.

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

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-186

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, on May 17, 2016, City Council amended the composition of the Citizens-Police Advisory Committee to (1) convert the Asheville-Buncombe Community Relations Council seat to a seat dedicated to a resident of property owned by the Housing Authority; and (2) convert the two current ad hoc member seats to at-large seats appointed by City Council with three-year terms;

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

Ms. Shana McDowell, 100 Atkinson Street, Asheville, N.C., be and she is hereby appointed as an at-large member, to serve a three-year term, term to begin immediately and expire June 30, 2019, or until her successor has been appointed.

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

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-187

RESOLUTION APPOINTING MEMBERS TO THE COMPREHENSIVE PLAN ADVISORY COMMITTEE

WHEREAS, on May 10, 2016, City Council announced the formation of A Comprehensive Plan Advisory Committee to provide input and feedback on the planning and public engagement process for the update to the City of Asheville Comprehensive Plan;

WHEREAS, the Advisory Team will represent a broad diversity of interests on topics relevant to the Comprehensive Plan and will have representation from various committees/organizations; and

WHEREAS, in addition to the representation from various committees/ organizations, City Council will appoint 3 at-large seats to be filled by members of the community;

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

Ms. Linda Giltz, 43 Vermont Court, Asheville, North Carolina; Mr. Blake Esselstyn, 49 North Street, Asheville, North Carolina; and Mr. Steven Sizemore, 7 North Oak Forest Drive, Asheville, North Carolina, be and they are hereby appointed as at-large members to the Comprehensive Plan Advisory Committee until the completion of the community visioning process.

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

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-188

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of Bruce Emory (representing demonstrated transit interests); James Grode (representing demonstrated greenway interests), Terri March (representing demonstrated bike and ped interests), Philip Lenowitz (representative of the Neighborhood Advisory Committee) and Kristy Carter (representative of the Planning & Zoning Commission); will expire on July 1, 2016; and

WHEREAS, there currently exists a vacancy left by Don Kostelec (representing demonstrated bike and ped interests) until July 1, 2018;

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

(1) Bruce Emory, 9 Sandon Circle, Asheville, N.C., be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (representing demonstrated transit interests), to serve an additional three-year term, term to expire July 1, 2019, or until his successor has been appointed.

(2) Terri March, 9 Woodvale Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Multimodal Transportation Commission (representing demonstrated bike and ped interests), to serve an additional three-year term, term to expire July 1, 2019, or until her successor has been appointed.

(3) Philip Lenowitz, 111 Lakeshore Drive, Asheville, N.C. be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (representing the Neighborhood Advisory Committee), to serve a three-year term, term to expire July 1, 2019, or until his successor has been appointed.

(4) Kristy Carter, 86-1/2 Langwell Avenue, Asheville, N.C., be and she is hereby reappointed, as a member of the Multimodal Transportation Commission (representing the Planning & Zoning Commission), to serve an additional three-year term, term to expire July 1, 2019, or until her successor has been appointed.

(5) David Nutter, 169 Flint Street, Asheville, N.C., be and he is hereby appointed, as a member of the Multimodal Transportation Commission (representing demonstrated greenway interests), to serve a three-year term, term to expire July 1, 2019, or until his successor has been appointed.

(6) Billie Lofland, 16 Spears Avenue, Asheville, N.C., be and she is hereby appointed, as a member of the Multimodal Transportation Commission (representing demonstrated bike and ped interests), to serve the unexpired term of Mr. Kostelec, term to begin immediately and expire July 1, 2018, or until her successor has been appointed.

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

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-189

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of DeWayne Barton (representing 28806 or 28728 zip code) and Teddy Jordan (at-large representative) as members on the Neighborhood Advisory Committee, expire on July 1, 2016; and

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

Ms. Pat Deck, 215 Aldersgate Circle, Asheville, N.C., be and she is hereby appointed to serve a three-year term (at-large member), term to expire July 1, 2019, or until her successor has been appointed.

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

Magdalen Bullison
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-190

RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

WHEREAS, due to the unexpected of Mr. Justin Price, there currently exists an unexpired term on the Tree Commission, term to expire December 31, 2017;

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

Ms. Diane Hillgrove, 12 Temple Avenue, Asheville, N.C., be and she is hereby appointed as a member to the Tree Commission to serve the unexpired term of Mr. Price, term to expire December 31, 2017, or until her successor has been appointed.

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

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY