

RESOLUTION NO. 13- 204

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER IN THE AMOUNT OF \$133,490.00 TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FOR MICHAEL BAKER ENGINEERING, INC., FROM A TOTAL IN THE AMOUNT OF \$222,055.00 TO \$355,545.00 FOR THE GROVEMONT SUBDIVISION WATERLINE IMPROVEMENT 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, Michael Baker Engineering, Inc., was selected by Staff via a Request for Qualifications process to perform engineering services related to the Grovemont Subdivision Waterline Improvement Project; and

WHEREAS, during the initial design and analysis phase of the project, it was determined that 22,250 additional linear feet of the existing water system needed to be replaced in order to meet the project objectives of improved water service and fire protection; and

WHEREAS, a change order in the amount of \$133,490.00 is needed to increase the engineering design services contract for Michael Baker Engineering, Inc., from a total in the amount of \$222,055.00 to \$355,545.00 for the project.

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 \$133,490.00 to increase the engineering design services contract for Michael Baker Engineering, Inc., from \$222,055.00 to \$355,545.00 for the construction of the Grovemont Subdivision Waterline Improvement Project and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this the 24th day of September, 2013.

Magdalen Boulleson
City Clerk

Jim McEllany
Mayor

Approved as to form:

Martha W. McElhonor
City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION NO. 13- 205

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT 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 8 of the North Carolina General Statutes Chapter 143 to enter into contracts for construction and repairs for City buildings and facilities; and

WHEREAS, The City has determined the existing floor at the Montford Recreation Center has exceeded its life expectancy, is in poor condition, and poses safety hazard for users; and

WHEREAS, the City has identified the need for a total floor replacement and has planned to complete the project in FY14 under the deferred maintenance program; and

WHEREAS, the Montford Recreation Center Gym Floor Replacement will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, & Greenway Master Plan; and

WHEREAS, pursuant to N.C.G.S. Chapter 143-131, the City received bids for construction of a new floor at the Montford Recreation Center and Bolton Construction & Service of WNC, Inc. was selected as the lowest, responsible bidder as part of a Advertisement for Bids process.

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 Bolton Construction & Service of WNC, Inc., in an amount not to exceed \$130,000 for the construction of the Montford Recreation Center Gym Floor Replacement and further authorizes the City Manager 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 24TH day of September, 2013.

Magdalen Baulson

City Clerk

Tom Bellamy

Mayor

Approved as to form:

Walter W. McElroy

City Attorney

Magdalen Baulson

City Clerk

RESOLUTION NO. 13-206

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH T&K UTILITIES, INC. FOR THE INSTALLATION OF BACK FLOW PREVENTERS AT 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 \$ 116,000.00 and the monies have been budgeted in the U.S. Cellular Center 2014 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 T&K Utilities, Inc. for \$ 116,000 for the installation of back flow preventers at 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 24th day of September, 2013.

Magdalen Poulson
City Clerk

Tom Bellamy
Mayor

Approved as to form:

Martha W. McMan
City Attorney

Magdalen Poulson
City Clerk

RESOLUTION NO. 13-207

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICES CONTRACT WITH BUNCOMBE COUNTY FOR THE PROVISION OF PARATRANSIT SERVICES

WHEREAS, the City is required by the Federal Transit Administration to provide comparable paratransit service within the service area of the Asheville Transit System pursuant to the Americans with Disabilities Act of 1990, and;

WHEREAS, the City of Asheville does not have the necessary equipment to provide this service but has instead relied upon an on going contractual relationship with Buncombe County for the provision of this service, and;

WHEREAS, the Federal Transit Administration requires the City of Asheville to enter into a contract agreement incorporating all federal requirements agreed to by the City of Asheville in the master agreement with the Federal Transit Administration; and

WHEREAS, City staff recommends that the City enter into a services contract with Buncombe County for the provision of Paratransit services 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 services contract with Buncombe County for the provision of paratransit services to the Asheville Transit System.

Read, approved and adopted this the 24th day of September 2013.

Magdalen Boulson
City Clerk

Jim Bellas
Mayor

Approved as to form:
Walter W. McMan
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13-208

RESOLUTION AUTHORIZING THE CITY MANAGER AND CHIEF OF POLICE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE BUNCOMBE COUNTY MANAGER AND BUNCOMBE COUNTY SHERIFF

WHEREAS, pursuant to N.C.G.S § 160A-461 and § 153A-445, the county and city may enter into an agreement to execute any undertaking performed by local government; and

WHEREAS, pursuant to N.C.G.S § 153A-445 and N.C.G.S § 160A-461, the City, the Buncombe County Sheriff's Office and the County have decided to enter into a local agreement allowing APD and Buncombe County Sheriff's office to temporarily use each other's telecommunications to dispatch calls for service when the need arises; and

WHEREAS, pursuant to N.C.G.S § 153A-212 and N.C.G.S § 160A-288, local law enforcement agencies may provide mutual aid to each other; and

WHEREAS, ADP has demonstrated the need for more part-time trained personnel to staff the communications center; and

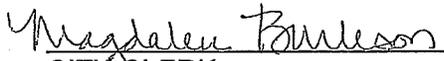
WHEREAS, the Asheville Police Department will reimburse the Buncombe County Sheriff's Office within ten (10) business days of being invoiced; and

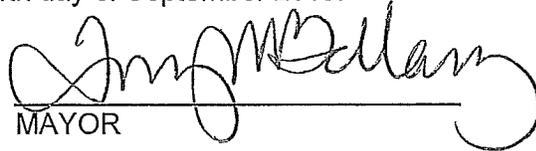
WHEREAS, the fiscal impact is minimal on the City of Asheville because the expenditures can be absorbed in salary savings from current vacancies;

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

The City Manager and Chief of Police is hereby authorized to enter into an interlocal agreement with the Buncombe County Manager and Buncombe County Sheriff.

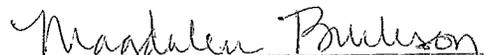
Read, approved, and adopted this 24th day of September 2013.


CITY CLERK


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY


City Clerk

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE ONE ADDITIONAL FULL-TIME EMPLOYEE FOR THE POLICE DEPARTMENT TO COVER THE NEW SCHOOL RESOURCE OFFICER POSITION NEEDED FOR ASHEVILLE CITY SCHOOLS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North General Statutes to enter into a contract for services with other entities; and

WHEREAS, the City Manager has the authority pursuant to N.C.G.S. 160A-178 to appoint all City officers and employees not elected by the people; and

WHEREAS, Asheville City Schools has approved and demonstrated the need for one additional School Resource Officer for the 2013-2014 school year; and

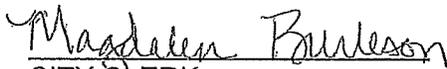
WHEREAS, the Asheville Police Department will provide this school resource officer and will need to increase the number of full time employees (FTE) by one; and

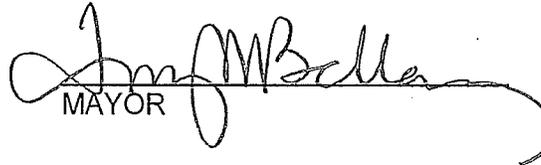
WHEREAS, the Asheville City Schools will reimburse the City of Asheville Police Department on a quarterly basis for the salary expenditures for the named officer;

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

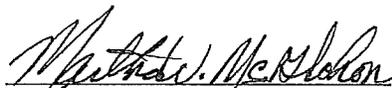
The City Manager is hereby authorized to approve the addition of one full time employee for the police department.

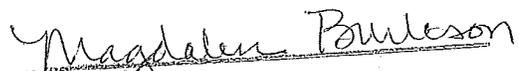
Read, approved, and adopted this 24th day of September 2013.


CITY CLERK


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY


City Clerk

468

RESOLUTION NO. 13-210

RESOLUTION MODIFYING THE 2013 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 October 8, 2013, regular meeting and the October 29, 2013, community meeting of the Asheville City Council are hereby cancelled.

Read, approved and adopted this 24th day of September, 2013.

Magdalen Boulson
CITY CLERK

Angela Beller
MAYOR

Approved as to form:

Martha W. McKelhan
CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 211

RESOLUTION AUTHORIZING AND RATIFYING THE EXECUTION BY THE MAYOR OF A FEDERAL AVIATION ADMINISTRATION GRANT AGREEMENT FOR PROJECT NO. 3-37-0005-043-2013

WHEREAS, the City of Asheville has the authority pursuant to G. S. 160A-17.1 to apply for and received grants from the federal government, and to enter into agreements as to the administration of such grants; and

WHEREAS, the Federal Aviation Administration ("FAA") offered a grant agreement to the Greater Asheville Regional Airport Authority ("Airport") in an amount of \$2,855,596, for the Rehabilitate Runway 16/34 (Design - Phase 1) Project; and

WHEREAS, the City of Asheville and the County of Buncombe are co-sponsors of the grant agreement; and

WHEREAS, the FAA requires each sponsor to execute said grant agreement; and

WHEREAS, the Airport received the grant offer on September 11, 2013, and after talking with the FAA to get the deadline extended in order to obtain authorization for the Mayor to execute said grant agreement on September 24, 2013, Airport staff were told that because it is nearing the end of the federal fiscal year that the grant agreement must be accepted, signed and returned to the FAA on September 17, 2013, or the grant money would be lost;

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

The Asheville City Council hereby authorizes and ratifies the execution by the Mayor of a FAA Grant Agreement for Project No. 3-37-0005-043-2013 in an amount of \$2,855,596.

Read, approved and adopted this 24th day of September, 2013.

Magdalen Paulson
CITY CLERK

Angie Bellen
MAYOR

Approved as to form:

Matthew W. McPherson
CITY ATTORNEY

Magdalen Paulson
City Clerk

RESOLUTION NO. 13-212

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DR. PAUL MARTIN, MD, DBA ASHEVILLE ADDICTION CONSULTANTS, PA 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 \$120,000.00 and the monies have been budgeted in the Heath 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 enter into a contract on behalf of the City of Asheville with Dr. Paul Martin, MD, DBA Asheville Addiction Consultants, PA for \$120,000 for physician services and further authorized to execute any change orders to said contract or documents which may arise up to the budgeted amount.

Read, approved and adopted this the 24th day of September, 2013.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Walter W. McAllister
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 13- 213

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN URBAN REDEVELOPMENT AND LOAN AGREEMENT FOR THE EAGLE MARKET STREET REDEVELOPMENT PROJECT

WHEREAS, by Resolution no 13-193, adopted by the City Council of the City of Asheville ON August 27, 2013, City Council committed to provide permanent financing in the amount of Three Million Eight Hundred Sixty Seven Thousand, Six Hundred Eighteen Dollars and Zero Cents (\$3,867,618.00), to the Eagle Market Place Affordable Housing Project; and

WHEREAS, City Council approved the aforementioned commitment subject to several conditions, to enable the City to enforce the public purpose for which the funds were loaned; and

WHEREAS, pursuant to Article 22 of Chapter 160A of the North Carolina General Statutes, Urban Redevelopment Law, the City's Strategic Plan, and the provisions of 160A-458.3, promoting economic development through job creation and job growth, the City may enter into an Urban Redevelopment and Loan Agreement for the Project; and

WHEREAS, Mountain Housing Opportunities, Inc. will serve as a Guarantor on the Agreement, unconditionally guaranteeing that Eagle Market Place LLC., will fully complete the Project and comply with the federal low income housing tax credits afforded the Project;

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

The Mayor of the City of Asheville is hereby authorized to enter into an Urban Redevelopment and Loan Agreement with Eagle Market Place LLC., with Mountain Housing Opportunities Inc., as a Guarantor, in substantially the form presented to Council at this meeting, and reflecting any changes required by Council, subject to approval as to form by the City Attorney.

The City Manager be, and is hereby, authorized to execute any contracts or other instruments necessary to give effect to this resolution, specifically to include execution of any and all closing documents, subject to budgetary limitations and approval by the City Attorney.

Read, approved and adopted the 24th day of September 2013.

Margalene Paulson
CITY CLERK

Jim Bellamy
MAYOR

Approved As To Form

Matthew S. Nelson
CITY ATTORNEY

Margalene Paulson
City Clerk