

RESOLUTION NO. 12- 54

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH CANA CONSTRUCTION FOR THE WATER RESOURCES BREVARD ROAD 24-INCH WATER LINE AND WATER SYSTEM IMPROVEMENTS 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, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Brevard Road 24-inch Water Line and Water System Improvements; and

WHEREAS, Cana Construction of Asheville, NC, was the lowest responsible bidder for the project, in the amount of \$162,188.00, with the bid tabulation attached hereto as Exhibit "A"; and

WHEREAS, the Project involves the construction and installation of approximately 848 linear feet of 24-inch ductile iron pipe with related appurtenances, and other work and materials required in order to complete the project; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

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 as required by N.C. Gen. Stat. § 143-129.
2. The City Manager is hereby authorized to execute the construction agreement with Cana Construction in the amount of \$162,188.00 for the construction of the Brevard Road 24-inch Water Line and Water System Improvement 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 the 13th day of March, 2012.

Magdalen Boulton
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulton
City Clerk

Exhibit A

Bid Tabulation for the Brevard Road 24-inch Water Line and Water System Improvements

Cana Construction
PO Drawer 1110
Waynesville, NC 28786
Total Bid: \$162,188.00

Steppe Construction, Inc,
4149 N NC Highway 9
Mill Spring, NC 28756
Total Bid: \$163,382.00

T & K Utilities, Inc.
204 Charlotte Highway, Suite G
Asheville, NC 28803
Total Bid: \$178,248.00

Patton Construction Group, Inc.
565 Long Shoals Road, STE 101
Arden, NC 28704
Total Bid: \$197,600.00

Chandler Construction Services, Inc.
1511 Ninety Six Highway
Ninety Six, SC 29666
Total Bid: \$214,742.00

Wateree Construction Company, Inc.
3060B Broad Street
Sumter, SC 29150
Total Bid: \$227,856.80

Payne, McGinn and Cummins, Inc.
2017 N. Highway 25
Travelers Rest, SC 29690
Total Bid: \$293,900.00

RESOLUTION IN SUPPORT OF RESIDENTIAL PACE THROUGH HR 2599, PACE ASSESSMENT PROTECTION ACT OF 2011

WHEREAS, utility bills represent a major cost for home and business owners;

WHEREAS, persistent unemployment, particularly in the construction industry, continues to burden our families and communities;

WHEREAS, reliance on foreign energy sources continues to threaten America's economic recovery;

WHEREAS, investing in cost-effective energy efficiency and renewable energy improvements to homes and businesses can cut utility bills, create thousands of local jobs, and reduce reliance on foreign energy sources;

WHEREAS, the upfront cost and potentially long payback periods prevent property owners from making otherwise cost-effective clean energy improvements;

WHEREAS, Property Assessed Clean Energy (PACE) financing programs are an innovative, voluntary local government solution that requires no general taxes or public funding to help property owners finance energy efficiency and renewable energy improvements – such as energy efficient boilers, upgraded insulation, new windows, solar installations, etc. – to their homes and businesses;

WHEREAS, twenty-seven states and the District of Columbia have passed laws enabling local governments to develop PACE programs; and

WHEREAS, despite PACE's great promise, the Federal Housing Finance Agency (FHFA) and the Office of the Comptroller of the Currency on July 6, 2010 issued unwarranted statements that immediately forced certain existing PACE programs to halt operations and froze the development of hundreds of other PACE programs nationwide;

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

The Asheville City Council urges Congressman Shuler to support the PACE Assessment Protection Act of 2011 (H.R. 2599) to restore the promise of PACE.

The Asheville City Council send a letter to the FHFA with comments in support of residential PACE programs during the advanced notice of rulemaking process.

Read, approved and adopted this 13th day of March, 2012.

Magdalen Baulson
City Clerk

Ingvald Bellan
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 12-56

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AGREEMENT WITH THE N.C. DEPT. OF PUBLIC SAFETY FORMERLY KNOWN AS THE DEPT. OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT TO PROVIDE REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAM SIX (6) – ASHEVILLE

WHEREAS, THE City has the authority pursuant to G.S. 166A-10 to enter into mutual aid agreements with the State of North Carolina; and

WHEREAS, the City has the desire to provide the highest level of emergency services to the citizens of Asheville and for the response area for Regional Response Team Six (6) in the most efficient means possible; and

WHEREAS, funds are available from the State of North Carolina through the Department of Public Safety formerly known as the Department of Crime Control and Public Safety for provision of Regional Hazardous Materials Emergency Response; and

WHEREAS, the State of North Carolina agrees to provide specialized equipment and materials for the use by the City of Asheville at no cost to the Asheville taxpayers; and

WHEREAS, the City of Asheville has the staff, expertise and commitment to provide regional hazardous materials emergency response services;

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 Agreement between the City of Asheville and the N.C. Dept. of Public Safety formerly known as the Dept. of Crime Control and Public Safety for Regional Hazardous Materials Response for Region 6, with the contract to be effective July 1, 2012 through June 30, 2016.

Read, approved and adopted this 13th day of March, 2012.

Magdalen Buileson
City Clerk

Imogen Bellan
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Buileson
City Clerk

RESOLUTION NO. 12-57

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SITE DEVELOPMENT CORPORATION FOR THE PROJECT KNOWN AS PATTON AVENUE SIDEWALK CONSTRUCTION

WHEREAS, pursuant to N.C.G.S. § 143-129, the City engaged in an formal bid process for the project known as Patton Avenue Sidewalk Construction; and

WHEREAS, of the four bids, Site Development Corporation was deemed by City staff as being the lowest responsible and responsive bidder;

WHEREAS, funds have been budgeted in the Public Works Department, Capital Improvement 2011-2012 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 Site Development Corporation for \$387,307.25 for the installation of new sidewalks 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 of \$464,307.25.

Read, approved and adopted this the 13th day of March, 2012.

Magdalen Boulson
City Clerk

Jimmy Bellamy
Mayor

Approved as to form:

Barbara
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 12-58

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO PURCHASE BOTH TEMPORARY AND PERMANENT EASEMENTS ACROSS PROPERTY LOCATED OFF OF ELIZABETH PLACE, FOR THE PURPOSES OF IMPLEMENTING PHASE IV OF THE REED CREEK GREENWAY.

WHEREAS, N.C.G.S. § 160A-240.1 and 160A-353 authorize 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, City Council identified infrastructure investment, pedestrian safety, and multi-modal transportation in their 2011-2012 strategic goals; and

WHEREAS, the Reed Creek Greenway is a 1.0 mile alternative, off-road transportation corridor that will connect the University of North Carolina, Asheville and the Montford neighborhood to downtown Asheville; and

WHEREAS, Elizabeth Graham and Nancy Nutter have agreed to accept \$3,000 as compensation for permanent and temporary easements through two (2) properties at Elizabeth Place (3) properties (PIN#s 9649-23-7140 and 9649-23-7067) for the purposes of implementing Phase IV of the Reed Creek Greenway

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

The Mayor is hereby authorized on behalf of the City of Asheville, subject to review and approval of the conveyance documents by the City Attorney, to purchase two (2) easements through real property owned by Elizabeth Graham and Nancy Nutter at Elizabeth Place (PIN#s 9649-23-7140 and 9649-23-7067) for the purpose of implementing Phase IV of the Reed Creek Greenway.

Read, approved and adopted this 13th day of March, 2012.

Magdalen Bureson
City Clerk

Ingvald Bellan
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bureson
City Clerk

RESOLUTION NO. 12-59

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KOSTELEK PLANNING, LLC. TO PREPARE THE LONG RANGE TRANSPORTATION DEMAND MANAGEMENT PLAN

WHEREAS, the North Carolina Department of Transportation (NCDOT) is requiring a Long Range Transportation Demand Management (TDM) Plan that encompasses a regional approach; and

WHEREAS, the City signed an agreement with the Land of Sky Regional Council of Governments (COG) to manage the study, as recommended by the North Carolina Department of Transportation (NCDOT); and

WHEREAS, the COG issued a Request for Proposals (RFP) to engage an external consultant to develop the Long Range Transportation Demand Management Plan; and

WHEREAS, after reviewing the responses to the RFP submitted by four consultants, the COG recommends Kostelec Planning, LLC. as the consultant to prepare the plan; and

WHEREAS, the City as the designated recipient of the Federal Transit Administration funds in the amount of \$80,000 and the North Carolina Department of Transportation funds in the amount of \$20,000 is responsible to oversee the use of the funds; and

WHEREAS, the City has authority, pursuant to NCGS §160A-17.1, to apply for and receive grants from the Federal and State governments and to enter into contracts for the administration of said grants;

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 Kostelec Planning, LLC. to prepare the Long Range Transportation Demand Management Plan.

Read, approved and adopted this the 13th day of March, 2012.

Magdalena Bouleson
City Clerk

Jim Bellan
City Manager

Approved as to form:

Andrew Darr
City Attorney

Magdalena Bouleson
City Clerk

RESOLUTION NO. 12-60

RESOLUTION TO AUTHORIZE A LEASE AGREEMENT FOR MCCORMICK FIELD WITH DEWINE SEEDS – SILVER DOLLAR BASEBALL, L.L.C FOR THE USE OF MCCORMICK FIELD FOR THE OPERATION OF THE ASHEVILLE TOURISTS.

WHEREAS, pursuant to N.C.G.S. § 160A-489, the City has the authority to operate auditoriums and coliseums; and

WHEREAS, pursuant to G.S. 160A-272, the City is authorized to lease any property owned by the City for such terms and conditions as City Council may determine, but not longer than 10 years;

WHEREAS, the City is the owner of real property known as McCormick Field; and

WHEREAS, on July 1, 2005, the City entered into a lease with Asheville Tourist Baseball Club, Inc. for the use of McCormick Field; and

WHEREAS, on January 26, 2010 City Council authorized the assignment of the lease with Palace Baseball, L.L.C. to DeWine Seeds – Silver Dollar Baseball, L.L.C (herein "DeWine") for the continued operation of minor league baseball in the City; and

WHEREAS, the City and DeWine wish to enter into a new lease agreement wherein DeWine will assume all operating and staff costs and the City will provide building maintenance staff support and outside landscaping and tree trimming support; and

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

The City Manager is hereby authorized to execute a lease agreement between the City of Asheville and DeWine Seeds – Silver Dollar Baseball LLC and any and all documents necessary to give effect to this resolution, subject to the approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 13th day of March, 2012.

Magdalena Baulson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalena Baulson
City Clerk

RESOLUTION NO. 12- 61

RESOLUTION APPOINTING A MEMBER TO THE RIVER DISTRICT DESIGN REVIEW COMMITTEE

WHEREAS, Rod Baird is one of two members of the RiverLink Board of Directors appointed to serve on the River District Design Review Committee; and

WHEREAS, Mr. Baird no longer serves in that capacity, thus leaving an unexpired term until September 1, 2013; and

WHEREAS, RiverLink has requested City Council to appoint Ms. Esther Cartwright, who is a seated Board member;

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

Ms. Esther Cartwright, 7 Lowell Street, Asheville, North Carolina, be and she is hereby appointed, as one of the two members of the RiverLink Board of Directors, to serve the unexpired term of Mr. Baird, term to expire September 1, 2013, or until her successor has been appointed.

Read, approved and adopted this 13th day of March, 2012.

Magdalena Paulson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalena Paulson
City Clerk

RESOLUTION NO. 12-62

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:

The Asheville City Council will hold a worksession in the First Floor North Conference Room of City Hall, located at 70 Court Plaza, Asheville, North Carolina, on Tuesday, March 27, 2012, at 3:30 p.m.

Read, approved and adopted this 13th day of March, 2012.

Magdalen Buleson
CITY CLERK

Tom Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Buleson
City Clerk