

RESOLUTION NO. 12-63

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HENDERSON COUNTY TO LEASE FIVE TRANSIT VEHICLES

WHEREAS, Henderson County is a sub-recipient of Federal funds through the City of Asheville; and

WHEREAS, as part of the sub-recipient agreement, the City of Asheville is required to execute agreements and purchase and own all of Henderson County's capital assets that are purchased with Federal funding; and

WHEREAS, Henderson County has identified the need to buy five buses as one of the priorities in their capital program; and

WHEREAS, the City has conducted the procurement process and ordered the new buses; and

WHEREAS, Henderson County has identified all of the funding sources needed to fund the project; and

WHEREAS, a lease agreement has to be signed by both parties to define the terms and conditions to operate these buses, as required by the Federal Transit Administration; and

WHEREAS, the City of Asheville has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government 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:

City Council authorizes the City Manager to enter into an agreement with Henderson County to lease five transit vehicles.

Read, approved and adopted this the 27th day of March, 2012.

Magdalen Boulson
City Clerk

Ingm Bellan
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 12--64

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL FOR PREMISES LOCATED AT 179 S. CHARLOTTE STREET

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of up to ten (10) years upon resolution of the City Council adopted at a regular meeting after 10 days public notice; and

WHEREAS, the City of Asheville is the owner of real property located at 179 S. Charlotte Street, comprised of three parcels identified as PIN #s 9648-48-4274-00000 9648-48-4149-00000, and 9648-48-4134-00000; and

WHEREAS, the City of Asheville Board of Alcoholic Control requests to enter into a five (5) year lease for said premises for the continued operation of the ABC retail store on the premises; and

WHEREAS, the City of Asheville Board of Alcoholic Control, as Lessee, will be responsible for a fair-market rent of \$46,000 per year, paid in monthly installments with annual escalations at 3% per year, plus utilities and maintenance associated with the premises; and

WHEREAS, on March 16, 2012 said notice of intent was duly published in the Asheville Citizen-Times.

WHEREAS, the City has no anticipated need for the property during the term of the lease;

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

The Mayor is hereby authorized to execute the Lease Agreement between the City of Asheville and the City of Asheville Board of Alcoholic Control for real property located at 179 S. Charlotte Street, Asheville NC. 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, approved and adopted this 27th day of March, 2012.

Magdalen Bureson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

Shirley
City Attorney

Magdalen Bureson
City Clerk

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FLETCHER GRADING CONTRACTORS FOR THE PROJECT KNOWN AS NORTH LOUISIANA AVENUE SIDEWALK IMPROVEMENTS – EMMA ROAD TO EMMA ELEMENTARY SCHOOL, CITY OF ASHEVILLE PROJECT # ENG-08-09-002

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 North Louisiana Avenue Sidewalk Improvements – Emma Road To Emma Elementary School; and

WHEREAS, Fletcher Grading Contractors. of Arden, NC, was the lowest responsible bidder for the project, in the amount of \$192,184.25, and

WHEREAS, the project involves the furnishing of labor, material, equipment and incidentals for the installation of drainage, curb and gutter, sidewalks, drive aprons, ADA ramps, retaining walls, bus pads, and utility relocation ; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's DBE Liaison Officer (for FTA - DBE compliance) with all officers recommending approval of the bid,

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of \$192,187.25 and any change order within the budgeted amount with Fletcher Grading Contractors for the project known as North Louisiana Avenue Sidewalk Improvements – Emma Road to Emma Elementary School, City of Asheville Project # ENG-08-09-002.

Read, approved and adopted this the 27th day of March, 2012.

Magdalena Bouleson
City Clerk

Jim Bellan
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Bouleson
City Clerk

RESOLUTION NO. 12-66

RESOLUTION AUTHORIZING LOCAL, PRIVATE AND FEDERAL FUNDING TO CONTINUE THE BLACK MOUNTAIN ROUTE.

WHEREAS, the Federal Transit Administration funding for Job Access and Reverse Commute Program (5316) [JARC], authorizes federal funding for operations; and

WHEREAS, the Federal Transit Administration funding for JARC is available to transit agencies for operational projects that serve low-income areas and provide access to jobs; and

WHEREAS, the City of Asheville's Transit System is applying for funding to be able to continue operating the Black Mountain route; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants; and

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-20.1, to contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the City is authorized by law to engage in.

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

1. The Mayor is hereby authorized, upon City staff applying for and receiving a Federal Transit Administration (FTA) Job Access and Reverse Commute Program grant to fund the Black Mountain route, to execute the appropriate documents to accept the grant.

2. The Mayor is hereby authorized to enter into a contract with Warren Wilson College for joint funding of the Black Mountain route from downtown Asheville to Warren Wilson College, if needed.

Read, approved and adopted this 27th of March 2012.

Magdalen Baulson
City Clerk

Esther Clark
Vice Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 12-67RESOLUTION MODIFYING 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:

(1) The May 8, 2012, regular meeting of the Asheville City Council is hereby cancelled.

Read, approved and adopted this 27th day of March, 2012.

Magdalen Bullison
CITY CLERK

Gregory Bellon
MAYOR

Approved as to form:

David
CITY ATTORNEY

Magdalen Bullison
City Clerk

RESOLUTION NO. 12-68

RESOLUTION ADOPTING A LIVING WAGE FOR FULL- AND PART-TIME CITY EMPLOYEES AND GENERAL SERVICE CONTRACTS \$30,000-\$200,000

WHEREAS, the Asheville City Council has adopted a strategic plan that includes a goal to make Asheville affordable for people of all incomes, life stages and abilities;

WHEREAS, a living wage is the amount that a worker must earn to afford his or her basic necessities without public or private assistance;

WHEREAS, on May 22, 2007, the Asheville City Council adopted a living wage for full- and part-time City employees;

WHEREAS, on March 22, 2011, the Asheville City Council adopted a purchasing and contracting policy that includes a living wage provision for employees working on General Services contracts between \$30,000 and \$90,000 in value;

WHEREAS, in April 2011, the Asheville City Council adopted a resolution setting the living wage at \$11.35/hour without employer provided health insurance and \$9.85/hour with employer provided health insurance; and

WHEREAS, Council deemed it advisable to revisit the amount of the living wage each year during the annual budget process to ensure it remains consistent with inflation and appropriately applied to General Service contracts;

WHEREAS, based on data provided by Just Economics, the living wage rate has remained unchanged since April 2011; and

WHEREAS, City Council desires to increase the applicability of the living wage to additional General Service contracts ; and

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

The Living Wage for Fiscal Year 2012-2013 be set at \$11.35/hour without employer provided health insurance and \$9.85/hour with employer provided health insurance, and that the living wage provision apply to employees working on General Services contracts between \$30,000 and \$200,000 in value as well as City of Asheville full- and part-time employees; and that the living wage be reviewed annually as part of the City of Asheville's budget process.

Read, approved and adopted this 27th day of March, 2012.

Magdalen Buleson
City Clerk

Jim Bellar
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Buleson
City Clerk