RESOLUTION NO. 16-238

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH LAUGHLIN-SUTTON CONSTRUCTION COMPANY FOR THE MILLS RIVER WATER TREATMENT PLANT FILTER MEDIA REPLACEMENT AND RELATED UPGRADES PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades Project; and

WHEREAS, Laughlin-Sutton Construction Company was the lowest responsible, responsive bidder for the Project, in the amount of $308,400.00, with CDM Smith's contract award recommendation letter with bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project includes, but is not limited to: all labor, materials, equipment, and incidentals required to remove the existing filter media and install new filter media for three filters; and

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

WHEREAS, the funding needed for this project is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects fund.

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

1. The Contract Award Recommendation Letter with Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to execute construction agreement with Laughlin-Sutton Construction Company for the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades Project for the bid amount of $308,400 plus a 10% contingency in the amount of $30,840 for a total project budget in the amount of $339,240 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

CDM Smith

5400 Glenwood Ave., Ste. 400
Raleigh, NC 27612
tel: 919-325-3500

October 25, 2016

Ms. Leslie Carreiro
Division Manager Water Production / Water Quality
City of Asheville - Water Resources
3374 North Fork - Left Fork
Black Mountain NC 28711

Dear Leslie:

On October 14, 2016 three bids were received for the City of Asheville Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades. The bidders are listed below in numerical order based on the low bidder first.

Bidder	**Grand Total Base Bid**
Laughlin-Sutton Construction Company	$ 308,400
J.S. Haren Company	$ 415,000
Gilbert Engineering Company	$ 457,000

CDM Smith has reviewed these bids and has found no reason to reject the apparent low bid by Laughlin-Sutton Construction Company. CDM Smith recommends that the City of Asheville award the project in the amount of $ 308,400 to Laughlin-Sutton Construction Company for the Mills River Water Treatment Plant Filter Media Replacement and Related Upgrades project.

Required documentation was provided with each bid. Should you have any questions about this information, please do not hesitate to contact me.

Sincerely yours,

William B. Dowbiggin

William B. Dowbiggin, P.E., BCEE
CDM Smith

RESOLUTION NO. 16 - 239

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING, AND IF SUCCESSFUL, TO ACCEPT SUCH GRANTS AND EXECUTE NECESSARY AGREEMENTS.

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

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for federal section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grants funds; and

WHEREAS, the City of Asheville has identified paratransit services and installation of accessible pedestrian signal features projects that are eligible for this funding and these projects would be 80% funded by the grants; and

WHEREAS, if any of these projects are funded, City wishes to accept such grants.

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

1. The City Council of the City of Asheville hereby authorizes the City Manager to apply to the French Broad River MPO for 5310 funding.

2. The City Council of the City of Asheville hereby authorizes the City Manager to sign and execute agreements between granting or administering agencies and the City of Asheville to accept the grant(s) and approve the projects.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16 - 240

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME CREEK IN KENILWORTH "LOUISE GIBSON CREEK"

WHEREAS, the City of Asheville believes that a transparent, well-researched and community driven process was performed by RiverLink in efforts to name this creek; and

WHEREAS, the City of Asheville has received a recommendation from the Neighborhood Advisory Committee to support "Louise Gibson Creek" as the name for this tributary of the Swannanoa River: and

WHEREAS, the City of Asheville recognizes that a local government official must sign the United States Geologic Survey (USGS) form in order for the community's efforts to be successful;

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

The City Council authorizes the City Manager to sign the USGS form certifying support for the naming of the creek in Kenilworth that runs through the neighborhood into the Swannanoa River as "Louise Gibson Creek".

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-241

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT AND RECEIVE GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

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

WHEREAS, the North Carolina Governor's Highway Safety Program has awarded the City of Asheville a grant in the amount of $411,311 for the implementation of year four (4) of the DWI Task Force that would enforce DWI laws and provide community education on traffic safety issues in Asheville and Buncombe County;

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program, for a grant in the amount of $411,311 to continue year four of the DWI Task Force in Asheville and Buncombe County.

Read, approved, and adopted this 8th day of November, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION NO. 16- 242

RESOLUTION TO APPLY FOR FISCAL YEAR 2016-17 EMERGENCY SOLUTIONS GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2016-17 from the US Department of Housing and Urban Development; and

WHEREAS, the State has 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 authorized the City to apply, as fiscal agent, for $121,992,

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

1. The City of Asheville approve application for the Emergency Solutions Grant;

2. Council authorizes the City Manager to sign all necessary documents with the State of North Carolina to apply for and accept FY 2016-17 ESG funds.

3. Council authorizes the City Manager to sign all necessary documents to subgrant FY 2016-17 ESG funds to approved agencies.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

RESOLUTION NO. 16-243

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM TO ACCEPT HIGHWAY SAFETY GRANT FUNDING

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has offered $20,000 in grant funding to the Asheville Police Department for Regional Liaison duties; and CDR Software Subscription, travel costs for Lifesaver's Conference; and

WHEREAS, the Asheville Police Department will provide this liaison officer to perform the necessary duties; and

WHEREAS, there is no matching fund requirement for this grant;

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Governor's Highway Safety Program.

Read, approved, and adopted this 8th day of November 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION NO. 16-244

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOITATIONS AND EXECUTE PUBLIC PRIVATE STORMWATER AGREEMENT WITH THE DEVELOPER/PROPERTY OWNERS OF RAD LOFTS LOCATED AT 146 ROBERTS STREET (RAD LOFTS, LLC), TO CONSTRUCT A NEW STORM DRAINAGE SYSTEM WITHIN THE PUBLIC RIGHT OF WAY BEGINNING ON ROBERTS STREET CONTINUING TO WHERE IT CONNECTS TO AN EXISTING SYSTEM ALONG ROBERTS STREET

WHEREAS, pursuant to NCGS 160A-320 the City has the ability to enter into a public private partnership agreement to reimburse a private developer/property owner for construction of public enterprise improvements; and

WHEREAS, the RAD Lofts project site has an existing box culvert running under its property which carries stormwater from a large drainage area and the proposed improvement project would relocate this culvert to a better suited location on the property and connect back into the City's public right of way along Roberts Street; and

WHEREAS, the proposal is for the developer's/owner's team to design and construct the new stormwater system, the total cost of the improvements in the right of way are estimated at $435,000, and the City would reimburse developer/owner in an amount not to exceed $250,000 for the improvements within the public right of way; and

WHEREAS, the City through this partnership, will gain new stormwater infrastructure along Roberts Street in a more expedient timeframe and at costs that are less than if the improvements were undertaken by the City's own forces through this partnership;

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

The City Manager is hereby authorized to complete negotiations and execute a public/private stormwater agreement with the developer/owner of RAD Lofts located at 146 Roberts Street (RAD Lofts, LLC), to construct a new storm drainage system within the public right of way beginning on Roberts Street continuing to where it connects to an existing system along Roberts Street. The city will partner with this project cost up to a maximum of $250,000.

Read, approved and adopted this the 8th day of November 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-245

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE A CONTRACT WITH HAZEN AND SAWYER FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE DESIGN OF A STORMWATER IMPROVEMENT PROJECT LOCATED IN THE EDWIN/CELIA/CANTERBURY ROAD AREA; AND ALSO AUTHORIZING THE CITY MANAGER TO EXECUTE ANY EASEMENT DOCUMENTS NECESSARY FOR THE CONSTRUCTION OF THE PROJECT AND TO PETITION FOR STORMWATER GRANT OPPORTUNITIES ASSOCIATED WITH THE CONSTRUCTION OF THE 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, the City wishes to design stormwater improvements and flood mitigation projects in the Edwin/Celia/Canterbury Road area; and

WHEREAS, the City of Asheville has solicited qualifications from engineering firms to provide professional services for the design of stormwater improvements in the Edwin/Celia/Canterbury Road area and Hazen and Sawyer was the most qualified firm; 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 Hazen and Sawyer for professional services associated with the design of a stormwater improvement project located in the Edwin/Celia/Canterbury Road area, in the amount of $602,000, and to execute any change orders to this contract not to exceed 15% of the original contract amount ($90,300) for a total amount up to $692,300. The City Manager is also authorized to execute any easement documents necessary for construction of the project and to petition for stormwater grant opportunities associated with the construction of this project.

Read, approved and adopted this the 8th day of November, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-246

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON PROPERTY NEAR MARTIN LUTHER KING JR DRIVE TO DDG REAL ESTATE LLC FOR CONSTRUCTION OF A SEWER LINE

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 on Martin Luther King Jr. Drive, identified as PIN# 9648585814; and

WHEREAS, Dandridge Giltz of DDG Real Estate LLC has requested a Permanent Easement containing approximately 324 square feet over a portion of said property near Dundee Street and has agreed to pay $1,113.00 as fair market consideration for said easement;

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

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on Martin Luther King Jr. Drive near Dundee Street to DDG Real Estate LLC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-247

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A 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, the City issued a Request for proposals (RFP) for physicians or physician practices to provide physician services at the Employee Health Center; and

WHEREAS, after reviewing the Responses to the RFP submitted by two offerors, City staff recommends that the City enter into a contract with Dr. J. Paul Martin (DBA Asheville Addiction Consultants, PA) for physician services; and

WHEREAS, City staff recommends the execution of a contract with an initial term of one (1) year with up to two (2) one-year extensions to said contract upon mutual approval of the parties; and

WHEREAS, the contract effective date shall be January 1, 2017; and

WHEREAS, the contract value shall not exceed $60,000 for the half-year period from 01/01/17 to 06/30/17 with subsequent fiscal years having a base value of $120,000 plus an annual cost of living adjustment (COLA); and

WHEREAS, the monies for this contract 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 negotiate and enter into a contract on behalf of the City of Asheville with Dr. J. Paul Martin (DBA Asheville Addiction Consultants, PA) and further authorized to execute any extensions or change orders to said contract or documents which may arise during performance of said contract up to the budgeted amount.

Read, approved and adopted this the 8th day of November, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16-248

RESOLUTION DONATING MICROFILM OF CITY COUNCIL MEETING MINUTES FROM 1849 - JUNE 24, 2008, TO PACK LIBRARY

WHEREAS, the City of Asheville is authorized pursuant to N. C. Gen. Stat. sec. 160A-280 to donate personal property to other governmental units that the governing body deems to be surplus, obsolete or unused; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 160A-280, City Council deems the property to be surplus, obsolete or unused personal property; and

WHEREAS, the N.C. Dept. of Cultural Resources required the purchase of microfilm before the City could purchase DVD's of the City Council meeting minutes from 1849 - June 24, 2008; and

WHEREAS, the City Clerk's Office has DVD's of City Council meeting minutes from June 24, 2008, to present and had purchased same when this option became available; and

WHEREAS, because the City of Asheville does not have a microfilm machine, they feel it is in the best interests of the City of Asheville to donate the microfilm to Pack Library for their North Carolina Collection; and

WHEREAS, the approximate value of the donated items is $364;

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

The City Manager is hereby authorized to donate City Council the microfilm of the City Council meeting minutes of 1849 - June 24, 2008, to Pack Library for their North Carolina collection.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-249

RESOLUTION APPOINTING A MEMBER AND CHAIR TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the term of Bill Lack, as a member and Chair of the Alcoholic Beverage Control Board, expires on November 13, 2016;

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

Mr. Jan Davis, 31 Graystone Road, Asheville, N.C., be and he is hereby appointed as a member of the Alcoholic Beverage Control Board, to serve a three-year term, term to expire November 13, 2019, or until his successor has been appointed.

Mr. Lewis Isaac 64 Owens Bell Lane, Asheville, N.C., be and he is hereby appointed as Chairman of the Alcoholic Beverage Control Board to serve at the pleasure of City Council.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bruleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-250

RESOLUTION APPOINTING A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, Mr. Jerome Jones has resigned as a member of the HUB Community Economic Development Alliance, thus leaving a vacancy until August 22, 2018;

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

Mr. Mark Collins, 41 Stonebridge Drive, Asheville, N.C., be and he is hereby appointed as a member to the HUB Community Economic Development Alliance, to serve the unexpired term of Mr. Jones, term to expire August 22, 2018, or until his successor has been appointed.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-251

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the term of DeWayne Barton (representing 28806 or 28728 zip code) as a member on the Neighborhood Advisory Committee, expired on July 1, 2016; and

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

Mr. Ken Miller, 21 Morris Street, Asheville, N.C., be and he is hereby appointed to serve a three-year term (representing 28806 or 28728), term to expire July 1, 2019, or until his successor has been appointed.

Read, approved and adopted this 8th day of November, 2016.

CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-252

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART AND CULTURAL COMMISSION

WHEREAS, Ms. Alyssa Dreyfus has resigned as a member of the Public Art and Cultural Commission, thus leaving a vacancy until June 30, 2018;

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

Mr. Micah Mackenzie, 207 Coxe Avenue, Asheville, N.C., be and he is hereby appointed as a member to the Public Art and Cultural Commission, to serve the unexpired term of Ms. Dreyfus, term to expire June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

RESOLUTION NO. 16-253

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Ms. Kimberly Reed has resigned as a member of the Recreation Board, thus leaving a vacancy until June 30, 2017;

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

Ms. Tiffany DE'Bellott, 46 Hidden Acres Drive, Asheville, N.C., be and she is hereby appointed as a member to the Recreation Board, to serve the unexpired term of Ms. Reed, term to expire June 30, 2017, or until her successor has been appointed.

Read, approved and adopted this 8th day of November, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY