40

RESOLUTION NO. 12-179

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STRICKLAND WATERPROOFING CO. INC. FOR THE CLEANING AND GENERAL REPAIRS IN THE UPPER BALCONY SEATING OF THE EXPLOREASHEVILLE.COM ARENA

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

WHEREAS, this area will receive much needed attention that will prolong the life of possibly the most used seating section of the arena; and

WHEREAS, the amount of the Agreement is $117,000.00 plus 20% contingency funds and the monies have been budgeted in the U.S. Cellular Center 2012-13 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 Strickland Waterproofing Co. Inc. for $117,000.00, plus 20% contingency to perform general cleaning and repairs in the upper seating balcony and further authorized to execute any change orders to said contract or documents which may arise during execution of said project up to the budgeted amount.

Read, approved and adopted this the 14th day of August, 2012.

Magdalen Boulison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Boulison
City Clerk

RESOLUTION NO. 12-180

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH SCHNABEL ENGINEERING FOR SUBSURFACE INVESTIGATIONS OF THE NORTH FORK DAM SITE

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, Schnabel Engineering was selected as the most qualified firm to perform the scope of services needed for the North Fork Water Treatment Plant Dam / Tunnel Evaluation Project due to their extensive knowledge of the City's dams at the water treatment plants; and

WHEREAS, the Water Resources Department is currently under contract with Schnabel Engineering for the North Fork WTP Dam/Tunnel Evaluation project in the amount of $189,300; and

WHEREAS, a change order in the amount of $78,930.00 is needed for Subsurface Investigations at the North Fork Dam Site in order for Schnabel Engineering to complete their initial scope of 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 $78,930.00 with Schnabel Engineering for Subsurface Investigations of the North Fork Dam Site for a total contract cost of $268,230.00.

Read, approved and adopted this 14th day of August, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

42

RESOLUTION NO. 12-181

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT DONATION OF REAL PROPERTY ON WILD CHERRY ROAD IN THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the Wild Cherry Road Bridge is in need of repair and additional adjacent real property is needed to construct a new bridge; and

WHEREAS, the City of Asheville is authorized pursuant to NCGS §160A-11 to purchase and convey real property and is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Gated Communities of Asheville, LLC., has offered to donate a .083 acre +/- portion of real property located on Wild Cherry Road, identified as a portion of as PIN number #9740769648 on the Buncombe County Tax Map; and

WHEREAS, Gated Communities of Asheville, LLC., has offered to donate a .01 acre +/- portion of real property located on Wild Cherry Road, identified as a portion of as PIN number #9740770484 on the Buncombe County Tax Map; and

WHEREAS, Anna Lee Hill, has offered to donate a.004 acre +/- portion of real property located on Wild Cherry Road, identified as a portion of as PIN number #9740873310 on the Buncombe County Tax Map; and

WHEREAS, City staff recommend the acceptance of these parcels for the purpose of providing City owned land in which the new bridge will be built upon and provide maintenance ingress and egress to the new bridge;

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

The Mayor be and is hereby authorized to execute any and all documents approved by the City Attorney to accept the donation of real property located on Wild Cherry Road for the Wild Cherry Road Bridge Replacement Project.

Read, approved and adopted this 14th day of August, 2012.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 12-182

RESOLUTION AUTHORIZING THE MAYOR TO CONVEY A SANITARY SEWER EASEMENT AT THE MURPHY OAKLEY PARK TO THE METROPOLITAN SEWERAGE DISTRICT FOR THE LIBERTY STREET SEWER REHABILITATION PROJECT.

WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located off of Liberty Street, identified as PINs # 965758112100000 known as the Murphy Oakley Park; and

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, hereinafter MSD, has requested a Permanent Easement containing approximately 2,141 square feet over a portion of said property at Liberty Street; and

WHEREAS, the sewer improvements in the Liberty Sewer Rehabilitation Project for which the easements are requested will benefit the community;

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

The Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at Liberty Street, known as the Murphy Oakley Park (PINS # 965758112100000) to the Metropolitan Sewerage District of Buncombe County, North Carolina for the purposes of implementing the Liberty Street Sewer Rehabilitation Project.

Read, approved and adopted this 14th day of August, 2012.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

44

RESOLUTION NO. 12-183

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BROWN AND CALDWELL FOR PHASE II OF THE MAIN WATER TRANSMISSION LINE EVALUATION PROJECT

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, in January 2012, City Council awarded the Main Water Transmission Line Evaluation project to Brown and Caldwell via a Request for Qualifications process to perform engineering services related to the Main Water Transmission Line Evaluation Project; and

WHEREAS, the Water Resources Department desires to execute a contract in the amount of $2,379,432.00 with Brown and Caldwell to increase the total evaluation cost to $2,698,450.00 in order to complete Phase II of the project that will ensure timely completion and provide the City of Asheville with the final information for planning and replacement of its most critical water infrastructure as part of the Main Water Transmission Line Evaluation 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 contract in the amount of $2,379,432.00 with Brown and Caldwell for Phase II of the Main Water Transmission Line Evaluation Project for a total evaluation cost of $2,698,450.00 (includes Phase I and II).

Read, approved and adopted this 14th day of August, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 12-184

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HOUSTON-GALVESTON AREA COUNCIL TO PURCHASE FROM THEIR COOPERATIVE PURCHASING PROGRAM

WHEREAS, pursuant to N. C. Gen. Stat. 160A-461 authorizes any unit of local government in this State and any one or more other units of local government in this State or any other state may enter into contracts or agreements with each other in order to execute any undertaking; and

WHEREAS, pursuant to N. C. Gen. Stat. 143-129(e)(3) authorizes purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing service at discount prices to two or more public agencies; and

WHEREAS, the City of Asheville is responsible for the procurement of supplies, equipment and apparatus for the needs of the departments; and

WHEREAS, the Purchasing Division has deemed that cooperative purchasing programs can fulfill the city's purchasing needs in identified cases; and

WHEREAS, The Houston-Galveston Area Council (H-GAC) is cooperative purchasing program that is an organized unit of local government assisting other local governments by establishing competitively priced contracts for goods and services; and

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

The Mayor is hereby authorized to enter into a Cooperative Purchasing/Interlocal Agreement with Houston-Galveston Area Council on behalf of the City of Asheville.

Read, approved and adopted this 14th day of August, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

46

RESOLUTION NO. 12-185

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR LINAMAR CORPORATION FOR PHASE II EXPANSION

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and,

WHEREAS, Linamar Corporation (herein "Linamar") is proposing to significantly expand its operations within the City limits adding $75,000,000 in new capital investment in new machinery, equipment, and buildings; and,

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering grants to qualifying businesses locating and expanding within the corporate limits;

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

1. City Council approves a grant for Linamar not to exceed $1,000,000, payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and Linamar; and

2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 14th day of August, 2012.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 12-186

RESOLUTION CALLING FOR A SPECIAL ELECTION ON THE QUESTION OF WHETHER THE CITY SHOULD SELL OR LEASE ITS WATER SYSTEM

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-321 and N.C.G.S. 163-287 to call for a special election on the question of selling or leasing its water system; and

WHEREAS, the N.C. General Assembly is considering adopting legislation that would require that the City of Asheville water system be consolidated with the Metropolitan Sewerage District of Buncombe County; and

WHEREAS, said consolidation could occur by sale or lease; and

WHEREAS, the City Council determines that it is in the best interest of the citizens of the City of Asheville to call for a special election on the issue of whether the City of Asheville should sell or lease its water treatment system or water distribution system;

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

1. That the Buncombe County Board of Elections is directed to cause a special election to be held, pursuant to N.C.G.S. 160A-321(b) and N.C.G.S. 163-287 on November 6, 2012, the same day as the general election.

2. That the question to be put to the voters on the ballot at said special election is as follows:

"Shall the City of Asheville undertake the sale or lease of its water treatment system and water distribution system?"

_____ Yes _____ No

3. That, pursuant to N.C.G.S. 160A-321(b), the voters eligible to participate in said special election shall be voters in the City of Asheville.

4. The City Attorney shall cause a certified copy of this resolution to be delivered to the Buncombe County Board of Elections forthwith.

Read, approved and adopted this the 14th day of August, 2012.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

48

RESOLUTION NO. 12-187

RESOLUTION APPOINTING MEMBERS TO THE AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE

WHEREAS, the terms of Julie Fulwood and Teresa Foster-Moorefield expire on August 22, 2012; and

WHEREAS, there currently exists a vacancy left by Kelly Rodriguez, term to expire August 22, 2013; and

WHEREAS, since the Committee has not met since its inception, City Council felt it was in the City's best interest to continue the Committee in existence and have Board members stay on in an "inactive" status; and

WHEREAS, in the event that a hearing is required, or the Committee is required to transact other business, the Committee members will be contacted by the Secretary to the Committee;

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

(1) Ms. Julie Fulwood, 32 Grandview Drive, Asheville, N.C., be and she is hereby on "inactive" status to the Americans with Disabilities Act Compliance Committee (representing the business or non-profit sector).

(2) Ms. Teresa Foster-Moorefield, 3 Tasha Lane, Asheville, N.C., be and she is hereby on "inactive" status to the Americans with Disabilities Act Compliance Committee (representing the education and the health/medical profession).

(3) Ms. Florence Bannon, 1105 Abbey Circle, Asheville, N.C., be and she is hereby on "inactive" status to the Americans with Disabilities Act Compliance Committee (representing the disabled community).

Read, approved and adopted this 14th day of August, 2012.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 12-188

RESOLUTION APPOINTING MEMBERS TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, the terms of Steve Cochran, Richard Stiles, Cheryl McMurry and Scott Dedman expire on August 22, 20012;

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

(1) Ms. Julie Mayfield, 109 Estes Court, Asheville, N.C., be and she is hereby appointed a member of the HUB Community Economic Development Alliance to serve a three year term, term to expire August 22, 2015, or until her successor has been appointed.

(2) Mr. Richard Stiles, 34 Courtland Avenue, Asheville, N.C., be and he is hereby reappointed a member of the HUB Community Economic Development Alliance to serve an additional three year term, term to expire August 22, 2015, or until his successor has been appointed.

Read, approved and adopted this 14th day of August, 2012.

Magdalen Bruleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

50

RESOLUTION NO. 12-189

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

WHEREAS, the terms of Dr. Steven Hulkower, as the licensed physician on the Police Officers and Firefighters Disability Review Board; Stephanie Cooper and Maggie Burleson, as members on the Police Officers and Firefighters Disability Review Board, expired on July 19, 2012; and

WHEREAS, since the Board has not met since 2001, City Council felt it was in the City's best interest to continue the Board in existence and have the Board members stay on in an "inactive" status; and

WHEREAS, in the unlikely event that a hearing is required, or the Board is required to transact other business, the Board members will be contacted by the Secretary to the Board;

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

(1) Dr. Stephen Hulkower, Director of the Division of Family Medicine at Mountain Area Health Education Center, 118 W.T. Weaver Boulevard, Asheville, N.C., be and he is hereby on "inactive" status to the Police Officers and Firefighters Disability Review Board.

(2) Ms. Stephanie Cooper, 112 Deerlake Drive, Asheville, N.C., be and she is hereby on "inactive" status to the Police Officers and Firefighters Disability Review Board

(3) Ms. Maggie Burleson, Post Office Box 7148, Asheville, N.C., be and she is hereby on "inactive" status to the Police Officers and Firefighters Disability Review Board.

Read, approved and adopted this 14th day of August, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 12-190

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the term of Bob Patel, as a member of the Buncombe County Tourism Development Authority, expires on August 30, 2012;

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

Mr. Bob Patel, 704 Baneberry Court, Asheville, N.C., be and he is hereby reappointed, as a member of the Buncombe County Tourism Development Authority (as the owner or operator of a hotel, motel or other taxable tourist accommodation with more than 100 rental units), to serve an additional three year term, term to expire August 30, 2015, or until his successor has been appointed.

Read, approved and adopted this 14th day of August, 2012.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk