

RESOLUTION NO. 10- 226

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CORT ARCHITECTURAL GROUP, PA, FOR THE CIVIC CENTER ROOF REPLACEMENT

WHEREAS, the City of Asheville contracted with Cort Architectural Group, PA to provide design, contract documents and construction administration for the replacement of the Civic Center Arena and Concourse Roof replacement in 2008 for an amount of \$ 132,099.; and

WHEREAS, the contract period increased from five months to fourteen months requiring additional contract administration: and

WHEREAS, the additional cost of the change order will be offset by liquidated damages paid by the Contractor: and

WHEREAS, the total savings on the project, if this change order is approved will be \$43,017.15;

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

The City Manager is authorized to execute a change order with Cort Architectural Group, PA, for the Civic Center Roof Replacement in the amount of \$91,512.43 for a total contract amount of \$223,611.43.

Read, approved and adopted this the 26th day of October 2010.

Magdalen Paulson
City Clerk

Jerry M Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 10- 227

RESOLUTION AWARDING THE CONTRACT FOR THE RICEVILLE FOREST TANK REPLACEMENT AND WATER SYSTEM IMPROVEMENTS PROJECT TO T & K UTILITIES, INC.

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Riceville Forest Tank Replacement and Water System Improvements Project; and

WHEREAS, T&K Utilities, Inc., of Asheville, NC, was the lowest responsible bidder for the Project, in the amount of \$289,535.06, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the project involves the demolition and disposal of the existing 19,000 gallon steel ground storage reservoir, construction of a new 97,000 gallon glass fused to the steel reservoir, installation and operation of a 21,000 gallon temporary water storage tank with a temporary booster pumping system for 3 existing residences, and construction and installation of approximately 370 linear feet of 6-inch ductile iron pipe with related appurtenances; 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.

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

1. The bid for the replacement of the Riceville Forest Tank and Water system Improvements project is hereby awarded to T&K Utilities, Inc., as the lowest responsible bidder.
2. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council as required by N.C. Gen. Stat. § 143-129.
3. The City Manager is hereby authorized to execute the contract with T&K Utilities, Inc., in the amount of \$289,535.06 for the construction of the Riceville Forest Tank and Water System Improvements Project and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 26th day of October, 2010.

Magdalen Bourleson
City Clerk

Ingobellang
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

Exhibit A

Bid Tabulation for the Riceville Forest Tank Replacement and Water System Improvements
Project

T & K Utilities, Inc.
204 Charlotte Highway, Suite G
Asheville, NC 28803
828-299-8205
Total Base Bid: \$289,535.06

Spur Construction
2707 Asheville Highway
Waynesville, NC 28786
828-564-4263
Total Base Bid: \$311,397.50

Bryant's Land Development Industries, Inc
159 Depot Street
Burnsville, NC, 28714
828-678-9966
Total Base Bid: \$342,188.29

Blitheco Construction, LLC.
125 Lester Lane
Penrose, NC 28766
Total Base Bid: \$402,926.00

Turner & Murphy Company, Inc.
PO Box 3490
Rock Hill, SC 29732
Total Base Bid: \$465,626.00

RESOLUTION NO. 10- 228

RESOLUTION WAVING THE FORMAL BID PROCESS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SCHAEFER SYSTEMS INTERNATIONAL INC. TO PURCHASE AUTOMATED GARBAGE CANS

WHEREAS, pursuant to N.C.G.S, 143-129(g) when in the best interest of a local municipality, the formal bid process may be waived for the purchase of apparatus, supplies, materials or equipment from a vendor after the vendor has participated in a formal bid process substantially similar to the need of the municipality with another local government within the last twelve (12) months; and

WHEREAS, on January 26, 2010, the Township of Brick, County of Ocean and State of New Jersey, after completing a formal bidding process, awarded a contract to Schaefer Systems International Inc., (herein "Vendor"), 10021 Westlake Drive, Charlotte, NC 28273 for the supply of automated trash cans of the same make, models, size and markings satisfactory for the City's needs; and

WHEREAS, the Vendor has agreed to contract with the City of Asheville upon the same terms as the contract with the Township of Brick; and

WHEREAS, the total budget for the purchase of automated garbage cans is \$55,000.00; resulting in a savings of approximately \$9,720.00 for the FY11 budget; and

WHEREAS, City staff recommends that the City contract with Schaefer Systems International Inc. for the purchase of automated trash cans.

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

1. Pursuant to N.C.G.S. 143-129(g), the formal bidding requirements for the purchase of automated garbage cans is hereby waived.
2. The City Manager is hereby authorized to enter into a contract with Schaefer Systems International Inc. for the purchase of automated garbage cans not to exceed the revised budgeted amount of \$55,000.00.

Read, approved and adopted this 26h day of October, 2010.

Magdalen Bourleson
City Clerk

Angela Bellamy
Mayor

Approved as to form:

Kevin J. ...
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 10-229

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO ACCEPT STATE FUNDS FOR THE OPERATING EXPENSES OF THE TRANSIT SERVICE ROUTE TO AND FROM THE TOWN OF BLACK MOUNTAIN

WHEREAS, the City is in need of, and in receipt of demand for, intercity transit service, specifically to the Black Mountain area east of the City of Asheville; and

WHEREAS, N.C.G.S. §160A-17.1, authorizes the City to apply for and accept grants-in-aid and loans from the federal and State governments; and

WHEREAS, the City has received a grant from the NCDOT for the operating expenses of the transit service route to and from the Town of Black Mountain; and

WHEREAS, City staff recommends that the City enter into an Agreement with NCDOT for the acceptance of funds to be expended for service to Black Mountain,

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 Department of Transportation for the acceptance of funds to be expended for service to and from Black Mountain.

Read, approved and adopted this the 26th day of October 2010.

Magdalena Baulson
City Clerk

Angela Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Baulson
City Clerk

RESOLUTION NO. 10- 230

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 GRANT OF THE FEDERAL TRANSIT ADMINISTRATION – METROPOLITAN PLANNING ORGANIZATION

WHEREAS, funds for FY 2010-11 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Metropolitan Planning Organization (MPO) Section 5303 Planning Grant; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of \$63,390 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of \$6,339; and

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

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

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the transit planning program, Section 5303 Planning Grant of the Federal Transit Administration (FTA) Metropolitan Planning Organization (MPO).

Read, approved and adopted this 26th day of October 2010.

Magdalen Boulson
City Clerk

Jim Bullamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 10- 231

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC., TO UPDATE THE DOWNTOWN PARKING STUDY

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, an update to the downtown parking study is needed to reflect current economic conditions; and

WHEREAS, the amount of the amendment is \$38,000 and the monies are budgeted in the Parking Enterprise Fund Operating Budget for FY 2010-11; and

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

The City Manager is hereby authorized to amend the contract with Kimley-Horn and Associates, Inc, to update the parking study for an amount not to exceed \$38,000.

Read, approved and adopted this 26th day of October, 2010.

Magdalen Burlison

City Clerk

Jimmy Bellamy

Mayor

Approved as to form:

Mark Datz

City Attorney

Magdalen Burlison
City Clerk

RESOLUTION NO. 10-232

RESOLUTION ADOPTING THE TERMS FOR AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT FOR THE MONTFORD COMMONS DEVELOPMENT PROJECT, PHASE ONE

WHEREAS, THE City of Asheville has the authority pursuant to the Local Development Act of 1925 (N.C.G.S. 158-7.1) to make appropriations for economic development and to enter into appropriate agreements setting out the terms and conditions of economic development projects for which appropriations are made; and

WHEREAS, the City Council of Asheville believes it important to support development projects that achieve goals set forth in their annual strategic goals; and

WHEREAS, the Montford Commons Development, Phase One represents the type of project envisioned for support within those goals; and

WHEREAS, in support of those strategic goals the Montford Commons Development will be an infill multi-family rental development project that is located on an underutilized edge of the Central Business District, and is in close proximity to major transit lines; and

WHEREAS, the City Council believes that the Montford Commons Development will fulfill an important public purpose in that it will provide 250 units of workforce level housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at 120% of the area median income); and

WHEREAS, the Montford Commons Development has satisfied to the satisfaction of the City Council that but for the requested support it would not be able to provide the desired public benefits desired by the City; and

WHEREAS, the developers of the Montford Commons Development have demonstrated to the satisfaction of the City Council that they have substantial and sufficient private equity participation in the project;

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

The Asheville City Council hereby agrees to enter into an Economic Incentive agreement with Frontier Syndicate, LLC to support infrastructure elements of the Montford Commons Development, Phase One, subject to approval of the City Attorney.

Read, approved and adopted this 26th day of October, 2010.

Magdalen Baulson
CITY CLERK

Jimmy Bellas
MAYOR

Approved as to form:
[Signature]
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 10-233

RESOLUTION AMENDING THE ANNEXATION SERVICES PLAN FOR THE COOPERS HAWK DRIVE AREA

WHEREAS, the Asheville City Council has, pursuant to N. C. Gen. Stat. sec. 160A-47, approved the Annexation Services Plan for the areas known as the Coopers Hawk Drive Area and the Royal Pines Area (Resolutions Number 10-182 and 10-183 adopted August 10, 2010); and

WHEREAS, pursuant to N. C. Gen. Stat. sec. 160A-49(e), the City has the authority to amend the report required by N. C. Gen. Stat. sec. 160A-47; and

WHEREAS, City staff has presented to the Asheville City Council an amendment to the Annexation Services Plan which deletes sections dealing with the Royal Pines Area, and amends the financial and capital expenditures sections to reflect this removal, but does not change the Plan as to the Coopers Hawk Drive Area; and

WHEREAS, the Annexation Services Plan, amended as described herein, will continue to meet the requirements of N. C. Gen. Stat. sec. 160A-47 with respect to the Coopers Hawk Annexation Area; and

WHEREAS, none of the amendments to the Annexation Services Plan show the Coopers Hawk Area qualifying under additional subsections of N. C. Gen. Stat. sec. 160A-48(c) or (d) not listed in the original Annexation Services Plan;

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

Section 1. The Annexation Services Plan approved by the Asheville City Council on August 10, 2010, by Resolution Numbers 10-182 and 10-183 be and is hereby amended as follows:

By replacing the Plan as previously approved with the Amended Annexation Services Plan as presented to Asheville City Council on October 26, 2010.

Section 2. The Planning and Development Director is hereby directed to cause the amendments described herein to be made to all official copies of the Annexation Services Plan, including the Plan on file in the Office of the City Clerk.

Read, approved and adopted this 26th day of October, 2010.

Magdalen Burlison
City Clerk

Sam Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlison
City Clerk

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RESOLUTION NO. 10- 234

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN DOCUMENTS RELATED TO AN AGREEMENT WITH NC GREENPOWER FOR ACCEPTING PAYMENT FOR RENEWABLE ENERGY GENERATED USING A HYDRO MICROTURBINE.

WHEREAS, pursuant to G.S. 160A-17.1, the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, supplemental funds are available from NC GreenPower for the production of green, renewable energy; and

WHEREAS, the City of Asheville is committed to City Council's strategic plan to be Green and Sustainable; and

WHEREAS, the City of Asheville agrees to comply with all state and federal permits and applicable laws;

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

The City Manager is hereby authorized to sign documents related to an agreement with NC GreenPower for accepting payment for renewable energy generated using a hydro microturbine.

Read, approved and adopted this 26th day of October, 2010.

Magdalen Paulson
City Clerk

George M. Bullam
Mayor

Approved as to form:

Kevin J. [Signature]
City Attorney

Magdalen Paulson
City Clerk