

RESOLUTION NO. 13-253

RESOLUTION ADOPTING THE 2014 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;

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

The following schedule of the meetings of the Asheville City Council for 2014 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

City Council Community Meetings
6:30 p.m.
5th Tuesday of any month
(If a community meeting is cancelled, the next location will be the cancelled meeting location)
April 29, 2014 – South
July 29, 2013 - Central
September 30, 2014 - North
December 30, 2014 - No meeting

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 8, 2014; Tuesday, December 23, 2014.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bouleson
CITY CLERK

E. Ann Martin
MAYOR

Approved as to form:

Martha W. McKelton
CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 13-254

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CAVANAUGH AND ASSOCIATES, PA, FOR ENGINEERING SERVICES ASSOCIATED WITH THE VAULT RENEWALS AND DMA ZONE METERING 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, Cavanaugh and Associates, PA was selected by Staff via a Request for Qualifications process to perform engineering services related to the Vault Renewals and DMA Zone Metering Project for the estimated amount of \$165,336.00 plus a contingency amount of \$24,800.00 for a total project budget of \$190,136.00; and

WHEREAS, the use of Cavanaugh and Associates, PA will ensure timely completion and provide the City of Asheville with the ability for planning and replacement of critical water infrastructure as part of the Vault Renewals and DMA Zone Metering Project.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional services agreement with Cavanaugh and Associates, PA, for engineering services for the amount of \$165,336.00 plus a contingency amount of \$24,800.00 for a total project budget of \$190,136.00 for the Vault Renewals and DMA Zone Metering Project.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bouleson
City Clerk

Earl Mark
Mayor

Approved as to form:

Matha McAbon
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 13-255

RESOLUTION OF INTENT TO PERMANENTLY CLOSE PORTIONS OF EXCESSIVE RIGHT-OF-WAY ALONG SUMMIT AVENUE AND THE UNOPENED RIGHT-OF-WAY BETWEEN SUMMIT AND ALLEN AVENUES

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close portions of excessive Summit Avenue right of way and an unopened right-of-way between Summit and Allen Avenues; and

WHEREAS, said rights-of-way are not under the control of the North Carolina Department of Transportation;

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

1. The City Council hereby declares its intent to permanently close the excessive right-of-way along Summit Avenue, as follows:

Area #1

Cross Street City of Asheville Public Right of Way (That Portion of Cross Street lying between lots 2 and 18 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #5 Rebar (being 0.3' below the adjacent grade) located at the intersection of the eastern margin of the presently existing and unopened Cross Street and the Northern Margin of Allen Avenue and at the South Western Corner of Lot 18, Block 11, as shown in Plat Book 1 Page 62; said #5 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,618.61' and Easting= 950,365.05'; thence from the point of beginning and running with the northern margin of Allen Avenue North 86°09'28" West 50.00' to a #4 Rebar with McAbee Identification Cap Set at the intersection of the said Northern Margin of Allen Avenue and the Western Margin of the said Unopened Cross Street at the South Eastern Corner of Lot 2, Block 10, recorded in Plat Book 1 Page 62; thence leaving the Northern Margin of Allen Avenue and running with the Western Margin of the unopened Cross Street North 04°05'38" East 150.56' to a ¾" Diameter Iron Pipe (Flush with Adjacent Grade) marking the North Eastern Corner of the said Lot 2, Block 10, and being further located at the intersection of the Western Margin of the said unopened Cross Street and the Southern Margin of the 15' unopened Alleyway depicted on Plat 1 Page 62; thence with the Southern Margin of the said 15' unopened Alleyway South 85°13'12" East 49.41' to a #4 Rebar with McAbee Identification Cap Set at the North Western Corner of the said Lot 18 Block 11, and being further located at the intersection of the Eastern Margin of the said unopened Cross Street and the Southern Margin of the said 15' unopened Alleyway; thence leaving the Alleyway and running with the Eastern Margin of the said unopened Cross Street South 03°51'59" West 149.74' to the Point and Place of Beginning.

Containing 0.171 acres / 7,463 square feet.

Area #2

Cross Street City of Asheville Public Right of Way (That Portion of Cross Street lying between lots 1 and 17 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #4 Rebar with McAbee Identification Cap Set at the intersection of the presently existing Southern Margin of the 100' Right of Way over Summit Avenue and the Eastern Margin of the presently existing and unopened Cross Street and at the North Western Corner of the Lot 17, Block 11, as shown in Plat Book 1 Page 62; said #4 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,932.26' and Easting= 950,386.25'; thence from the point of beginning and running with the Eastern Margin of the said unopened Cross Street South 03°51'59" West 149.69' to a #4 Rebar with McAbee Identification Cap Set at the South Western Corner of the said Lot 17, a Block 11, and being further located at the intersection of the Eastern Margin of the said unopened Cross Street and the Northern Margin of the 15' unopened Alleyway depicted on Plat 1 Page 62; thence with the Northern Margin of the

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said 15' unopened Alleyway North $85^{\circ}11'32''$ West 49.35' to a #4 Rebar with McAbee Identification Cap Set at the South Eastern Corner of Lot 1, Block 10, recorded in Plat Book 1 Page 62 and being further located at the intersection of the Western Margin of the said unopened Cross Street and the Northern Margin of the said 15' unopened Alleyway; thence leaving the Alleyway and running with the Western Margin of the said unopened Cross Street North $03^{\circ}36'49''$ East 148.94' to a #4 Rebar with McAbee Identification Cap Set at the intersection of the presently existing Southern Margin of the said Summit Avenue and the Western Margin of the said unopened Cross Street and at the North Eastern Corner of the said Lot 1, Block 10; thence running with the presently existing Southern Margin of the said Summit Avenue South $86^{\circ}03'37''$ East 50.00' to the Point and Place of Beginning.

Containing 0.170 acres / 7,417 square feet.

Area #3

Summit Avenue City of Asheville Public Right of Way (That Portion of Summit Avenue lying directly to the North of Lots 3, 1, 17, 15, 13, 11, 9 and 7 as shown and recorded in Plat Book 1 Page 62):

Beginning at a #4 Rebar with Hampton Identification Cap Found on the presently existing Southern Margin of the 100' Right of Way over Summit Avenue at the North Western Corner of Lot 3, Block 10, as shown in Plat Book 1 Page 62; said #4 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 650,942.56' and Easting= 950,236.64'; thence from the point of beginning and turning away from and perpendicular to the said presently existing Southern Margin of Summit Avenue North $03^{\circ}56'23''$ East 25.36' to a #4 Rebar with McAbee Identification Cap Set on the New Southern Margin of Summit Avenue, said New Margin being located 25' from the centerline of Summit Avenue (as it is presently constructed on the ground) and creating the Southern Margin of the New 50' Public Right of Way over Summit Avenue; thence following the Southern Margin of the said New 50' Right of Way over Summit Avenue, and at all points being located 25' from the centerline of Summit Avenue as it is presently constructed, the following eight courses and distances: South $86^{\circ}12'23''$ East 153.93' to a calculated point, South $86^{\circ}10'13''$ East 137.15' to a calculated point, South $86^{\circ}23'28''$ East 56.21' to a calculated point, South $88^{\circ}38'24''$ East 38.27' to a calculated point, North $89^{\circ}53'50''$ East 44.09' to a calculated point, North $84^{\circ}29'06''$ East 30.98' to a calculated point, North $84^{\circ}34'08''$ East 23.94' to a calculated point and finally North $88^{\circ}40'22''$ East 1.50' to a #4 Rebar with McAbee Identification Cap Set; thence leaving the said Southern Margin of the New 50' Right of Way over Summit Avenue and turning perpendicular to and toward the presently existing Southern Margin of the 100' Right of Way over Summit Avenue South $03^{\circ}56'23''$ West 40.30' to a #4 Rebar with McAbee Identification Cap Set on the Southern Margin of the presently existing 100' Right of Way over Summit Avenue and at the North Eastern Corner of Lot 7, Block 11, recorded in Plat Book 1 Page 62; thence following the Southern Margin of the said presently existing 100' Right of Way over Summit Avenue North $86^{\circ}03'37''$ West 85.18' to a #4 Rebar with McAbee Identification Cap Set at the North Western Corner of the said Lot 7, Block 11; thence continuing with the Southern Margin of the said presently existing 100' Right of Way over Summit Avenue North $86^{\circ}03'37''$ West passing seven #4 Rebars with McAbee Identification Caps Set at 50' intervals along the said line (rebars marking the Northern Corners of Lots 9, 11, 13, 15, 17, 1 and the North Eastern Corner of Lot 3, Block 10, as recorded in Plat Book 1 Page 62) for a total distance of 400.00' to the Point and Place of Beginning.

Containing 0.305 acres / 13,291 square feet.

Area #4

Summit Avenue City of Asheville Public Right of Way (That Portion of Summit Avenue lying directly to the South of the 1.60 Acre Lot shown and recorded in Plat Book 92 Page 187):

Beginning at a #4 Rebar with McAbee Identification Cap Found on the presently existing Northern Margin of the 100' Right of Way over Summit Avenue at the South Western Corner of the 1.60 Acre Lot shown and recorded in Plat Book 92 Page 187; said #4 rebar bearing NC Grid Coordinates (NAD83-1986) of: Northing= 651,030.93' and Easting= 950,416.85'; thence from the point of beginning and following the Northern Margin of the said presently existing 100' Right of Way over Summit Avenue South $86^{\circ}05'38''$ East 280.42' to a #4 Rebar with McAbee Identification Cap Set on the Northern Margin of the said presently existing 100' Right of Way and at the South Eastern Corner of the said 1.60 Acre Lot;

thence turning away from and perpendicular to the said presently existing Northern Margin of Summit Avenue South 03°54'22" West 14.77' to a #4 Rebar with McAbee Identification Cap Set on the New Northern Margin of Summit Avenue, said New Margin being located 25' from the centerline of Summit Avenue (as it is presently constructed on the ground) and creating the Northern Margin of the New 50' Public Right of Way over Summit Avenue; thence following the Northern Margin of the said New 50' Right of Way over Summit Avenue, and at all points being located 25' from the centerline of Summit Avenue as it is presently constructed, the following six courses and distances: South 84°34'08" West 4.95' to a calculated point, South 84°28'36" West 26.04' to a calculated point, South 89°53'50" West 41.09' to a calculated point, North 88°38'24" West 36.65' to a calculated point, North 86°23'28" West 55.13' to a calculated point, North 86°10'13" West 117.12' to a #4 Rebar with McAbee Identification Cap Set; thence leaving the said Northern Margin of the New 50' Right of Way over Summit Avenue and turning perpendicular to and toward to the presently existing Northern Margin of the 100' Right of Way over Summit Avenue North 03°54'22" East 24.78' to the Point and Place of Beginning.

Containing 0.149 acres / 6,505 square feet.

2. A public hearing on the question of permanently closing portions of excessive Summit Avenue right of way and an unopened right-of-way between Summit and Allen Avenues; , thereby called for on January 14, 2014, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.
3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on January 14, 2014.
4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the aforementioned street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Boulleson
City Clerk

[Signature]
Mayor

Approved as to form:

Martha McElhannon
City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION NO. 13-256

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MCGILL ASSOCIATES FOR ENGINEERING SERVICES ASSOCIATED WITH THE NORTH FORK WATER TREATMENT PLANT GENERATOR TRANSFER SWITCH 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; and

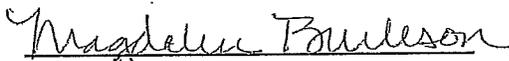
WHEREAS, McGill Associates was selected by Staff pursuant to a Request for Qualifications process to perform engineering services related to the North Fork Water Treatment Plant Generator Transfer Switch Project for the estimated amount of \$74,100.00 plus a contingency amount of \$8,400.00 for a total project budget of \$82,500.00; and

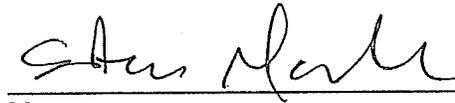
WHEREAS, the use of McGill Associates will ensure timely completion and provide the City of Asheville with the ability to upgrade critical emergency power capabilities as part of the North Fork Water Treatment Plant Generator Transfer Switch Project.

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

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional services agreement with McGill Associates, for engineering services for the estimated amount of \$74,100 plus a contingency amount of \$8,400 for a total project budget of \$82,500 for the North Fork Water Treatment Plant (NFWTP) Generator Transfer Switch Project.

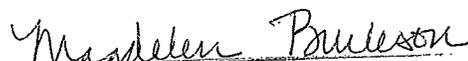
Read, approved and adopted this 10th day of December, 2013.


City Clerk


Mayor

Approved, as to form:


City Attorney


City Clerk

RESOLUTION NO. 13-257

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RECREATION TRAILS PROGRAM GRANT FOR CONSTRUCTION COSTS FOR THE BEAUCATCHER GREENWAY

WHEREAS, pursuant to G.S 160A-17.1 the City of Asheville is authorized to apply for and accept grants from the Federal and State government; and

WHEREAS, the City of Asheville is committed to the development and construction of Beaucatcher Greenway; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources, Division of Parks and Recreation in the Recreation Trails Program; and

WHEREAS, the City of Asheville is requesting a grant in the amount not to exceed \$100,000 from the Recreation Trails Program which requires cash, in-kind, or force labor match of 25 percent of the requested amount valued at \$25,000; and

WHEREAS, in the event a grant is awarded, the City of Asheville certifies and assures it has the ability and intention to provide the 25 percent match of the grant amount; and

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

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project;

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

The City Manager shall be authorized to apply for and enter into an agreement with the N.C. Dept. of Environment and Natural Resources Recreation Trails Program for a grant not to exceed \$100,000 for the construction of the Beaucatcher Greenway.

Read, approved, and adopted this 10th day of December 2013.

Magdalen Bourleson
City Clerk

Steve Mark
Mayor

Approved as to form:

Martha McSharon
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 13-258

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR CONSTRUCTION COSTS FOR THE DR. WESLEY GRANT, SR. SOUTHSIDE CENTER

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, the City of Asheville is committed to the development and construction of the Dr. Wesley Grant, Sr. Southside Center; and

WHEREAS, funds are available from the State of North Carolina through the Department of Environment and Natural Resources, Division of Parks and Recreation in the North Carolina Parks and Recreation Trust Fund; and

WHEREAS, the City of Asheville is requesting a grant in the amount not to exceed \$500,000 from the North Carolina Parks and Recreation Trust Fund which requires a dollar for dollar cash match; and

WHEREAS, in the event a grant is awarded, the City of Asheville certifies and assures it has the ability and intention to provide the dollar for dollar cash match of the grant amount; and

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

WHEREAS, the City of Asheville will hold the State harmless of any damage that may result from the construction, operation, and maintenance of the project;

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

The Mayor is authorized to apply for and enter into an agreement with the North Carolina Department of Environment and Natural Resources for a grant not to exceed \$500,000 for construction of the Dr. Wesley Grant, Sr. Southside Center.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Burlison
City Clerk

Eden Harte
Mayor

Approved as to form:

Martha McShon
City Attorney

Magdalen Burlison
City Clerk

RESOLUTION NO. 13-259

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TELECOMMUNICATION AND INDUSTRIAL CONSULTING SERVICES CORPORATION FOR RIGHT-OF-WAY ACQUISITION SERVICES FOR THE HENDERSONVILLE ROAD SIDEWALK CONSTRUCTION PROJECT

WHEREAS, the City is authorized to enter into contracts with private entities pursuant to NCGS §160A-20.1; and

WHEREAS, in order to implement the Hendersonville Road Sidewalk Construction Project, the City will need to acquire rights of way from private property owners; and

WHEREAS, the City issued a Request for Proposals for services to acquire rights-of-way for the-Hendersonville Road Sidewalk Construction Project; and

WHEREAS, ten (10) proposals were received on November 4, 2013; and

WHEREAS, these proposals were evaluated by a five (5) person panel based upon qualifications and pricing; and

WHEREAS, the highest scoring proposal was submitted by Telecommunication and Industrial Consulting Services Corporation (TELICS); and

WHEREAS, City staff recommends the award of a contract not to exceed the amount of \$180,000 with TELICS;

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 TELICS not to exceed the amount of \$180,000, or the budgeted amount.

Read, approved and adopted this 10th day of December, 2013.

Magdalena Baulson
City Clerk

Edna Clark
Mayor

Approved as to form:

Martha McElhool
City Attorney

Magdalena Baulson
City Clerk

RESOLUTION NO. 13- 260

RESOLUTION APPROVING ACCEPTANCE OF THE EMERGENCY SOLUTIONS GRANT FUNDING AND TO PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2013 and 2014 from the US Department of Housing and Urban Development; and

WHEREAS, the State has made these funds available to Continuum of Cares 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 approved the application for \$159,247 submitted by the City for these funds;

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

1. The City of Asheville accept the Emergency Solutions Grant;
2. The City of Asheville serve as fiscal agent for the program, and enter into a contract with the State of North Carolina for ESG funds; and further subcontract with individual agencies for approved ESG programs in amounts authorized by the State;
3. Council authorizes the City Manager to sign all necessary contract documents with the State of North Carolina and subgrant agreements with funded agencies, after approval by the City Attorney.

Read, approved and adopted this 10th day of December, 2013.

Maddalen Boulson
CITY CLERK

Eden Clarke
MAYOR

Approved As To Form:

Milla McShon
CITY ATTORNEY

Maddalen Boulson
City Clerk

RESOLUTION NO. 13- 261

AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER WITH BOLTON CONSTRUCTION & SERVICE OF WNC, INC. FOR THE CONSTRUCTION OF THE MONTFORD RECREATION CENTER GYM FLOOR REPLACEMENT

WHEREAS, the City 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 City has determined the existing entry at the Montford Recreation Center is not accessible per ADA guidelines and the basketball goals have exceeded their life expectancy; and

WHEREAS, the City has identified the need for a code compliant accessible route, doors/hardware, and new basketball goals/backboards, and has planned to complete the project in FY14 under the deferred maintenance program; and

WHEREAS, Bolton Construction & Service of WNC, Inc. is the current contractor on the project and will provide the additional construction services;

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

The City Manager is hereby authorized to execute a change order in the amount of \$29,000.00 to increase the construction services contract for Bolton Construction of WNC Inc., from a total amount of \$130,000.00 to \$159,000.00 for the Montford Gym Flooring Replacement Project.

Read, approved and adopted this the 10TH day of December, 2013.

Magdalen Brinkson
City Clerk

George Hark
Mayor

Approved as to form:

Martha McElhara
City Attorney

Magdalen Brinkson
City Clerk

RESOLUTION NO. 13-262

RESOLUTION AUTHORIZING AN AMENDMENT TO THE TERMS OF THE CONTRACT BETWEEN THE CITY AND MOUNTAIN HOUSING OPPORTUNITIES FOR THE USE OF HOME PARTNERSHIP ACT FUNDS FOR THE EAGLE MARKET PLACE PROJECT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, on May 10, 2011 City Council approved an amended Annual Action Plan for the use of these funds in 2011-2012; and

WHEREAS, Mountain Housing Opportunities (MHO) was granted \$462,600 in HOME funds for the Eagle Market Place development project; and

WHEREAS, MHO has requested a change in terms of that contract,

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

A change in contract terms for the federal HOME grant for Eagle Market Place is authorized as follows:

- 1) Funds may be used for any eligible HOME cost;
- 2) Funds may be drawn as needed for the project;
- 3) Mountain Housing Opportunities will be required to repay the HOME funds to the City in full from non-federal sources if the HOME units specified in the contract are not completed within four years of the original commitment;
- 4) Council authorizes the City Manager to sign the amendment after approval by the City Attorney.

Read and approved and adopted this 10th day of December, 2013.

Magdalen Bouleson
CITY CLERK

Esau Mark
MAYOR

Approved as to form:

Martha McElroy
CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 13 - _____

RESOLUTION APPROVING A WRITTEN EXEMPTION FROM THE RFQ PROCESS IN THE CASE OF CONSTRUCTION MANAGEMENT SERVICES FOR EAGLE MARKET PLACE

WHEREAS, the City of Asheville is providing significant financial support to the Eagle Market Place (EMP) project for the purpose of creating affordable housing and revitalizing the "Block"; and

WHEREAS, it is in the best interest of the City to assist with construction management to keep the project on schedule and under budget; and

WHEREAS, North Carolina General Statute §143.64.31 specifies the process that local governments must follow in selecting consultant to provide certain types of professional services; and

WHEREAS, North Carolina General Statute §143-64.32 allows for the written exemption of particular projects from the provisions of N.C.G.S. §143-64.31 in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000); and

WHEREAS, Kimley-Horn has provided similar professional services for the City of Asheville on the parking garage at 51 Biltmore Avenue and has been determined to be qualified to perform this work; and

WHEREAS, the project will include 62 affordable housing units of which the City is a financial contributing party to the construction; and

WHEREAS, the professional services and contact with Kimley-Horn will not exceed \$49,500;

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

City Council hereby approves an exemption from the RFQ process in the case of construction management services provided by Kimley- Horn for Eagle Market Place in a contract amount not to exceed \$49,500.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Boulson
City Clerk

Edwin M...
Mayor

Approved as to form:

Martha McPherson
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 264RESOLUTION ACCEPTING THE REPORT PREPARED FOR THE CITY OF ASHEVILLE REPETITIVE LOSS AREAS ANALYSIS

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved All-hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management, and

WHEREAS, participation in the Community Rating System application process requires a more detailed and comprehensive analysis not included in the adopted Buncombe County All-Hazard Mitigation Plan, and

WHEREAS, in order to secure and promote public safety and welfare, as well as other adopted goals, participation in the Community Rating System Program has been deemed valuable; and

WHEREAS, the City of Asheville previously entered into a contract for engineering services with Brown and Caldwell to perform a Repetitive Loss Area Analysis to be included in the Community Rating System application; and

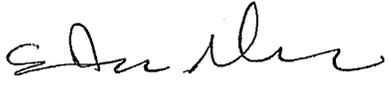
WHEREAS, Brown and Caldwell has completed the Repetitive Loss Area Analysis and prepared a report identifying repetitive loss properties and defined the repetitive loss areas;

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

The City of Asheville hereby receives and accepts the report prepared by Brown and Caldwell for the City of Asheville Repetitive Loss Areas Analysis, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of an application to join the Community Rating System Program.

Read, approved and adopted this the 10th day of December, 2013.

Magdalen Boulton
City Clerk


Mayor

Approved as to form:

Martha McBlanton
City Attorney

Magdalen Boulton
City Clerk

RESOLUTION NO. 13- 265RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE
COMMUNITY RELATIONS COUNCIL

WHEREAS, as Mayor Terry Bellamy is no longer a member of the Asheville City Council, there currently exists a vacancy on the Asheville-Buncombe Community Relations Council;

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

Councilman Gordon Smith be and he is hereby appointed as a voting member to the Asheville-Buncombe Community Relations Council to serve a term according to the length of his Council term of office.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Boulson
CITY CLERK

Steve Mark
MAYOR

Approved as to form:

Walter W. McElshon
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 266

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Esther Manheimer, as a member of the Metropolitan Sewerage District Board of Directors, expires on January 19, 2014;

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

Esther Manheimer, currently Mayor, be and is hereby reappointed to serve a three-year term, to expire January 19, 2017, or until her successor has been appointed.

Read, approved and adopted this 10th day of December, 2013.

Margalen Boulson

City Clerk

Esther Manheimer

Mayor

Approved as to form:

Mark McWhorter

City Attorney

Margalen Boulson
City Clerk

RESOLUTION NO. 13-267

RESOLUTION APPOINTING THE CHAIRMAN TO THE POLICE OFFICERS AND
FIREFIGHTERS DISABILITY REVIEW BOARD

WHEREAS, there is a need to appoint the Vice-Mayor to serve as the Chairman of the Police Officers and Firefighters Disability Review Board;

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

Vice-Mayor Marc Hunt be and he is hereby appointed as the City Council representative, to serve as Chairman, to the Police Officers and Firefighters Disability Review Board to serve a term according to the length of his Vice-Mayor term of office.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bullerson
CITY CLERK

SArc
MAYOR

Approved as to form:

Matthew McElroy
CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION NO. 13- 268

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, Councilman Gordon Smith has resigned from the ex-officio non-voting member on the Buncombe County Tourism Development Authority, thus creating a vacancy for a City Council representative;

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

Councilman Jan Davis be and he is hereby appointed as the ex-officio non-voting City Council representative on the Buncombe County Tourism Development Authority to serve a term according to the length of his Council term of office.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Boulson
CITY CLERK

Stan Mark
MAYOR

Approved as to form:

Martha W. McShelton
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 13-269

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, Councilman Jan Davis has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus creating a vacancy for the City Council ex-officio voting member;

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

Mayor Esther Manheimer be and she is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve in an ex-officio voting member capacity until she is no longer a member of the Asheville City Council.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bunker
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

Martin W. McWhorter
CITY ATTORNEY

Magdalen Bunker
City Clerk