

RESOLUTION NO. 13-23

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BRANTLEY CONSTRUCTION CO., LLC FOR THE PHASE III RENOVATIONS OF THE U.S. CELLULAR CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 8 of N.C.G.S Chapter 143 to enter into contracts for construction and repair of City buildings and facilities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, the City has engaged in a formal bid process and awarded the Agreement to the lowest responsible bidder; and

WHEREAS, the amount of the Agreement is \$ 1,876,000 and the monies have been budgeted in the U.S. Cellular Center 2013 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 Brantley Construction Co., LLC for \$ 1,876,000 for the renovation of the U.S. Cellular Center 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 12th day of February, 2013.

Magdalen Paulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Murdal
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 13-24

RESOLUTION AUTHORIZING THE EXCHANGE OF CITY-OWNED REAL PROPERTY AT 166 RESERVOIR ROAD FOR PROPERTY OWNED BY THE BEAUCATCHER PURCHASE GROUP, LLC LOCATED OFF OF RESERVOIR ROAD

WHEREAS, NCGS 160A-271, authorizes cities in North Carolina to exchange any real or personal property belonging to the City for other real or personal property by private negotiation if the City receives a full and fair consideration in exchange for its property; and

WHEREAS, NCGS 160A-353, authorizes cities in North Carolina to acquire real property for parks and recreation programs and facilities by gift, grant, purchase, lease, exercise of eminent domain, or any other lawful method; and

WHEREAS, the City of Asheville (hereinafter referred to as "City"), owns real property located at 166 Reservoir Road, further described as a 0.67 +/- acre portion of PIN 9648-56-7084-00000 on the Buncombe County Tax Map; and

WHEREAS, Beaucatcher Purchase Group, LLC, owns real property located off of Reservoir Road, further described as 0.67 +/- acres at PIN 9648-56-9395-00000 on the Buncombe County Tax Map; and

WHEREAS, per a 2009 appraisal of the City's property, the relative market value of each parcel is approximately \$87,500 for each 0.67 acre tract (unadjusted) and the City and Beaucatcher Purchase Group, LLC wish to make an even exchange of the two described properties; and

WHEREAS, notice was duly published in the Asheville Citizen-Times on February 1, 2013;

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

Pursuant to North Carolina General Statute Sec. 160A-271, the Mayor is hereby authorized to execute a deed of conveyance and all related documents in order to convey to Beaucatcher Purchase Group, LLC real property located on Reservoir Road, being a 0.67 +/- acre portion of PIN 9648-56-7084-00000, on the Buncombe County Tax Map, in exchange for the property owned by Beaucatcher Purchase Group, LLC further described as 0.67 +/- acres at PIN 9648-56-9395-00000 on the Buncombe County Tax Map. In addition, the Mayor is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 12th day of February, 2013.

Magdalen Burlington
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burlington
City Clerk

RESOLUTION NO. 13-25

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY LOCATED OFF HAZZARD STREET

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids; and

WHEREAS, the City of Asheville owns certain property off Hazzard Street, being PIN 964960134900000; and

WHEREAS, the City of Asheville has received an offer to purchase said property from Ricky Briggs of Asheville in the amount of \$1,000; and

WHEREAS, on January 11, 2013 the City Clerk duly published an advertisement for upset bids in the Asheville Citizen-Times; and

WHEREAS, the City received no upset bid in response to said advertisement; and

WHEREAS, the City has no anticipated need for the property;

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

Pursuant to North General Statute Sec. 160A-269, the City Manager is hereby directed to convey the parcel of real property off Hazzard Street, PIN 964960134900000 to Ricky Briggs for \$1,000.00. 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 and approved and adopted this 12th day of February 2013.

Magdalen Baulson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

Arundate
CITY ATTORNEY

Magdalen Baulson
City Clerk

RESOLUTION NO. 13-26

RESOLUTION TO SUPPORT THE 2013-2015 FUNDING FOR CLEAN WATER MANAGEMENT TRUST FUND

Whereas the 1996 General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state; and

Whereas the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; and

Whereas the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina communities balance infrastructure needs with environmental protection and to help struggling communities become self reliant with future infrastructure needs; and

Whereas infrastructure needs across the state addressing drinking water, wastewater, and stormwater are estimated at \$16.6 billion between 2005 and 2030; and

Whereas the Clean Water Management Trust Fund has leveraged more than \$1billion of private, local and federal funds to support projects; and

Whereas our economic vitality, health and ability to sustain ourselves and the natural environment all rely on clean water; and

Whereas surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and

Whereas, Clean Water Management Trust Fund has provided grant(s) to the City of Asheville to do one or more of the following; to protect, restore or enhance surface water quality for the benefit of the state's agriculture, military, recreation and tourism economies and to protect our natural heritage for the benefit of all North Carolinians;

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

We support Clean Water Management Trust Fund and that the fund receive an increase in recurring funding from the governor and the North Carolina General Assembly for the 2013-2015 biennial budget.

Read, approved and adopted this the 12th day of February, 2013.

Magdalen Brulson
City Clerk

Tom Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Brulson
City Clerk

RESOLUTION NO. 13-27

RESOLUTION AUTHORIZING STAFF TO PURCHASE AN APOLLO 4 GENERATION CAMERA SYSTEM FROM APOLLO VIDEO TECHNOLOGY IN ORDER TO UPDATE AND STANDARDIZE THE EXISTING TRANSIT FLEET VIDEO CAMERA SYSTEM

WHEREAS, N.C.G.S. § 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. § 143-129(e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, N.C.G.S. § 143-129(e)(6), authorizes the governing body of a political subdivision of the State to approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration; and

WHEREAS, FTA circular 4220 1.F, Chapter VI, Section 3.i provides for exceptions to full and open competition and to use sole source under 1.b.1.c Substantial duplication costs; and

WHEREAS, Apollo Video Technology has been identified as the sole source vendor for the Apollo 4 Generation system; and

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

The City of Asheville City Council authorizes staff to purchase an Apollo 4 Generation video camera system from Apollo Video Technology in order to update and standardize the existing transit fleet video camera system.

Read, approved and adopted this 12th day of February 2013.

Magdalen Paulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Paulson
City Clerk

RESOLUTION NO. 13-28

RESOLUTION AUTHORIZING SUBSTANTIAL AMENDMENT #2 OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2012-2013

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 April 24, 2012 City Council approved an Annual Action Plan for the use of these funds in 2012-2013; and

WHEREAS, the Asheville Regional Housing Consortium has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2012-2013;

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

1. The Consolidated Annual Action Plan 2012-2013 be amended as follows:
 - a. Removal of Award of \$20,000 of HOME funds to OnTrack for the Home Base Program;
 - b. Allocation of \$20,000 of HOME funds to Homeward Bound for Tenant Based Rental Assistance.
2. Additionally, \$2,767 of HOME funds allocated from the Consolidated Annual action Plan of 2011-2012, originally allocated to OnTrack for the HomeBase Program, and unused for that purpose, be reallocated to Homeward Bound for Tenant Based Rental Assistance.

Read, approved and adopted this 12th day of February, 2013.

Magdalen Boulson
CITY CLERK

Tom Bellan
MAYOR

Approved As To Form:

Arundel
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHERRY BEKAERT & HOLLAND, FOR AUDITING SERVICES FOR FISCAL YEAR 2012-2013

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, Cherry Bekaert & Holland has submitted an engagement letter and contract pursuant to *Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for fiscal year 2012-2013; and

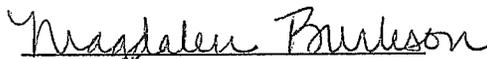
WHEREAS, the City Council desires that the City's fiscal year 2012-2013 audit service contract be awarded to the firm Cherry Bekaert & Holland; and

WHEREAS, funds are included in the Accounting Division of the Finance Department's FY2012-2013 budget; and

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

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Cherry Bekaert & Holland in the amount of \$85,000 for auditing services for fiscal year 2012-2013.

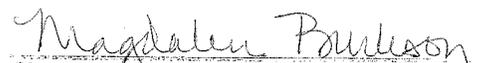
Read, approved and adopted this the 12th day of February, 2013


City Clerk


Mayor

Approved as to form:


City Attorney


City Clerk

RESOLUTION NO. 13-30

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

WHEREAS, the terms of Laura Yavelow and Bill Hascher, as members on the Asheville Tree Commission, expired on December 31, 2012;

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

(1) Mr. Matthew Schlosser, 87 Lakewood Drive, Asheville, N.C., be and he is hereby appointed to the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2015, or until his successor has been appointed.

(2) Mr. Jonathan Gach, 20-B Maxwell Street, Asheville, N.C., be and he is hereby appointed to the Asheville Tree Commission, to serve a three year term, term to expire December 31, 2015, or until his successor has been appointed.

Read, approved and adopted this 12th day of February, 2013.

Magdalen Boulson
CITY CLERK

Sam McElamy
MAYOR

Approved as to form:

Mark Oak
CITY ATTORNEY

Magdalen Boulson
City Clerk