RESOLUTION NO. 16-126

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH CHERRY BEKAERT LLP FOR AUDITING SERVICES FOR FISCAL YEAR 2015-2016 AND PENSION CENSUS DATA TESTING FOR CALENDAR YEAR 2015

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, City Council's Financial Policies state that the City "shall enter into multiyear agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements"; and

WHEREAS this is the fourth year of contracting with Cherry Bekaert LLP following a Request for Proposal for Audit Services process conducted in the fiscal year ended June 30, 2013, which resulted in the selection of Cherry Bekaert LLP as external auditors; and

WHEREAS, Cherry Bekaert LLP has submitted an engagement letter and contract pursuant to *Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for fiscal year 2015-2016; and

WHEREAS, the City Council desires that the City's fiscal year 2015-2016 audit service contract be awarded to the firm Cherry Bekaert LLP; and

WHEREAS, funds are included in the Finance Department's budget;

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

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Cherry Bekaert LLP in the amount of $88,000 for auditing services for fiscal year 2015-2016.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16- 127

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO STRATEGIC EVENT PARTNERSHIP AGREEMENTS WITH THE ASHEVILLE DOWNTOWN ASSOCIATION, APPALACHIAN SUSTAINABLE AGRICULTURE PROJECT, LEAF, COMMUNITY BETTERMENT FOUNDATION/FOLK HERITAGE COMMITTEE, RIVERLINK, ASHEVILLE AREA ARTS COUNCIL, MOUNTAIN SPORTS FESTIVAL, AND 5 POINT FILM FESTIVAL AND CONTINUING FEE REDUCTIONS TO SPECIAL EVENTS PRODUCED BY 501C NON-PROFIT ORGANIZATIONS

WHEREAS, the City of Asheville acknowledges the significant value in festival and special event partnerships that further economic and community development initiatives; and

WHEREAS, the City has historically offered in-kind support to organizations that produce special events and festivals that meet certain criteria; and

WHEREAS, the Asheville Downtown Association, Appalachian Sustainable Agriculture Project, LEAF, Community Betterment Foundation/Folk Heritage Committee, RiverLink, Asheville Area Arts Council, Mountain Sports Festival and 5 Point Film Festival submitted proposals to work in partnership with the City on a scope of work designed to promote an environment for investment, support entrepreneurship, the arts/creative economy, attract outside spending, raise funds for local charities, increase cultural understanding and promote a high quality of life within the community;

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

1. The City Manager is hereby authorized to approve a resolution permitting the Community & Economic Development department to execute strategic event partnership agreements with the Asheville Downtown Association, Appalachian Sustainable Agriculture Project, LEAF, Community Betterment Foundation/Folk Heritage Committee, RiverLink, Asheville Area Arts Council, Mountain Sports Festival and 5 Point Film Festival at an in-kind maximum value of $173,364 for year 1, $151,864 for year 2, and $151,864 for year 3, and the continuation of discounts to registered 501c non-profit organizations at a rate of 75% off standard property use and permit fees for outdoor special events that are open to the public and produced on public property.

2. Under the terms of the strategic event partnership agreement, the Community & Economic Development department and each non-profit organization will specify annual performance goals and objectives within the agreement for the first year and repeatedly for the continuation of the partnership for subsequent two years.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Burleson
City Clerk

Edwin C. Marks
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-128

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PINNACLE LANDSCAPE, LLC FOR GROUNDS MAINTENANCE SERVICES AT PACK SQUARE PARK, GRACE'S GARDEN AND PRITCHARD PARK FOR A TWELVE (12) MONTH PERIOD WITH AN OPTION FOR TWO (2), TWELVE (12) MONTH RENEWALS BASED ON CONTRACTOR PERFORMANCE.

WHEREAS, the Parks and Recreation Department issued an Advertisement for Bids for grounds maintenance services at Pack Square Park, Grace's Garden and Pritchard Park. Pinnacle Landscape, LCC was the lowest responsive and responsible bidder for a total of $139,915.00; and

WHEREAS, the contract will be for a twelve (12) month period with the option for two (2), twelve (12) month period based on contractor performance;

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

The City Manager is authorized to enter into a contract with Pinnacle Landscape, LCC to provide grounds maintenance services at Pack Square Park, Grace's Garden and Pritchard Park in the amount of $139,915 plus a contingency of $15,000 for a total of $154,915 for a twelve (12) month period with an option for two (2), twelve (12) month renewals based on contractor performance.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16 - 129

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ADOPT-A-PARK AGREEMENT WITH JUST FOLKS THAT INCLUDES A WAIVER OF PARK USE, TENT USE, AND FIRE PERMIT FEES FOR FISCAL YEAR 2016-2017

WHEREAS, the City of Asheville has entered into an Adopt-a-Park Agreement with Just Folks to promote positive activities that reduce nuisance behaviors in and around the Triangle Park area; and

WHEREAS, the programs and events organized by Just Folks focus on community-building and have improved the appearance of the park, making it more attractive to downtown visitors and community members; and

WHEREAS, Just Folks is providing quality cultural programming and diversity in a city park not generally used for this purpose; and

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

The City Manager is hereby authorized to sign the Adopt-a-Park agreement with Just Folks to waive park use, tent use, and fire permit fees up to $3,058 for FY 2016-2017 for the use of Triangle Park for community-building events that benefit the Eagle/Market Streets area and the community.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-130

RESOLUTION APPOINTING A MEMBER TO THE MILLS RIVER PARTNERSHIP BOARD OF DIRECTORS

WHEREAS, the City of Asheville has a unfilled seat on the Board of Directors for the Mills River Partnership;

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

Mr. Marc Hunt, 55 Cambridge Road, Asheville, N.C., be and he is hereby appointed as a member to the Mills River Partnership Board of Directors to serve a three-year terms, term to expire June 14, 2019, or until his successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-131

RESOLUTION RE-AFFIRMING RESOLUTION NO. 15-104 (June 9, 2015) APPROVING THE ISSUANCE OF UP TO $10,000,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR SPRUCE HILL APARTMENTS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE

WHEREAS, on June 9, 2015, the City Council of the City of Asheville adopted Resolution No. 15-104, approving the issuance by the Housing Authority of the City of Asheville, NC ("Issuer") of its multifamily housing revenue bonds in an amount not to exceed $10,000,000 (the "Bonds") to finance, in part, the costs of acquisition, rehabilitation and equipping by Affordable Housing Group III LLC, a Washington limited partnership, or an affiliated or related entity (the "Borrower"), of Spruce Hill, a 174 unit, mixed income, multifamily residential development (the "Development"), for purposes of Section 147(f) of the Code; and

WHEREAS, the City has been informed by the Issuer's Counsel, that the Code requires that bonds of the Housing Authority approved by the City pursuant to Section 147(f) of the Code must be issued within one year of the date of such approval and that the previously approved Bonds have not yet been issued; and

WHEREAS, the City has also been informed that the financing process has taken longer than anticipated but is now expected to close in late June, 2016; and

WHEREAS, the Issuer's Counsel has confirmed that the plans for the Spruce Hill Development are the same as represented to the City Council in June 9, 2015 Staff Report; and

WHEREAS, it is understood, that the approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

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

1. The City re-affirms that the proposed issuance by the Housing Authority of the City of Asheville of its multifamily housing revenue bonds in an amount not to exceed $10,000,000 to finance, in part, the costs of acquisition, rehabilitation and equipping of the Development described above by the Borrower is approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Read, approved and adopted this the 14th day of June, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16- 132

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE KRUGER BROTHERS CONCERT PRE-RECEPTION ON THE DATE OF FRIDAY, JUNE 24, 2016 FROM 5:00 PM – 9:00 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 Kruger Brothers Concert Pre-Reception.

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 Kruger Brothers Concert Pre-Reception event area, as set forth in Exhibit A, attached.

   The Kruger Brothers Concert Pre-Reception event area is within the boundaries of Church Street between the intersections of Commerce Street and Aston 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 Kruger Brothers Concert Pre-Reception on Friday, June 24, 2016 from 5:00 p.m. – 9:00 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 Kruger Brothers Concert Pre-Reception 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 Kruger Brothers Concert Pre-Reception 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 Kruger Brothers Concert Pre-Reception, 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 14th day of June, 2016.

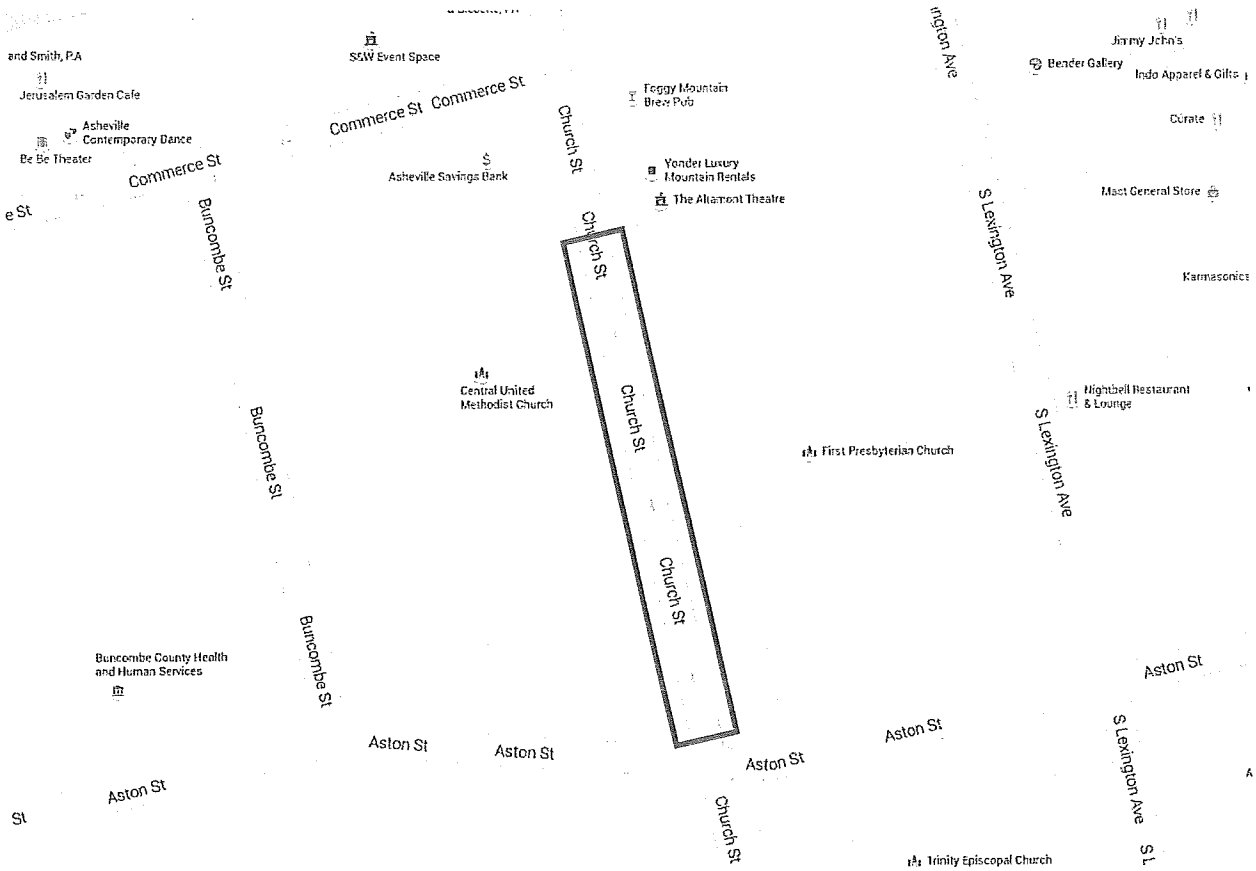
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A


and Smith, P.A
Jerusalem Garden Cafe
Asheville Contemporary Dance
Be Be Theater
Commerce St
Commerce St
Commerce St
S&W Event Space
Asheville Savings Bank
Foggy Mountain Brew Pub
Yonder Luxury Mountain Rentals
The Altamont Theatre
Church St
Church St
Church St
Church St
Church St
Buncombe St
Buncombe St
Buncombe St
Central United Methodist Church
First Presbyterian Church
Buncombe County Health and Human Services
Aston St
Aston St
Aston St
Aston St
Aston St
Aston St
S Lexington Ave
S Lexington Ave
S Lexington Ave
Jimmy John's
Bender Gallery
Indo Apparel & Gifts
Curate
Mast General Store
Karmasonics
Nightbell Restaurant & Lounge
Trinity Episcopal Church

RESOLUTION NO. 16- 133

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BEAT THE HEAT ON THE DATE OF FRIDAY, JULY 22, 2016 FROM 6:00 PM – 8:00 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 Beat the Heat.

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 Beat the Heat event area, as set forth in Exhibit A, attached.

   The Beat the Heat event area is within the boundaries of the WNC Nature Center, located at 75 Gashes Creek Road.

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 Beat the Heat on Friday, July 22, 2016 from 6:00 p.m. – 8:00 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 Beat the Heat 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 Beat the Heat 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 Beat the Heat, 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 14th day of June, 2016.

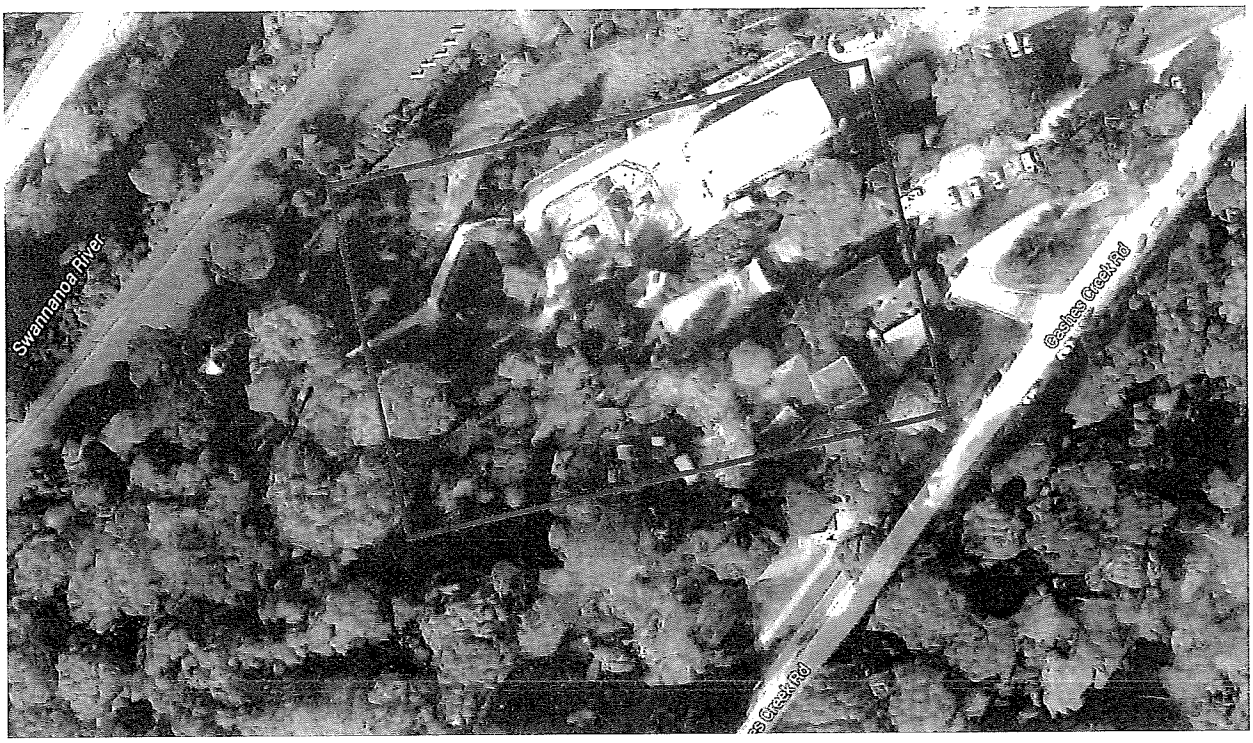
Magdalena Bronson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A



RESOLUTION NO. 16- 134

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE RUNNING EXPERIENCE ON THE DATE OF SATURDAY, AUGUST 20, 2016 FROM 7:00 AM – 8:00 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 Asheville Running Experience.

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 Asheville Running Experience event area, as set forth in Exhibit A, attached.

   The Asheville Running Experience event area is within the boundaries of Coxe Avenue between the intersections of Hilliard Avenue and Banks Avenue.

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 Asheville Running Experience on Saturday, August 20, 2016 from 7:00 a.m. – 8:00 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 Asheville Running Experience 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 Asheville Running Experience 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 Asheville Running Experience, 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 14th day of June, 2016.

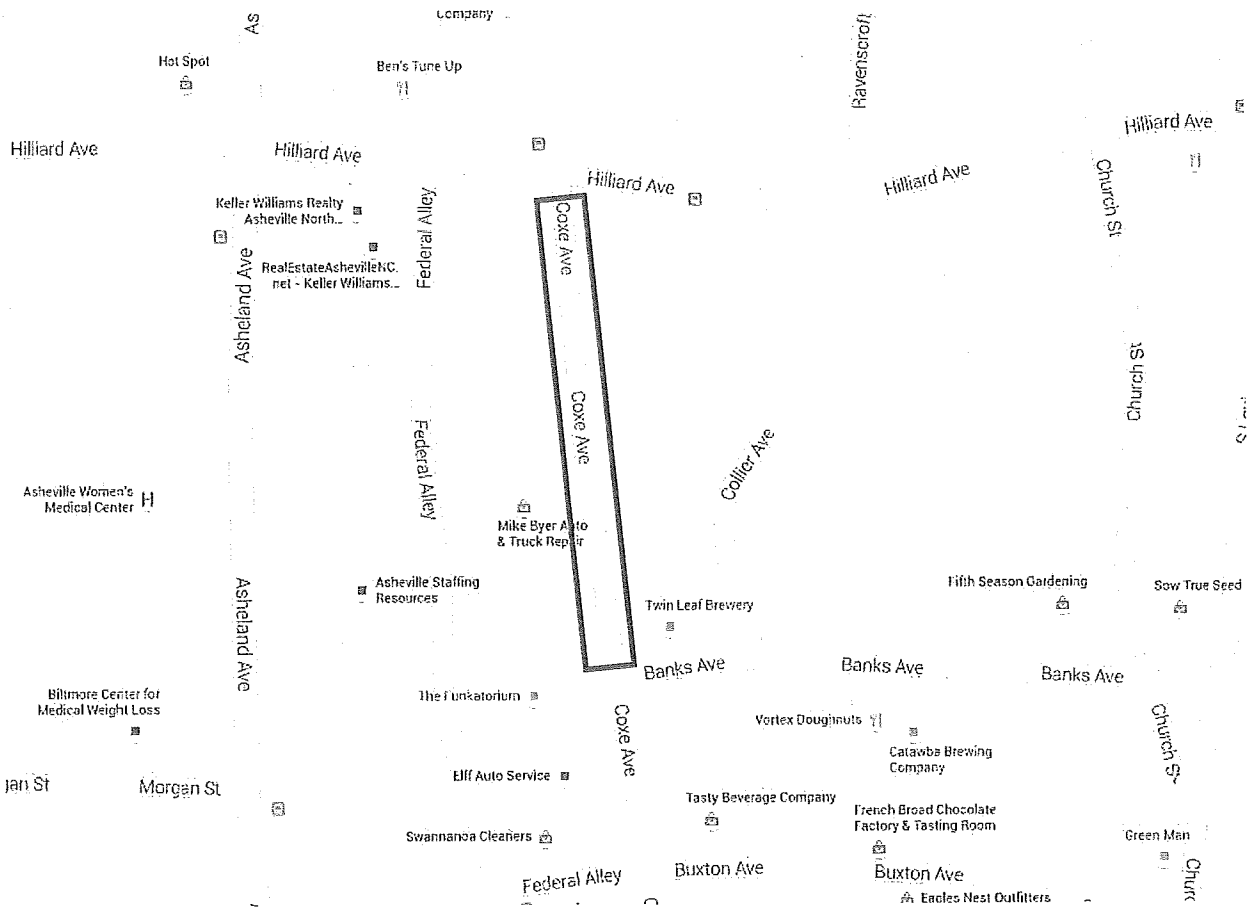
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

EXHIBIT A


Company
Hot Spot
Ben's Tune Up
Ravenscroft
Hilliard Ave
Hilliard Ave
Hilliard Ave
Hilliard Ave
Hilliard Ave
Church St
Keller Williams Realty Asheville North...
RealEstateAshevilleNC.net - Keller Williams...
Asheland Ave
Federal Alley
Coxe Ave
Coxe Ave
Church St
Federal Alley
Collier Ave
Asheville Women's Medical Center
Mike Byer Auto & Truck Repair
Asheville Staffing Resources
Twin Leaf Brewery
Fifth Season Gardening
Sow True Seed
Asheland Ave
Banks Ave
Banks Ave
Banks Ave
Biltmore Center for Medical Weight Loss
The Funkatorium
Coxe Ave
Vortex Doughnuts
Catawba Brewing Company
Church St
Elff Auto Service
Tasty Beverage Company
French Broad Chocolate Factory & Tasting Room
Morgan St
Swannanoa Cleaners
Green Man
Federal Alley
Buxton Ave
Buxton Ave
Eagles Nest Outfitters

RESOLUTION NO. 16 – 135

RESOLUTION AMENDING THE CITY OF ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL

WHEREAS, the City Council of the City of Asheville previously approved a Standard Specifications and Details Manual on May 13, 2014 (Resolution 14-95), as amended on June 9, 2015; and

WHEREAS, the purpose of the Manual is to provide design guidelines and technical specifications for construction activities related to streets, sidewalks, water systems, storm drainage, parking lots, and pavement structure; and

WHEREAS, the Manual sets forth the City's minimum construction standards and is applicable to projects on both public and private property; and

WHEREAS, the Manual is intended to be periodically updated so that it continues to reflect generally accepted professional technical standards and specifications and City policies; and

WHEREAS, the Manual sets forth a process by which a developer/property owner may request and be granted an alternation, modification or waiver of the Manual's requirements; and

WHEREAS, an amendment to the Manual is necessary to clarify that projects which are granted an alteration, modification or waiver under this process set forth in the Manual are deemed to be in compliance with the requirements of this Manual, with respect to the provision(s) so altered, modified or waived;

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

The City Council of the City of Asheville approves a resolution amending the City's Standard Specifications and Details Manual as set forth on the attachment hereto.

Read, approved, and adopted this 14th day of June 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

1A.09 Other Standards and Requirements

This Manual describes the minimum requirements and specifications for designing adequate and functional improvements. However, the design of the improvements also depends on the land use, zoning and comprehensive planning requirements for the City, as well as the specific site geography of the land to be improved or developed.

The City's review for approval of public and private improvements occurs as part of the development review process that distributes design applications to staff in multiple departments, divisions, and agencies as described in "Section 2 - Plan Review and Approval".

1A.10 Alternative Materials and Methods of Construction and Installation

The provisions of this Manual are not intended to prevent the use of any materials or methods of construction and installation not specifically prescribed in the Manual, provided that the alternative materials or methods of construction and installation have been approved and their use authorized by the City Engineer or his/her designee.

The City Engineer or his/her designee may approve an alternate material or method of construction or installation, provided the proposed design is satisfactory and complies with the provisions of this Manual and that the material, method, or work offered is, for the purpose intended, at least the equivalent of applicable requirements described in this Manual in suitability, strength, effectiveness, durability, safety, and sanitation.

The City Engineer or his/her designee will require that sufficient evidence be submitted to substantiate any claims that may be made regarding an alternate material or method of construction. The details of any action granting approval of an alternate material or method will be recorded and entered in the files of the City.

A formal process is established for requesting, evaluating and approving any alteration, modification or waiver of the requirements of this Manual in the following section.

1A.11 Alterations, Modifications and Waivers

Alterations, modifications or waivers of the requirements of this Manual may be requested. Projects which are granted an alteration, modification or waiver under this process are deemed to be in compliance with the requirements of this Manual with respect to the provision(s) so altered, modified or waived. The following procedures shall be utilized in such requests.

1A.11a Review Criteria. No alteration, modification, or waiver of the strict application of any provision of this Manual shall be granted unless the applicant demonstrates and the City Engineer or his/her designee finds that:

1. the alteration, modification, or waiver would result in a solution consistent with the goals of the City of Asheville as established in adopted plans, policies and guidelines;
2. the alteration, modification, or waiver will not harm the adjacent land owners, the neighborhood, or the welfare of the public at large;
3. the alteration, modification, or waiver is consistent with sound engineering practices and will at least equal the suitability, strength, effectiveness, fire resistance, durability, safety, and other performance requirements prescribed in this Manual; and
4. the alternation, modification, or waiver will not create an additional maintenance or financial burden for the City or the public.

RESOLUTION NO. 16-136

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR TWO CRIME PREVENTION PROGRAMS COORDINATED BY COUNTY CONTRACTOR SPARC NETWORK, LLC, AND INVOLVING THE WORK OF THE COMMUNITY BASED GROUP, CHANGING TOGETHER

WHEREAS, the Asheville Police Department (APD) has received a request for $35,000 in one-time funding from the community-based group, Changing Together (CT) to help offset the loss of the program's primary grant funding; and

WHEREAS, Changing Together works in collaboration with APD to coordinate the Violent Criminal Initiative (VCI) and the Domestic Violence Intimate Partner (DVIP) Initiative in identifying subjects that could benefit from community accountability meetings referred to as "Call Ins;" and

WHERAS, the Changing Together program is housed under the SPARC Network, LLC which provides contracted programming for Buncombe County Health and Human Services. The proposed agreement would be between the City of Asheville and Buncombe County and would rely upon the performance measures currently assessed by the County;

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

The City Manager is hereby authorized to sign an agreement with Buncombe County for one-time funding, in the amount of $35,000, for two crime prevention programs coordinated by the County Contractor, SPARC Network, LLC and involving the work of the community-based group, Changing Together.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-137

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH 4 SEASONS SITE & DEMO INC. FOR THE PROJECT KNOWN AS 33 & 35 PAGE AVENUE DEMOLITION

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. § 143-131, bids were solicited for the project known as 33 & 35 Page Avenue Demolition, City of Asheville Project # ED-15-16-001; and

WHEREAS, 4 Seasons Site & Demo Inc. of Wilmington NC was the lowest responsible bidder for the project, and

WHEREAS, 4 Seasons Site & Demo Inc. shall provide all labor, materials and equipment for the demolition of 33 & 35 Page Avenue; and

WHEREAS, the amount of the agreement is $98,788.00 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 $98,788 plus a contingency of 16.4% ($16,212) with 4 Seasons Site & Demo Inc. for the project known as 33 & 35 Page Avenue Demolition, City of Asheville Project # ED-15-16-001, and further authorized to execute any change orders to said contract which may arise during demolition of said building up to the budgeted amount of $115,000.

Read, approved and adopted this the 14th day of June, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION 16-_138

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

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 financing 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 Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an installment financing agreement (the *"Contract"*) with Wells Fargo Bank, National Association (the *"Bank"*) in order to pay the capital costs of the acquisition and installation of vehicles and general governmental equipment (collectively, the *"Projects"*), and to put a security interest in the Projects in favor of the Bank in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $5,520,000;

WHEREAS, there have been made available to the City Council the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

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

Section 1. ***Ratification of Prior Actions.*** All actions of the City, the City Manager, the City Attorney, the City Purchasing Director, the Chief Financial Officer and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with their terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed $5,520,000, such amount to be repaid by the City to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Chief Financial Officer and the City Clerk or their respective designees (each a *"Designated Representative"*), individually or collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions

or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Contract, and the Designated Representatives are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

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

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bullion
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 16-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH VAUGHN & MELTON CONSULTING ENGINEERS FOR THE PROJECT KNOWN AS HENDERSONVILLE ROAD (US 25) SIDEWALK IMPROVEMENTS PROJECT, CITY OF ASHEVILLE PROJECT #ENG-12-13-015

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, pursuant to N.C.G.S. § 143-64.31, requests for qualifications were solicited for the project known as Hendersonville Road (US 25) Sidewalk Improvements Project; and

WHEREAS, Vaughn & Melton Consulting Engineers was selected following a thorough review and evaluation process; and

WHEREAS, Vaughn & Melton Consulting Engineers and their sub-consultants shall provide all labor, material, equipment, etc. for construction phase inspection and testing services during the installation of new sidewalk, retaining walls, various drainage structures, a new pedestrian boardwalk, new pedestrian crossing signal facilities, etc.; and

WHEREAS, the amount of the Agreement is $192,698.76 and the monies have been budgeted in the City's adopted Capital Improvement Program;

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 Vaughn & Melton Consulting Engineers for $192,698.76 plus 20% contingency for construction inspection and testing services for the project known as Hendersonville Road (US 25) Sidewalk Improvements Project, City of Asheville Project #ENG-12-13-015, 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 of $231,238.51, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this the 14th day of June, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-140

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH DAVENPORT ENGINEERING, INC FOR ADDITIONAL CONSTRUCTION DOCUMENTS AND SPECIFICATIONS FOR THE LIVINGSTON COMPLETE STREET PROJECT

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, a Request for Qualifications was issued on April 2, 2015 for construction drawings and documents, and Davenport Engineering, Inc. was selected following a thorough staff review and evaluation; and

WHEREAS, City Council on June 23, 2015 City Council authorized the City Manager to enter into a contract with Davenport Engineering, Inc. to prepare construction drawings and documents for the Livingston Complete Street Project in the original amount of $250,000; 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 Davenport Engineering, Inc. in an additional amount of $8,000 plus a contingency of 14% of the amended contract amount ($37,000) for the Livingston Complete Street Project and further authorized to execute any change orders to said contract or documents which may arise during design of said project up to the budgeted amount.

Read, approved and adopted this the 14 day of June, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-141

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; and

WHEREAS, on December 8, 2015, City Council adopted Resolution No. 14-225 cancelling the August 9 meeting; and

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

1. A worksession on a bond referendum has been scheduled for Monday, June 20, 2016, at 3:00 p.m. in Room 623 of City Hall.

2. A worksession on a bond referendum has been scheduled for Tuesday, June 28, 2016, at 10:00 a.m. in the 4th Floor Training Room of the Municipal Building.

3. A formal meeting is hereby scheduled on Tuesday, July 5, 2016, beginning at 5:00 p.m. in the Council Chamber, Second Floor of City Hall. (Note: The July 12, 2015, City Council meeting has been previously cancelled.)

4. The formal meeting previously cancelled on August 9, 2016, is hereby re-established. Said meeting will be held beginning at 5:00 p.m. in the Council Chamber, Second Floor of City Hall.

5. The formal meeting scheduled on August 23, 2016, is hereby cancelled.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-142

RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the term of Stephanie Brown, as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, expires on June 30, 2016;

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

Ms. Stephanie Brown, Post Office Box 1010, Asheville, N.C., be and she is hereby reappointed as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, to serve a four-year term, term to expire on June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-143

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. Allison Scott, 300 S. Skyloft Drive, Asheville, N.C., be and she is hereby appointed as an at-large member to the Citizens-Police Advisory Committee, 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 14th day of June, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-144

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of David Nutter and Woody Farmer, as members on the Asheville-Buncombe Historic Resources Commission, will expire on July 1, 2016;

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

(1) Mr. Woody Farmer, 230 Pearson Drive, Asheville, North Carolina, be and he is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve an additional three-year term, term to expire on July 1, 2019, or until his successor has been appointed.

(2) Mr. Craig Cline, 10 Sunset Terrace, Asheville, North Carolina, be and he is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire on July 1, 2019, or until his successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-145

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

WHEREAS, Alan Escovitz, (at-large member), has resigned as a member on the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2016;

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

Ms. Billie Buie, 2 Horizon Hill Road, Asheville, N.C., be and she is hereby appointed to serve a three-year term (at-large representative), term to expire July 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-146

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Ms. Jaan Ferree has resigned from the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2017; and

WHEREAS, Mr. K. Johnson Bowles has resigned from the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2018; and

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

Mr. Andrew Fletcher, 225 Forest Hill Drive, Asheville, N.C., be and he is hereby appointed as a member to the Public Art & Cultural Commission to serve the unexpired term of Ms. Ferree, term to expire June 30, 2017, or until his successor has been appointed.

Ms. Alyssa Dreyfus, Post Office Box 1042, Asheville, N.C., be and she is hereby appointed as a member to the Public Art & Cultural Commission to serve the unexpired term of Mr. Bowles, term to expire June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY