

RESOLUTION NO. 10- 196

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER INCREASING HUNTLEY CONSTRUCTION COMPANY'S CONTRACT FOR THE REYNOLDS MOBILE HOME PARK WATER SYSTEM REPLACEMENT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Reynolds Mobile Home Park Water System Replacement project and awarded to Huntley Construction Company in the amount of \$167,496.00; and

WHEREAS, a change order increasing Huntley Construction Company's contract is required to complete the project; and

WHEREAS, the current amount of the contract is \$167,496.00 and the change order amount is an additional \$4,797.52 for a total of \$172,293.52.

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

The City Manager is hereby authorized to execute the change order with Huntley Construction Company in the amount of \$4,797.52 increasing the contract amount from \$167,496.00 to \$172,293.52.

Read, approved and adopted this 14<sup>th</sup> day of September, 2010.

Magdalen Bunkleson  
City Clerk

Angus Bellus  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bunkleson  
City Clerk

RESOLUTION NO. 10-197

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MICHELIN NORTH AMERICA, INC. FOR THE LEASE OF TIRES TO THE ASHEVILLE TRANSIT SYSTEM

WHEREAS, buses require tires to be in good condition to operate efficiently; and

WHEREAS, tires require constant replacement due to the heavy use associated with transit service; and

WHEREAS, the City considers that is cost effective to lease the tires, from a financial and environmental prospective; and

WHEREAS, the City issued a RFP to engage a company to lease the tires; and

WHEREAS, the company, Michelin North America, Inc. was selected by the evaluation committee as the most qualified company to provide those services; and

WHEREAS, City staff recommends that the City enter into a contract with Michelin North America, Inc. for the lease of tires to the Asheville Transit System.

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 with Michelin North America, Inc. for the lease of tires to the Asheville Transit System.

Read, approved and adopted this the 14<sup>th</sup> day of September 2010.

Magdalen Bourleson  
City Clerk

Imogen Bellamy  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 10- 198

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE HERSEY METERS AGREEMENT TO ALLOW FOR THE COLLECTION OF GLOBAL POSITIONING SYSTEM DATA FOR APPROXIMATELY 56,000 COMMERCIAL AND RESIDENTIAL WATER METER LOCATIONS

WHEREAS, in February of 2010, City Council authorized the City Manager to execute an agreement with Hersey Meters (recently renamed Mueller Systems) to install automated meter reading devices on all water meters in the City's Water System; and

WHEREAS, Mueller Systems is currently deployed on site installing the automated meter reading devices on all water meters in the water system; and

WHEREAS, in an effort to further improve reading efficiency, maintain an accurate inventory of all water meters, reduce safety risks to City employees in the field and reduce carbon emissions, the City is in need of a global positioning system (GPS) data for the approximately 56,000 commercial and residential water meter locations; and

WHEREAS, City staff estimates bids for the provision of a GPS for the approximately 56,000 commercial and residential water meter locations for the City would exceed \$250,000; and

WHEREAS, since Mueller System is currently deployed on site with the City, Mueller can capture GPS coordinates for all 56,000 meters in the water system at a cost of only \$2.00 per meter for a total cost of \$112,000; and

WHEREAS, City staff recommend that City Council approve amending the contract or executing a change order with Mueller Systems to provide for providing GPS coordinates for all 56,000 meters in the water system;

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

The City Manager is hereby authorized to amend the contract with Mueller Systems, previously Hersey Meters, to collect GPS data for approximately 56,000 City of Asheville water meter locations at a cost not to exceed \$112,000.

Read, approved and adopted this 14<sup>th</sup> day of September, 2010.

Magdalen Baulson  
City Clerk

Tommy Bellas  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Baulson  
City Clerk

RESOLUTION NO. 10-199

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO APPLY FOR A GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY TO OBTAIN FUNDING FOR SIX ADDITIONAL FIREFIGHTER POSITIONS

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the US Department of Homeland Security is taking applications for the Fiscal Year 2010 SAFER grant program for the purpose of hiring additional firefighters, and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of \$540,000 to obtain funding for six additional firefighter positions,

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

The City of Asheville is hereby authorized to apply for the Fiscal Year 2010 SAFER grant with the US Department of Homeland Security, for a grant in the amount of \$540,000 to obtain funding for six additional firefighter positions.

Read, approved and adopted this 14<sup>th</sup> day of September, 2010.

Magdalen Bourleson  
City Clerk

Ingm Bellamy  
Mayor

Approved as to form:

R. W. [Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 10-200

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH OTIS ELEVATOR TO PROVIDE ELEVATOR MAINTENANCE AND REPAIR SERVICE FOR THE OTIS ELEVATORS LOCATED IN MULTIPLE MUNICIPAL BUILDINGS

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WHEREAS, the City of Asheville has authority pursuant to NCGS §160A-20.1 to enter into contracts with private entities; and

WHEREAS, there are elevators located inside of various City buildings, including City Hall, the Municipal Building, Stephens Lee Recreation Center and Asheville Fire Station 11, that are Otis elevators; and

WHEREAS, due to the special components of Otis elevators, for the past two years, Otis Elevator company has been servicing and repairing the elevators under a five year agreement with the City; and

WHEREAS, the cost for service of the Otis elevators is annually budgeted in the City's operating budget for facilities maintenance; and

WHEREAS, the cost of the contract is \$69,283.56 and is budgeted in the FY 2010-2011 operating budget for facilities maintenance.

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

The City Manager of the City of Asheville is hereby authorized to execute a three (3) year contract with Otis Elevator Company to provide elevator maintenance and repair services for multiple municipal buildings in an amount not to exceed the annual line item budgeted amount.

Read, approved and adopted this the 14<sup>th</sup> day of September, 2010.

Magdalen Boulson  
City Clerk

Andy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 10-201

RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A JOB ACCESS AND REVERSE COMMUTE GRANT FOR THE BLACK MOUNTAIN ROUTE AND ACCEPT THE GRANT IF AWARDED

WHEREAS, the Federal Transit Administration funding for Job Access and Reverse Commute Program (5316) authorizes Federal funding for operations; and

WHEREAS, the Federal Transit Administration funding for JARC is available to transit agencies for operational projects that serve low-income areas and provide access to jobs; and

WHEREAS, the City of Asheville's Transit System is applying for funding to be able to continue operating the Black Mountain route; 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 COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for a Federal Transit Administration (FTA) Job Access and Reverse Commute Program grant to fund the Black Mountain route. The City Manager is further authorized to execute appropriate documents to accept the grant, if awarded to the City of Asheville.

Read, approved and adopted this 14<sup>th</sup> September 2010.

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:  
[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 10- 202

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FROM JULY 1, 2010 THROUGH JUNE 30, 2011

WHEREAS, pursuant to N.C.S.S. § 160A-493 states that the City may contribute to the support of an animal shelter;

WHEREAS, pursuant to N.C.S.S. § 160A-20.1, the City has authority to contract with private entities in order to carry out any public purpose; and

WHEREAS, the City Council has determined that it is in the public interest to provide animal shelter services for the City of Asheville.

WHEREAS, the amount of the Agreement is \$133,402.56 and the monies have been budgeted in the Asheville Police Department's FY 10-11 budget.

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 Asheville Humane Society to provide animal sheltering services for the City of Asheville for the FY 2010-2011 for \$133,402.56 and for any change orders to said agreement that may arise, up to the budgeted amount.

Read, approved and adopted the 14<sup>th</sup> day of September, 2010.

Magdalen Buelson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

Russ Jark  
City Attorney

Magdalen Buelson  
City Clerk

RESOLUTION NO. 10-203

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DR. PAUL MARTIN FOR PHYSICIAN SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the under the purview of the City Manager, the Human Resources Department contracts with Dr. Paul Martin for professional physician services for employees and their dependents in the Health Services division; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertized the requirements for the professional services project and awarded the project to the best qualified firm; and

WHEREAS, the amount of the Agreement is \$100,000.00 and the monies have been budgeted in the Human Resources Department 2010 – 11 Fiscal Year Budget.

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 Dr. Paul Martin, MD for \$100,000 for physician services 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 14<sup>th</sup> day of September, 2010.

Magdalena Boulson  
City Clerk

Angela Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalena Boulson  
City Clerk

RESOLUTION NO. 10-204

RESOLUTION ADOPTING THE SHILOH COMMUNITY PLAN 2025 AS A COMPANION DOCUMENT TO THE COMPREHENSIVE PLAN ADOPTED BY THE CITY OF ASHEVILLE

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-383 to adopt a comprehensive plan and other plans for land use in the City; and

WHEREAS, the City of Asheville has enjoyed continued growth and development and is the leading city in the region; and

WHEREAS, the City of Asheville establishes master plans to provide direction in planning matters for neighborhoods and various subsections of the city; and

WHEREAS, the Shiloh Community Plan 2025 was developed as a partnership among public agencies with neighborhood involvement; and

WHEREAS, the Shiloh Community Plan 2025 provides a community formulated plan addressing quality of life and land use issues; and

WHEREAS, this proposed plan is consistent with the Asheville City Development Plan 2025 and other official plans of the City; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

- a. The plan puts forward a strategic plan for an important Asheville neighborhood.
- b. The plan identifies opportunities to strengthen the sense of community.
- c. The plan was created with considerable community input.
- d. The plan provides direction for infill development that may be considered for the neighborhood.

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

That the proposed Shiloh Community Plan 2025 is hereby adopted as a companion document to the Asheville City Development Plan 2025.

Read, approved and adopted this 14<sup>th</sup> day of September 2010.

Magdalena Bouleson  
City Clerk

Jimmy Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalena Bouleson  
City Clerk

RESOLUTION NO. 10- 205

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC., FOR A WATER RATES AND FEES STUDY

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville (herein "City"), operates a water system as a public enterprise; and

WHEREAS, the City desires a rates and fees study on its water system; and

WHEREAS, the City's Water Resources Department requested proposals from qualified firms to implement a rates and fees study on the City's water system; and

WHEREAS, the proposal submitted by Raftelis Financial Consultants, Inc., was selected by City staff as the most qualified firm to perform a study of the City's water rates and fees; and

WHEREAS, Raftelis Financial Consultants, Inc. has agreed to perform a study of the City's water rates and fees for an amount not to exceed \$88,750; and

WHEREAS, the funds needed for the rates and fees study are available in the Water Resources Capital Improvement Projects (CIP) budget;

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

The City Manager is hereby authorized to execute an agreement with Raftelis Financial Consultants, Inc., for a Water Rates and Fees Study in an amount not to exceed \$88,750.

Read, approved and adopted this 14<sup>th</sup> day of September, 2010.

Magdalen Boulson  
City Clerk

Mayor  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 10-206

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, there currently exists a Regular member vacancy on the Board of Adjustment left by Lee McElrath, whose term will expire on January 21, 2011; and

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

Ms. Kristy Carter, 86-1/2 Langwell Avenue, N.C., be and she is hereby appointed, as a Regular member to the Board of Adjustment, to serve the unexpired term of Mr. McElrath, term to expire January 21, 2011, and then a full three year term, term to expire January 21, 2014, or until her successor has been appointed.

Read, approved and adopted this 14<sup>th</sup> day of September, 2010.

Magdalen Bullison  
CITY CLERK

Jim Bellamy  
MAYOR

Approved as to form:

R. Wal  
CITY ATTORNEY

Magdalen Bullison  
City Clerk

RESOLUTION NO. 10-207

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, there currently exists two vacancies on the Citizens/Police Advisory Committee left by Ms. Angelica Reza Wind (north representative whose term will expire June 30, 2011) and Mr. Cesar Romero (west representative whose term will expire June 30, 2011);

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

Ms. Carol Rogoff Hallstrom, 122 Westwood Road, Asheville, N.C., be and she is hereby appointed as the north area representative on the Citizens/Police Advisory Committee, to serve the unexpired term of Ms. Wind, term to expire June 30, 2011, or until her successor has been appointed.

Mr. Allen Brailsford, 5 Grandview Drive, Asheville, N.C., be and he is hereby appointed as the west area representative on the Citizens/Police Advisory Committee, to serve the unexpired term of Mr. Romero, term to expire June 30, 2011, or until his successor has been appointed.

Read, approved and adopted this 14<sup>th</sup> day of September, 2010.

Magdalen Bursleson  
CITY CLERK

Tom Bellamy  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bursleson  
City Clerk

RESOLUTION NO. 10-208

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART BOARD

WHEREAS, Barbara Cary has resigned as a member of the Public Art Board, thus leaving an unexpired term until June 30, 2011; and

WHEREAS, on August 24, 2010, by Ordinance No. 3893, City Council expanded the membership of the Public Art Board from seven to nine members;

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

Ms. Jaan Ferree, 1333 Merrimon Avenue, Asheville, N.C., be and she is hereby reappointed as a member of the Public Art Board to serve the unexpired term of Dr. Cary, term to expire June 30, 2011, or until her successor has been appointed.

Professor Mark Koven, 141 Cumberland Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Public Art Board to serve a three-year term, term to begin immediately and expire June 30, 2014, or until his successor has been appointed.

Read, approved and adopted this 14<sup>th</sup> day of September, 2010.

Magdalen Bureson  
CITY CLERK

Angus M. Billan  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bureson  
City Clerk

RESOLUTION NO. 10-209

RESOLUTION APPOINTING A MEMBER TO THE SOIL EROSION/STORMWATER REVIEW COMMITTEE

WHEREAS, on June 8, 2010, by Ordinance No. 3875, City Council established a Soil Erosion/Stormwater Review Committee created for the purpose of hearing appeals taken from the Stormwater Administrator; and

WHEREAS, the five members of the Committee shall consist of two City Department Directors designated by the City Manager, one member of the Planning & Zoning Commission, and two members appointed by the City Council (one a resident of the City of Asheville and the other from either the City of Asheville or the extra-territorial jurisdiction of the City);

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

Mr. Pete Hildebrand, 337 Chunn's Cove Road, Asheville, N.C., be and he is hereby appointed as a member of the Soil Erosion/Stormwater Review Committee (as the City resident) to serve a three-year term, term to begin immediately and expire on November 1, 2013, or until his successor has been appointed.

Read, approved and adopted this 14<sup>th</sup> day of September, 2010.

Magdalen Bourleson  
CITY CLERK

Andy Bell  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Magdalen Bourleson  
City Clerk