

RESOLUTION NO. 12- 20

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH BROWN AND CALDWELL FOR THE WATER RESOURCES MAIN 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, the Water Resources Department has the need for a professional services contract for the Main Transmission Line Evaluation Project; and

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

WHEREAS, Brown and Caldwell was selected by City Staff via a Request for Qualifications process to perform professional engineering services for the Main Water Transmission Line Evaluation Project in an amount not-to-exceed \$319,018.00; and

WHEREAS, the project will be funded from the Water Resources Capital Projects Fund;

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 enter into a professional services agreement with Brown and Caldwell in an amount not-to-exceed \$319,018.00 for Phase I of the Main Water Transmission Line Evaluation Project 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 24th day of January, 2012.

Magdalen Bourleson
City Clerk

Angie Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 12- 21

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH T & K UTILITIES, INC., FOR THE WATER RESOURCES WATER SERVICE RENEWALS 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. § 143-131, informal bids must be obtained for all municipal contracts that do not come within the purview of N.C.G.S. §143-129 for formal bidding, and the City must award to the lowest responsible and responsive bidder; and

WHEREAS, the Water Resources Department has the need to renew existing water services that have been identified as sub-standard as part of the department's ongoing Automated Meter Reading (AMR) project, which project falls within the purview of N.C.G.S. § 143-131; and

WHEREAS, T & K Utilities, Inc., was selected as the lowest responsible and responsive bidder by Water Resources staff in the amount not to exceed \$236,805.00, with the bid tabulation attached hereto as Exhibit "A"; and

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

1. The Bid Tabulation attached hereto as Exhibit "A" be recorded in the minutes of the City Council.
2. The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into an agreement with T & K Utilities, Inc., in an amount not to exceed \$236,805.00 for the Water Resources Water Service Renewals Project.

Read, approved, and adopted this 24th day of January, 2012.

Magdalen Burlington
CITY CLERK

Ingobellamy
MAYOR

Approved as to form:
[Signature]
CITY ATTORNEY

Magdalen Burlington
CITY CLERK

Exhibit A

Bid Tabulation for the Water Resources
Water Service Renewals Project

T & K Utilities, Inc.

204 Charlotte Highway, Suite G
Asheville, NC 28803
Total Bid: \$236,805.00

Patton Construction Group, Inc.

P.O. Box 15054
Asheville, NC 28813
Total Bid: \$273,820.00

Huntley Construction Company

121 Charlotte Highway
Asheville, NC 28803
Total Bid: \$287,331.00

Payne, McGinn & Cummins, Inc.

2017 North Highway 15
Travelers Rest, SC 29690
Total Bid: \$293,093.66

RESOLUTION NO. 12-22

RESOLUTION AUTHORIZING THE CITY MANAGER AND/OR MAYOR TO APPLY FOR A GRANT AND ENTER INTO AN AGREEMENT WITH THE STATE OF NORTH CAROLINA, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF PARKS AND RECREATION IN THE RECREATION TRAILS PROGRAM FOR REIMBURSEMENT OF LAND ACQUISITION COSTS FOR THE REED CREEK GREENWAY PHASE IV.

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 development of Reed Creek Greenway; and

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

WHEREAS, the City of Asheville is requesting financial assistance in the amount of \$75,000 from the Recreational Trails Program which requires a minimum match of 25%; and

WHEREAS, in the event a grant is awarded by the State of North Carolina, Department of Environment and Natural Resources, Division Of Parks and Recreation in the Recreation Trails Program, the City of Asheville certifies and assures it has the ability and intention to provide the 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 and/or Mayor shall be authorized to apply for and enter into an agreement with the State of North Carolina, Department of Environment and Natural Resources, Division of Parks and Recreation in the Recreation Trails Program for \$75,000 for reimbursement of land acquisition costs for the Reed Creek Greenway Phase IV.

Read, approved and adopted this 24th day of January, 2012.

Magdalen Baulson City Clerk Angie Bellamy Mayor

Approved as to form:

Bob Job
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 12-23

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF S PACK SQUARE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of S. Pack Square; and

WHEREAS, the portion of S. Pack Square is 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 a portion of S. Pack Square, from the southwest corner of the intersection of S. College Street and S. Spruce Street to mid-block of S. Market Street between S. College Street and Court Plaza more particularly described as BEGINNING at an iron rod with North American Datum (NAD 1927) coordinates North= 690,580.691 feet and East= 944,777.937 feet ; thence with the west margin of S. Spruce Street, South 11° 52' 23" East 19.65 feet to a point; thence leaving said street on a curve for 180.04 feet with a Radius of 575.24 feet and a chord of South 40°02'19" West 179.31 feet to a point in the east margin of S. Market Street; thence with S. Market Street North 26°53'44" West 80.01 feet; thence leaving said street on a curve for 40.72 feet with a Radius of 20.00 feet and a chord of South 85°13'46" East 34.04 feet; thence on a curve for 105.18 feet with a Radius of 615.24 and a chord of North 41°20'04" East 105.05 feet to a point in the south margin of S. College Street; thence with S. College Street North 77°43'54" East 45.13 to a point and place of BEGINNING.
2. A public hearing on the question of permanently closing a portion of S. Pack Square is hereby called for on February 28, 2012, at the regular meeting of the City Council beginning at 5:00 pm, in the City Council Chamber, 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 February 28, 2012.
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 portion of South Pack Square. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting the portion of S. Pack Square, 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 24th day of January 2012.

Magdalen Burleson
City Clerk

Ingrid Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 12-24

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH AMEC (PREVIOUSLY MACTEC) TO INCREASE SPECIAL INSPECTIONS AND TESTING SERVICES FOR THE PARKING GARAGE LOCATED AT 51 BILTMORE AVENUE

WHEREAS, the City of Asheville contracted with AMEC in May 2011 to perform special inspections and material testing for a proposed parking garage on Biltmore Avenue for an amount of \$46,000; and

WHEREAS, the City of Asheville amended the original contract in the amount \$27,500 for a total contract amount of \$73,500; and

WHEREAS, AMEC is a qualified geotechnical firm and is qualified to perform this work; and,

WHEREAS, the City desires to have an inspection and testing of the materials used in the construction of the parking garage on Biltmore Avenue; and,

WHEREAS, the City of Asheville wishes to increase the services provided by AMEC to perform additional inspections and testing beyond those included in the original contract; and,

WHEREAS, some of these cost will be reimbursed by the contractor in a deductive change order.

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

The City Manager is authorized to amend the contract with AMEC in an amount of \$9,400 for a total contract amount of \$82,900 to provide additional special inspections and material testing of a parking garage at 51 Biltmore Avenue.

Read, approved and adopted this the 24rd day of January 2012.

Magdalen Bureson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bureson
City Clerk

RESOLUTION NO. 12-25

RESOLUTION AMENDING THE 2012 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:

City Council will be holding their annual retreat beginning at 9:00 a.m. on February 3, 2012, at UNC-Asheville in the Wilma M. Sherrill Center.

Read, approved and adopted this 24th day of January, 2012.

Magdalen Boulton
CITY CLERK

Jimmy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Boulton
CITY CLERK

RESOLUTION NO. 12-26

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR A PORTION OF REAL PROPERTY KNOWN AS THE W.C. REID CENTER, LOCATED AT 133 LIVINGSTON STREET

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. sec. 160A-274, to lease interest in real or personal property from other governmental agencies and units of government upon such terms as it deems wise; and

WHEREAS, the City of Asheville requests to enter into a three (3) year lease agreement with the Housing Authority of the City of Asheville for a portion of real property known as the W.C. Reid Center located at 133 Livingston Street, including the gymnasium and gym storage, one office, and a shared conference room; and

WHEREAS, the City of Asheville, as Lessee, will be responsible for the cost of one-half of annual utilities, and janitorial obligations in the gymnasium and surrounding areas; and

WHEREAS, the Housing Authority of the City of Asheville, as Lessor, will be responsible for maintaining the premises in good repair and tenantable condition during the term of the lease; and

WHEREAS, the stated needs for the property during the term of the lease are compatible with the proposed lease;

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

The City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and the Housing Authority of the City of Asheville for portions of real property located at 133 Livingston Street, Asheville NC. 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, approved and adopted this 24th day of January, 2012.

Magdalen Baulson City Clerk Jim Bellamy Mayor

Approved as to form:

Mark
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 12- 27

RESOLUTION AUTHORIZING EXECUTION OF A UTILITY EASEMENT ACROSS CITY PROPERTY AT THE WILLIAM DEBRUHL WATER TREATMENT PLANT AT 1370 BEE TREE ROAD IN SWANNANOVA, NC TO RELOCATE A POWER LINE

WHEREAS, the City has the authority, pursuant to N.C.G.S. 160A-273, to grant easements across City property; and

WHEREAS, the City Council has determined that it is in the public interest to grant an easement to Progress Energy Carolinas, Inc., across certain property located at the William DeBruhl Water Treatment Plant at 1370 Bee Tree Rd in Swannanoa, NC, as shown on Exhibit A, attached hereto; and

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

The Mayor is hereby authorized to execute an easement to Progress Energy across City property at the William DeBruhl Water Treatment Plant at 1370 Bee Tree Rd in Swannanoa, NC, the form of said easement to be approved by the City Attorney.

Read, approved and adopted this 24th day of January, 2012.

Magdalena Bureson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Bureson
City Clerk

RESOLUTION NO. 12- 28

RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE CONTRACT WITH DIXON HUGHES GOODMAN LLP, FOR AUDITING SERVICES FOR FISCAL YEAR 2010-2011

WHEREAS, on May 24, 2011, City Council approved a contract with Dixon Hughes PLLC, in the amount of \$109,000 for auditing services for Fiscal Year 2010-2011; and

WHEREAS, the contract includes certain estimates regarding auditing and did not include reporting changes related to GASB 54 implementation and major fund reclassification; and

WHEREAS, the contract includes hourly rates for engagement personnel required in connection with additional services not included in the original contract; and

WHEREAS, Dixon Hughes has submitted an amendment to the contract in the discounted amount of \$10,000 seeking additional compensation for required work not included in the original contract; and

WHEREAS, funds are available in the Accounting Division of the Finance Department's budget; and

WHEREAS, the policy of the Local Government Commission requires contracts amendments be approved by the governing board in a public meeting;

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

The Mayor is hereby authorized to execute the amended contract to audit accounts with Dixon-Hughes PLLC, the form of which shall be approved by the Local Government Commission for Fiscal Year 2010-2011.

Read, approved and adopted this the 24th day of January, 2012

Magdalen Boulson
City Clerk

Tom Bellamy
Mayor

Approved as to form:

Paul J. Dent
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 12- 29

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DIXON HUGHES GOODMAN LLP, FOR AUDITING SERVICES FOR FISCAL YEAR 2011-2012

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, the City Council desires that the City's fiscal year 2011-2012 audit service contract be awarded to the firm Dixon Hughes Goodman LLP; and

WHEREAS, funds are included in the Accounting Division of the Finance Department's FY2011-2012 budget;

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 Dixon Hughes Goodman LLP in the amount of \$95,000 for auditing services for fiscal year 2010-2011.

Read, approved and adopted this the 24th day of January, 2012

Magdalen Boulleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Randy
City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION NO. 12--30

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BETSCH ASSOCIATES/PBC+L FOR ADDITIONAL DESIGN SERVICES RELATED TO THE CIVIC CENTER RENOVATIONS

WHEREAS, the City of Asheville is renovating the Civic Center to host of the NCAA Southern Conference Men's and Women's Basketball Championships for 2012-14; and

WHEREAS, the design team of Betsch Associates/PBC+L Architecture is the design team of record for the project to meet SoCon Conference commitments; and

WHEREAS, design elements not anticipated in the original scope of services have arisen which require a professional services contract amendment for Phase II architectural and engineering design services;

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

The City Council of Asheville authorizes the City Manager to sign a contract amendment with Betsch Associates/PBC+L for additional design services related to the Civic Center renovations in the amount of \$22,212 for a total contract amount not to exceed \$848,000 for Phase II of the project.

Read, approved and adopted this 24th day of January, 2012.

Magdalen Burlison
City Clerk

Simon Bellamy
Mayor

Approved as to form:

Rustad
City Attorney

City Clerk

RESOLUTION NO. 12-31RESOLUTION IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING
UNDER CONSIDERATION FOR ANNEXATION

WHEREAS, Part 7 of Article 4A of Chapter 160A of the North Carolina General Statutes authorizes annexation by cities; and

WHEREAS, N.C. Gen. Stat. Sec. 160A-58.55 sets out the procedure for annexation authorized by Part 7 of Article 4A of Chapter 160A of the North Carolina General Statutes; and further provides for the adoption of a resolution identifying areas under consideration for annexation;

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

Section 1. Pursuant to G.S. 160A-58.55(a), the following areas are hereby identified as being under consideration for future annexation by the City of Asheville, under the provisions of Part 7, Article 4A of Chapter 160A of the General Statutes of North Carolina:

As indicated on the attached map entitled: "Map of Areas Under Consideration for Future Annexation by the City of Asheville," incorporated herein by reference.

Section 2. That the process for annexation of the areas described in this resolution will include:

- a. A further action by the City Council to adopt a Resolution of Intent to Annex, at least 365 days following, but no more than 730 days following, the adoption of this Resolution of Consideration;
- b. A report of plans for extending services to the described territory shall be approved by the City Council at least 30 days prior to the date of a public informational meeting and shall be made available for public inspection at the office of the City Clerk, and such meeting will be held between 45 and 55 days following the adoption of a Resolution of Intent to Annex;
- c. A notice to each property owner will be provided by mail within 5 days of adoption of a Resolution of Intent to Annex, and then again within 70 days, outlining the annexation process, property owners' rights and remedies, and the process to request water and sewer service to property being annexed;
- d. A public hearing will be held at least 130 days, but no more than 150 days, following the adoption of a Resolution of Intent to Annex, provided that the public hearing is also at least 30 days following the expiration of the period permitted under N.C.G.S. § 160A-58.56(b-c) for property owners to respond to the City's offer to extend water and sewer service;

- e. A further action by City Council to adopt an Annexation Ordinance between 10 and 90 days following the public hearing;
- f. (For cases where the annexation area is not surrounded by the current city limits of the City of Asheville) a 130-day period following the adoption of an Annexation Ordinance during which property owners will receive petitions allowing them to request that the annexation be denied; and
- g. A requirement that the effective date of the Annexation Ordinance shall be on June 30th of the year specified in the Annexation Ordinance as provided by law

Section 3. A copy of this resolution and a legible map of the area under consideration shall be filed with the City Clerk of the City of Asheville, who will post the information for inspection by the public.

Section 4. A copy of this resolution shall be provided by first class mail to the property owner of record of all real property under consideration for annexation as ordered by this resolution.

Section 5. This resolution shall remain effective as provided by G.S. 160A-58.55(a).

Read, approved and adopted this 24th day of January, 2012.

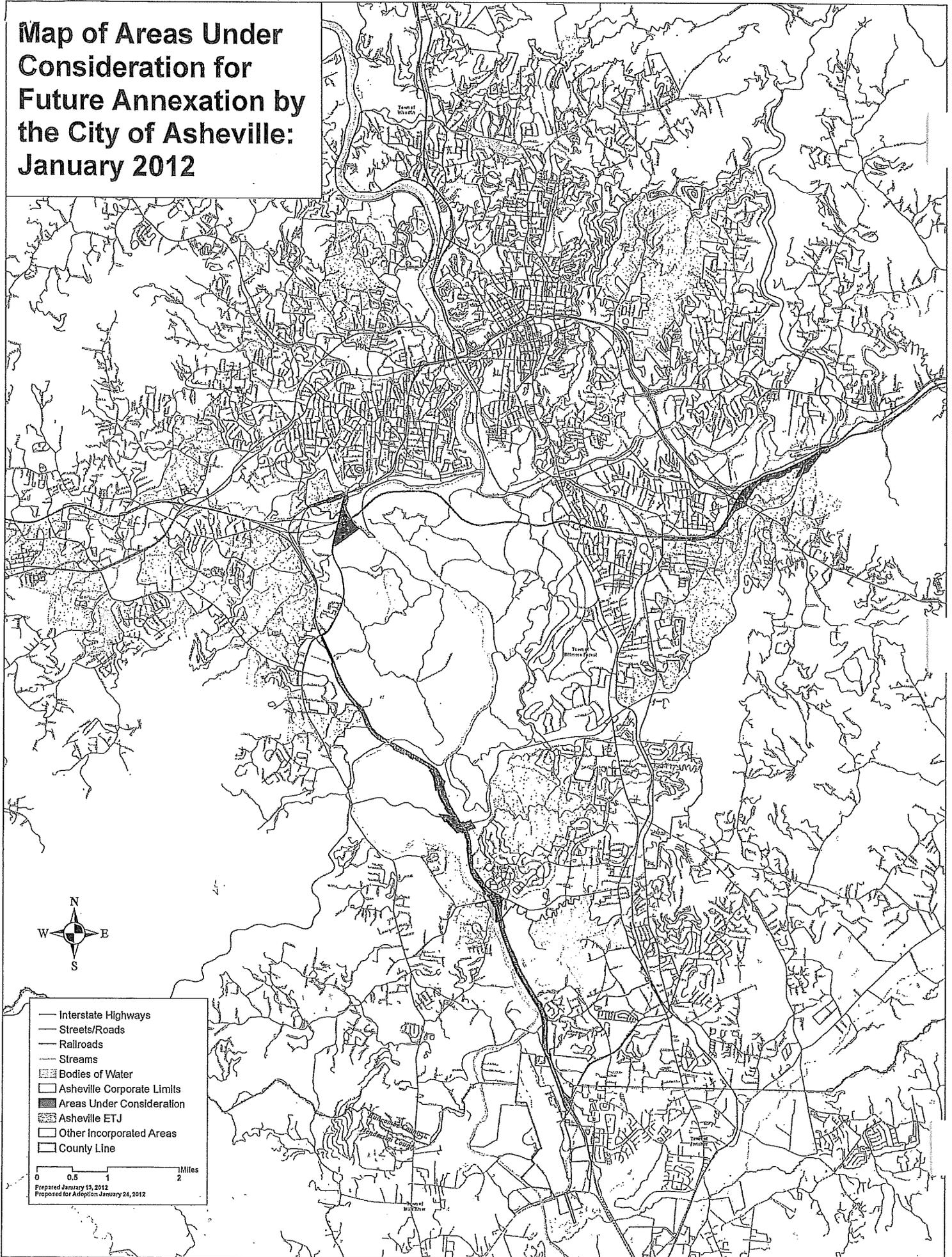
Magdalen Boulton
City Clerk

Imogen Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulton
City Clerk

Map of Areas Under Consideration for Future Annexation by the City of Asheville: January 2012



— Interstate Highways
— Streets/Roads
- - - Railroads
~ ~ ~ Streams
▨ Bodies of Water
▭ Asheville Corporate Limits
▨ Areas Under Consideration
▨ Asheville ETJ
▭ Other Incorporated Areas
▭ County Line

0 0.5 1 2 Miles
Prepared January 13, 2012
Proposed for Adoption January 24, 2012

RESOLUTION NO. 12- 32 ,

RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, Mr. Anthony Goodson Jr. has resigned from the Affordable Housing Advisory Committee, thus leaving an unexpired term until September 1, 2014;

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

Mr. Jay Gurney, 325 Appledorn Circle, Asheville, N.C., be and he is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Mr. Goodson, term to expire September 1, 2014, or until his successor has been appointed.

Read, approved and adopted this 24th day of January, 2012.

Magdalen Burleson
CITY CLERK

Jimmy Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burleson
CITY CLERK

RESOLUTION NO. 12- 33

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE GREENWAY COMMISSION

WHEREAS; the term of Stephanie Pankiewicz, as a member on the Asheville Greenway Commission, expired on December 31, 2011; and

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

Ms. Mary Weber, 131 Evelyn Place, Road, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville Greenway Commission to serve a three year term, term to expire December 31, 2014, or until her successor has been appointed.

Read, approved and adopted this 24th day of January, 2012.

Magdalen Burtleson Angie Bellamy
CITY CLERK MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burtleson
CITY CLERK