

RESOLUTION NO. 16-147

RESOLUTION IN MEMORY OF ISAAC COLEMAN

WHEREAS, on behalf of the City of Asheville, we extend our sincere condolences over the passing of Isaac Coleman; and

WHEREAS, Isaac Coleman earned the respect, admiration, and high regard of all with whom he came into contact, and our community has sustained a great loss in his death; and

WHEREAS, Isaac Coleman, with a quiet voice and peaceful and friendly demeanor, was a life-long champion of civil rights and social justice; he was instrumental in the establishment of Just Economics and he served for 11 years on the board of Clean Water for North Carolina; he was a founding member of Read to Succeed; and in 2014 he was honored as an "Asheville Living Treasure;" and

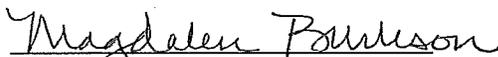
WHEREAS, Isaac Coleman served our community in numerous ways including serving on the African American Heritage Committee of Asheville and Buncombe County and working for 27 years as a City of Asheville Housing Inspector and for five years as a manager for the Asheville Housing Authority; he was a mentor and trusted advisor to many individuals and groups; and he served in other capacities too numerous to mention; and

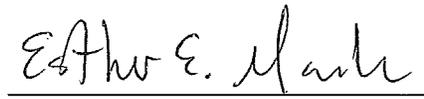
WHEREAS, Isaac's death leaves us with a deep feeling of sorrow for the loss of a beloved and sincere force for good in our community who left an indelible mark on everyone who knew him.

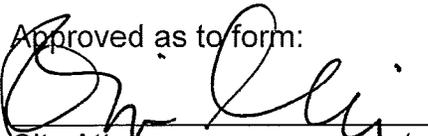
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville extends our sincere sympathies to his family and friends upon the passing of Isaac Coleman.

Read, approved and adopted this 28th day of June, 2016.


City Clerk


Mayor

Approved as to form:

City Attorney

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:

Mr. Sir Charles Gardner, 14 Granada Street, Asheville, N.C., be and he is hereby appointed to the seat dedicated to a resident of property owned by the Housing Authority, to serve a three-year term, term to begin immediately and expire June 30, 2019, or until his successor has been appointed.

Read, approved and adopted this 28th day of June, 2016.

Magdalena Boulton
CITY CLERK

Edwin E. Anderson
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

RESOLUTION NO. 16- 149

RESOLUTION APPOINTING CHAIR TO THE CIVIL SERVICE BOARD

WHEREAS, it is the responsibility of City Council to annually appoint the Chair of the Civil Service Board; and

WHEREAS, the term of the current Chair Alan Coxie expires on June 25, 2016;

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

Mr. Alan Coxie, Post Office Box 1261, Asheville, N.C., be and he is hereby reappointed as Chairman of the Civil Service Board to serve a one-year term until his successor is duly appointed or until his term on the Civil Service Board expires, whichever occurs first.

Read, approved and adopted this 28th day of June, 2016.

Margaret Boulton
CITY CLERK

Edwin E. Parker
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

RESOLUTION NO. 16- 150

RESOLUTION TO ACCEPT ADDITIONAL EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina has received Emergency Solution Grant (ESG) funds for FY 2016 from the US Department of Housing and Urban Development; and

WHEREAS, the State made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded the City, as fiscal agent, an additional \$30,372;

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

1. The City of Asheville accept additional funds for the Emergency Solutions Grant;
2. Council authorizes the City Manager to sign all documents necessary to apply for and receive these fund from the State of North Carolina.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Boulson
CITY CLERK

Edmund G. Mendenhall
MAYOR

Approved As To Form:
[Signature]
CITY ATTORNEY

RESOLUTION NO. 16-151

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS UNDER THE BUREAU OF JUSTICE ASSISTANCE OF THE DEPARTMENT OF JUSTICE

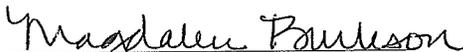
WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants and to enter into contracts for the administration of said grants; and

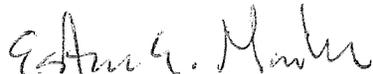
WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of \$55,150 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of Tasers and equitable distribution of funds to Buncombe County Sheriff's Office;

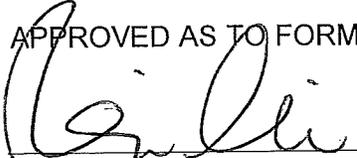
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$55,150. APD will spend \$43,902 for the purchase tasers, while BCSO will be awarded \$11,248.

Read, approved, and adopted this 28th day of June, 2016


CITY CLERK


MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BUNCOMBE COUNTY TO SHARE THE COSTS OF A COMPOSTING FEASIBILITY STUDY

WHEREAS, pursuant to § NCGS 160A-461, the City may enter into an interlocal agreement with another unit of government for any undertaking; and

WHEREAS, Buncombe County is currently undertaking a composting feasibility study, and the City has the opportunity to participate in that study; and

WHEREAS, City Council deems it is in the public interest for the City to participate in the study; and

WHEREAS, the City has agreed to reimburse the County for one half the cost of this work, \$35,700. Sustainability funds will be used for the Phase II study;

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

The City Manager be and is hereby authorized to enter into an agreement with Buncombe County to share the cost of a composting feasibility study. The cost of the City's portion of the study is not to exceed \$37,000

Read, approved and adopted this June 28, 2016.

Magdalen Boulson
City Clerk

Edward G. Mark
Mayor

Approved as to form:

[Signature]
City Attorney

RESOLUTION NO. 16-153

RESOLUTION AUTHORIZING CITY MANAGER TO ACCEPT AN EASEMENT NEEDED TO IMPLEMENT STREET IMPROVEMENTS ADJACENT TO PROPERTY LOCATED AT 171 BEAVERDAM ROAD AT KIMBERLY AVENUE

WHEREAS, the City of Asheville (City) is authorized pursuant to N.C. General Statutes, Sec. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

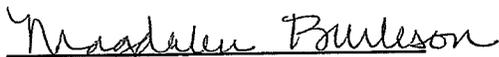
WHEREAS, in order to install sidewalk and street improvements at 171 Beaverdam Road, the City needs to obtain an easement from the property owner, Ashbury Memorial United Methodist Church; and

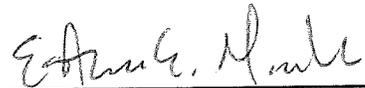
WHEREAS, Ashbury Memorial United Methodist Church has agreed to grant said permanent sidewalk easement(s) which is approximately 4,500 SF or 0.103 acres to be donated to the City;

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

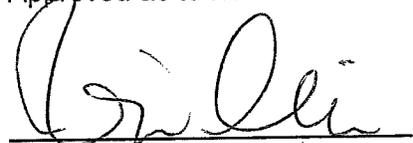
The City Manager be and is hereby authorized to execute any and all documents to acquire by gift, grant, device, exchange or otherwise, any and all interests in private real property as needed for the implementation of sidewalk and street improvements at 171 Beaverdam Road at Kimberly Avenue that falls within the meaning and intent of this authorization. The City Manager is further authorized to execute any and all documents necessary to give effect to this resolution, subject to approved by the City Attorney,

Read, approved and adopted this 28th day of June, 2016.


City Clerk


Mayor

Approved as to form:


City Attorney

RESOLUTION NO. 16- 154

RESOLUTION SETTING A PUBLIC HEARING FOR 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, at its meeting on June 28, 2016, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Biotat LLC for the Smith Mill Place development; and

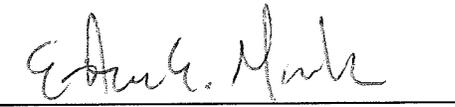
WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

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

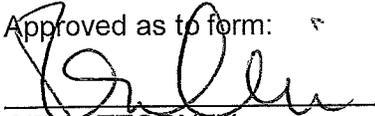
The public hearing to consider a land use incentive grant for the Smith Mill Place development is hereby set on July 26, 2016, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 28th day of June, 2016.


CITY CLERK


MAYOR

Approved as to form:


CITY ATTORNEY

RESOLUTION NO. 16-155

RESOLUTION AUTHORIZING THE APPROVAL OF THE 2016-17 STRATEGIC PARTNERSHIP FUND GRANTS

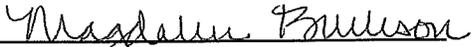
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the award of Strategic Partnership Fund Grants, as recommended by the Housing and Community Development Committee as follows:

AGENCY	AWARD
Asheville Area Arts Council	\$10,000
Appalachian Sustainable Agriculture Project	\$5,000
Asheville Design Center	\$2,000
Bountiful Cities	\$11,000
Children First	\$20,000
Residents' Council – Asheville Housing Authority	\$10,000
Homeward Bound	\$30,000
My Daddy Taught Me That	\$20,000
OnTrack Financial	\$12,000
One Youth at a Time	\$5,000
Partners Unlimited	\$5,000
Project Lighten Up	\$3,500
Read to Succeed	\$4,000
WNC New Economy Coalition	\$6,900
United Way 211	\$2,000
YWCA	\$12,000
TOTAL	\$158,400

2. Council authorizes the City Manager to sign all contracts and grants, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Grants.

Read, approved and adopted this 28th day of June, 2016.


CITY CLERK


MAYOR

Approved As To Form:


CITY ATTORNEY

RESOLUTION NO. 16- 156

RESOLUTION REJECTING BIDS SUBMITTED FOR THE JOHN B. LEWIS SOCCER
COMPLEX TURF REPLACEMENT PROJECT

WHEREAS, on May 31, 2016, following a solicitation and in accordance with N.C. G. S. 143-129, the four bids received were opened for the John B. Lewis Soccer Complex Turf Replacement Project; and

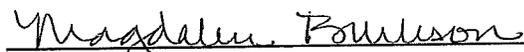
WHEREAS, City staff has determined that there are, or could be perceived to be, issues and inconsistencies regarding the bid proposal evaluation process that warrant the rejection of all bids submitted and the restructuring the process for this project to be handled entirely by City Staff; and

WHEREAS, the City Council of the City of Asheville has determined that it is in the best interest of the City to reject all bids as is authorized by N.C. G. S. 143-129;

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

The bids submitted for the John B. Lewis Soccer Complex Synthetic Turf Replacement project opened on May 31, 2016, are hereby rejected.

Read, approved and adopted this the 28th day of June, 2016.

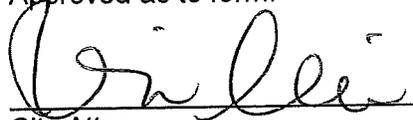


City Clerk



Mayor

Approved as to form:



City Attorney

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH LAND OF SKY REGIONAL COUNCIL TO PURSUE REGIONAL GIGABIT BROADBAND IN WESTERN NORTH CAROLINA AND TO AUTHORIZE A GRANT SUPPORT LETTER

Whereas, the City 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, Asheville and other municipalities, together with Land of Sky, can benefit by executing certain mutual agreements to cooperate in the goal of pursuing better regional broadband; and

WHEREAS, Land of Sky Regional Council (Land of Sky) will work to select a project manager to create an RFP to foster gigabit Internet access for the region; and

WHEREAS, such access will be of mutual benefit to Asheville and the greater region; and

WHEREAS, the scope of this work is clearly stated in the memorandum of agreement; and

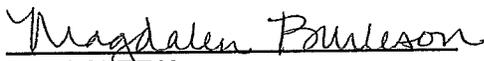
WHEREAS, the amount of the Agreement is \$11,893, and budgeted within the existing FY 2015-16 ITS Departmental budget; and

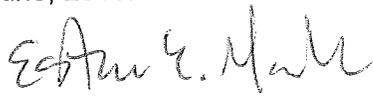
WHEREAS, matching funds may be available through Appalachian Regional Commission;

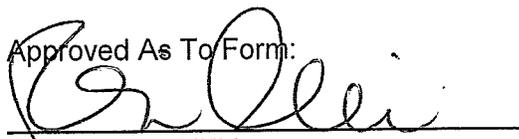
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a memorandum of agreement (with no dollar value); a contract in the amount of \$11,893 for Land of Sky Regional Council to pursue regional gigabit broadband in Western North Carolina; and the issuance of a letter of support for Land of Sky to pursue an Appalachian Regional Commission grant.

Read, approved and adopted this 28th day of June, 2016.


CITY CLERK


MAYOR

Approved As To Form:

CITY ATTORNEY

RESOLUTION NO. 16-158

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY A UTILITY EASEMENT ON SOUTH CHARLOTTE STREET TO DUKE ENERGY PROGRESS FOR CONSTRUCTION OF UNDERGROUND PRIMARY ELECTRIC SERVICE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

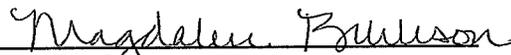
WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 172 South Charlotte Street, identified as PIN# 9648582843; and

WHEREAS, Duke Energy Progress has requested a Permanent Easement containing approximately 2,978 square feet over a portion of said property at South Charlotte Street;

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

The Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on South Charlotte Street (PINS #9648582843) to Buncombe County. In addition, the Mayor 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 28th day of June, 2016.

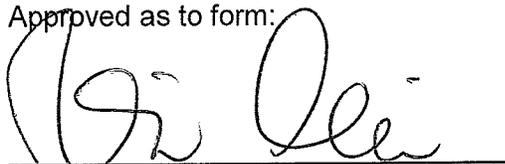


City Clerk



Mayor

Approved as to form:



City Attorney

RESOLUTION NO. 16-159

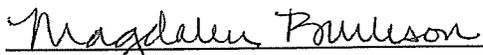
RESOLUTION APPOINTING A MEMBER TO THE WNC REGIONAL AIR QUALITY
AGENCY BOARD OF DIRECTORS

WHEREAS, the term of Mr. Loyd Kirk, as a member on the WNC Regional Air Quality Agency Board of Directors, expires July 1, 2016;

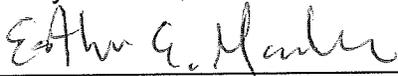
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Joel Storrow, 1 Westview Road, Asheville, N.C., be and he is hereby appointed as a member to the WNC Regional Air Quality Agency Board of Directors, to serve a six-year term, term to begin July 1, 2016, and expire July 1, 2022, or until his successor has been appointed.

Read, approved and adopted this 28th day of June, 2016.

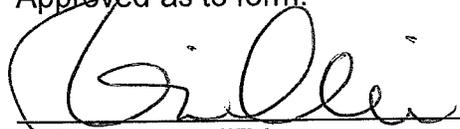


CITY CLERK



MAYOR

Approved as to form:



CITY ATTORNEY

RESOLUTION NO. 16-160

RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL PROPOSALS RECEIVED FOR THE MANAGEMENT OF THE DAILY OPERATION OF THE ASHEVILLE TRANSIT SYSTEM

WHEREAS, North Carolina law prohibits municipalities from engaging in collective bargaining; and

WHEREAS, the City of Asheville must hire a Management Company to operate the transit system; and

WHEREAS, the management company is a party to a 13 (c) Labor Agreement with the Amalgamated Transit Union Local 128 covering all hourly employees; and

WHEREAS, a collective bargaining agreement between Transit Management of Asheville and the ATU Local 128 is in place until January 31, 2017 ; and

WHEREAS, the city hired First Transit, Inc. to operate the transit system and the contract will expire June 30, 2016; and

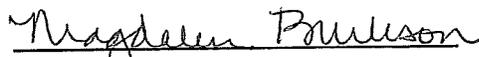
WHEREAS, the City issued a Request for Proposals (RFP) on February 5, 2016 and two proposals were received on March 23, 2016; and

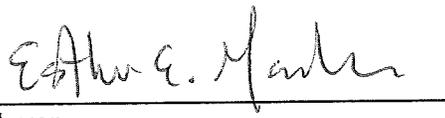
WHEREAS, City staff recommends, based on consultation with the Federal Transit Administration, that the proposals submitted for the management of the transit system be rejected based on inconsistencies in the RFP processes;

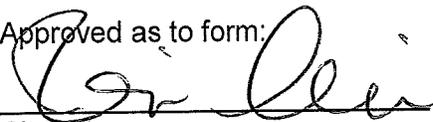
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to reject all proposals for the management of the Asheville Transit System received on March 23, 2016 based on inadequacies and inconsistencies in the RFP process.

Read, approved and adopted this the 28th day of June 2016.


City Clerk


Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-161

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE MASS TRANSIT MANAGEMENT AGREEMENT WITH FIRST TRANSIT, INC ON A MONTH-TO-MONTH BASIS TO MANAGE THE OPERATION OF THE ASHEVILLE REDEFINES TRANSIT SYSTEM

WHEREAS, North Carolina law prohibits municipalities from engaging in collective bargaining; and

WHEREAS, the City of Asheville must hire a management company to operate the transit system; and

WHEREAS, the management company is a party to the collective bargaining agreement with the Amalgamated Transit Union Local 128 covering all hourly employees; and

WHEREAS, a collective bargaining agreement between Asheville Transit System's management company and the ATU Local 128 is in place until January 31, 2017; and

WHEREAS, the city hired First Transit, Inc. to operate the transit system and the contract will expire in June 30, 2016; and

WHEREAS, city staff recommends extending the current agreement with First Transit on a month-to-month basis to allow time to conduct a new RFP process;

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

The City Manager is hereby authorized to extend the mass transit management agreement with First Transit, Inc. to continue managing the operation of the City of Asheville Transit System on and month-to-month basis to allow time to conduct a new RFP process.

Read, approved and adopted this the 28th day of June, 2016.

Magdalena Bouleson
City Clerk

Edwin E. Markham
Mayor

Approved as to form.

Ben Liu
City Attorney

RESOLUTION NO. 16-162

RESOLUTION APPOINTING MEMBERS TO THE ACCESSORY DWELLING UNIT TASK FORCE

WHEREAS, on May 17, 2016, City Council announced the formation of an Accessory Dwelling Unit (ADU) Task Force to research, discuss and recommend programmatic and land use regulations related to the potential use of ADUs as part of a homestay operation; and

WHEREAS, four seats will be filled by representatives from the following stake-holder groups: Asheville Short-Term Rental Advocates; Asheville Neighborhood Advisory Committee; Land of the Sky Association of Realtors; and Asheville Affordable Housing Advisory Committee; and

WHEREAS, City Council will appoint 8 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:

Jane Mathews, David Rodgers, John Farquhar, Jackson Tierney, Israel Hill, Kelly Prime, Wendy Dean and Carter Webb be and they are hereby appointed as at-large members of the ADU Task Force until the completion of their task.

Ms. Kama Ward is hereby appointed to the Asheville Short-Term Rental Advocates seat until the completion of their task.

Ms. Greta Bush is hereby appointed to the Asheville Neighborhood Advisory Committee seat until the completion of their task.

Mr. Randall Barnett is hereby appointed to the Land of the Sky Association of Realtors seat until the completion of their task.

Ms. Barber Melton is hereby appointed to the Affordable Housing Advisory Committee seat until the completion of their task.

Read, approved and adopted this 28th day of June, 2016.

Maddalen Boulson
CITY CLERK

Esther E. Newber
MAYOR

Approved as to form:
[Signature]
CITY ATTORNEY