

## RESOLUTION NO. 12-244

## RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS OF THE DEPARTMENT OF JUSTICE

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

WHEREAS, on May 22, 2012, City Council authorized the City Manager to apply for the Byrne JAG - local solicitation for the purchase of in-car video systems; and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of \$56,927 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs for the purchase of in-car video systems to be shared with the Buncombe County Sheriff's Office; and

WHEREAS, the City's share of the grant funds is \$41,582 for the purchase of in-car video cameras;

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

The City Manager is hereby authorized to accept and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$56,927. APD will spend \$41,582 for the purchase of in-car video systems, while BCSO will be awarded \$15,345.

Read, approved, and adopted this 27<sup>th</sup> day of November, 2012.

Magdalena Burtson  
CITY CLERK

Sam Bellamy  
MAYOR

APPROVED AS TO FORM:

Barbara  
CITY ATTORNEY

Magdalena Burtson  
CITY CLERK

RESOLUTION NO. 12-245

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA OFFICE OF JUSTICE PROGRAMS OF THE DEPARTMENT OF JUSTICE (DOJ) THROUGH THE BULLETPROOF VEST PARTNERSHIP (BVP) PROGRAM

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

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville a full grant application in the amount of \$16,028 through the BVP program for partial purchase cost of bulletproof vests; and

WHEREAS, a fifty percent (50%) match by the City of Asheville is required in the amount of \$7,735 to accept the awarded funds which will come from existing FY13 funds allocated in Patrol-Supplies-Safety Equipment;

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

The City Manager is hereby authorized to accept and enter into an agreement with the US Department of Justice, for a grant in the amount of \$7,735 for the purchase of bulletproof vests.

Read, approved, and adopted this 27<sup>th</sup> day of November, 2012.

Magdalen Boulson  
CITY CLERK

Jim Bellamy  
MAYOR

APPROVED AS TO FORM:

[Signature]  
CITY ATTORNEY

Magdalen Boulson  
City Clerk

RESOLUTION NO. 12-246RESOLUTION SUPPORTING THE VOLUNTEER INCOME TAX ASSISTANCE  
PROGRAM [VITA]

WHEREAS, community-based coalitions are ways to bring together all members of the local community regardless of race, economic status, age, gender, ethnicity, or religion; and

WHEREAS, strong community-based coalitions give voice to local constituents as well as enhance the civic infrastructure; and

WHEREAS, according to the 2010 U.S. Census figures there are an estimated 101,335 households in Buncombe County, North Carolina with low-to-moderate taxable incomes; and

WHEREAS, according to the 2010 U.S. Census figures for Buncombe County, NC indicate 57,737 households have taxable income levels qualifying for free income tax services offered through the Volunteer Income Tax Assistance [VITA] program; and

WHEREAS, there are potentially 54,393 taxpayer households that can be reached in Buncombe County, North Carolina through utilizing VITA services; and

WHEREAS, taxpayers in Buncombe County, North Carolina have the potential to realize \$10,334,670 in savings based on average income tax return costs; and

WHEREAS, taxpayers in Buncombe County, North Carolina have the potential to realize \$48,953,700 in income tax refunds based on the average income tax refund issued to county residents according to IRS internal data; and

WHEREAS, the VITA Program will (1) create a venue for free income tax preparation and for the local community to become aware of other opportunities to improve the economic well-being of low-to-moderate income households; (2) create a venue to build movement toward an increase in access to tax credits and benefits as well as asset building opportunities for low-to-moderate income taxpayers of Buncombe County, North Carolina; and (3) work to strengthen community support programs including housing and other social programs in support of building a strong and sustainable community infrastructure within Buncombe County, North Carolina;

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

1. The City Council of the City of Asheville hereby expresses their support for the establishment of a community-based coalition for the Volunteer Income Tax Assistance [VITA] program.

2. That the City of Asheville provide adequate space to conduct VITA activities during the normal income tax filing season of January through April.

3. That the City of Asheville allow city and county employees willing to volunteer for VITA activities flexibility to do so, as long as the volunteer activities do not disrupt normal working activities.

4. That the City of Asheville provide nominal funding to provide for VITA activity supplies and travel for volunteers to and from city and county VITA sites.

Read, approved and adopted this 27 day of November, 2012.

Magdalen Paulson  
City Clerk

Tom Bellamy  
Mayor

Approved as to form:

Priscilla  
City Attorney

Magdalen Paulson  
City Clerk

RESOLUTION NO. 12-247

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH KIMLEY-HORN TO INCREASE CONSTRUCTION/ INSPECTION SERVICES FOR THE PARKING GARAGE LOCATED AT 51 BILTMORE AVENUE

WHEREAS, the City of Asheville authorized the City Manager to sign a contract with Kimley-Horn on July 3, 2008 to provide cost estimates and design standards for a proposed parking garage on Biltmore Avenue; and

WHEREAS, Kimley-Horn and Associates, Inc. is qualified to perform this work; and,

WHEREAS, the City desires to have an owners representative during the design and construction of a parking garage on Biltmore Avenue; and,

WHEREAS, the City of Asheville amended the contract with Kimley-Horn and Associates in October 2008 to include design review, value engineering, and construction inspection; and,

WHEREAS, the City of Asheville amended the contract with Kimley-Horn and Associates on November 20011 to include the delay in beginning design and weekly site inspections; and,

WHEREAS, the project has taken three months longer to complete and the concrete finish proven to be problematic requiring a significant amount of oversight.

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 Kimley-Horn in an amount of \$71,000 for a total contract amount of \$503,000 to serve as the owner's representative for the design and construction of a parking garage at 51 Biltmore Avenue.

Read, approved and adopted this the 27<sup>th</sup> day of November 2012.

Magdalena Bourleson  
City Clerk

Gregory M. Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalena Bourleson  
City Clerk

## RESOLUTION NO. 12-248

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH B ALLEN CONSTRUCTION, INC. TO CONSTRUCT THE RED WOLF EXHIBIT IMPROVEMENTS, SPIDER KINGDOM PLAYGROUND AND TRAIL EXTENSION AT THE WESTERN NORTH CAROLINA NATURE CENTER

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, City Council adopted the Parks, Recreation, Cultural Arts and Greenways Master Plan that recommends the development of a master site plan for future development of the WNC Nature Center; and

WHEREAS, the city completed the 2020 Vision Master Site Plan that directs future improvements at the WNC Nature Center that prioritizes the importance of enhancing the red wolf viewing experience, establishing a themed playground and extending a trail to make the red wolf exhibit more accessible as well enable future exhibit areas; and

WHEREAS, funds have been appropriated and budgeted from grants and donations from the U.S. Department of Interior, Friends of the Nature Center, and the North Carolina Department Commerce; and

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 B Allen Construction, Inc., for an amount not to exceed \$299,000 for the construction of the red wolf exhibit Improvements, Spider Kingdom Playground and trail extension at the WNC Nature 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 27<sup>th</sup> day of November, 2012.

Margalene Bourleson City Clerk  
Jim Bellamy Mayor

Approved as to form:

[Signature]  
 City Attorney

Margalene Bourleson  
 City Clerk

RESOLUTION NO. 12- 249

RESOLUTION: (1) AUTHORIZING AN EXEMPTION TO BID THE PURCHASE OF SUPPLIES AND MATERIALS FOR THE AUTOMATED METER READING (AMR) PROJECT; AND (2) APPROVING THE PURCHASE OF THE AMR SPARE PARTS FROM HERSEY METERS COMPANY BASED ON STANDARDIZATION NEEDS

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WHEREAS, pursuant to N.C.G.S. § 143-129, the City of Asheville has authority to waive bidding requirements to purchase apparatus, supplies, materials, or equipment; and

WHEREAS, the Water Resources Department needs authorization for an exemption to bid the purchase of supplies and materials for the Automated Meter Reading (AMR) Project; and

WHEREAS, the Water Resources Department needs approval to purchase AMR spare parts from Hersey Meters Company based on standardization needs; and

WHEREAS, Hersey Meters Company, LLC (d/b/a Mueller Systems) has the trademark on the supplies and materials needed for the AMR Project spare parts.

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

The City of Asheville Purchasing Division is hereby authorized an exemption to bid the purchase of supplies and materials for the Automated Meter Reading (AMR) Project; and approved to purchase AMR spare parts from Hersey Meters Company (d/b/a Mueller Systems) based on standardization needs.

Read, approved and adopted this 27<sup>th</sup> day of November, 2012.

Magdalen Bourleson  
City Clerk

Jim McElamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Bourleson  
City Clerk

RESOLUTION NO. 12- 250

RESOLUTION AUTHORIZING EXECUTION OF EASEMENT TO PROGRESS ENERGY CORPORATION FOR ELECTRIC POWER SERVICE TO CITY BUILDING

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

WHEREAS, Progress Energy wishes to improve electrical power service to the City Building by installation of a new transformer and underground service lines; and

WHEREAS, an easement on the City's property (employee parking lot) is needed for the location of the new transformer, and for lines to be installed underground from the new transformer into the City Building; and

WHEREAS, the Asheville City Council has determined that the requested easement will not hinder or impair the use of a public street or alley, and that said easement is in the public interest,

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

The Mayor be, and is hereby, authorized to execute an easement to Progress Energy Corporation for installation of a transformer and other facilities on City property located on Marjorie Street including the properties on which the City Building and employee parking lot are located, and across Marjorie Street, the form of said easement to be approved by the City Attorney.

Read, approved and adopted this the 27<sup>th</sup> day of November, 2012.

Magdalen Boulson  
City Clerk

Jim Bellamy  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Boulson  
City Clerk

RESOLUTION NO. 12- 251

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR LEGISLATIVE SERVICES FOR 2013 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

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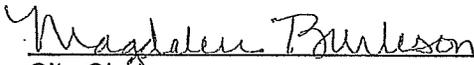
WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-17.1 to enter into contracts with private entities to carry out any function that is authorized by law to engage in; and

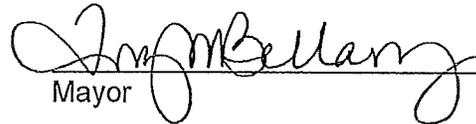
WHEREAS, the City requires legislative representation and advocacy for the 2013 Session of the North Carolina General Assembly on matters related to its water system and operations.

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

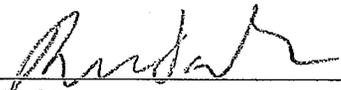
The City Manager be, and is hereby, authorized to enter into an agreement with the firm of Nelson, Mullins, Riley & Scarborough for the provision of legislative services regarding water operations for the 2013 Session of the North Carolina General Assembly, in an amount not to exceed \$60,000, subject to approval of the City Attorney.

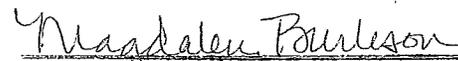
Read, approved and adopted this the 27<sup>th</sup> day of November, 2012.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
City Clerk

RESOLUTION NO. 12 -252

RESOLUTION ACCEPTING BOULDER CREEK WAY AND AS A CITY-MAINTAINED STREET

WHEREAS, pursuant to GS # 160A-296, the City of Asheville has general authority and control over the streets within its jurisdiction, including the acceptance of streets for maintenance purposes; and

WHEREAS, Boulder Creek Way is located in the corporate limits of the City of Asheville; and

WHEREAS, Boulder Creek Way was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

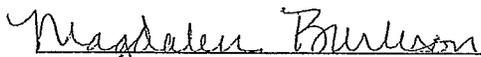
WHEREAS, the developer is responsible for repairing any major failures to Boulder Creek Way including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period; and

WHEREAS, dedication of the variable 45 to 65-foot right-of-way for Boulder Creek Way has been recorded in Plat Book 122 Page 5, Plat Book 122, Page 6, and Plat Book 116, Page 9;

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

Boulder Creek Way from its intersection with Cisco Road to its dead-end is accepted by the City of Asheville for public maintenance as further shown on the attached map.

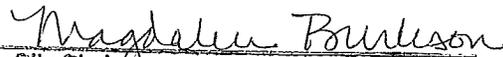
Read, approved and adopted this 27<sup>th</sup> day of November, 2012.

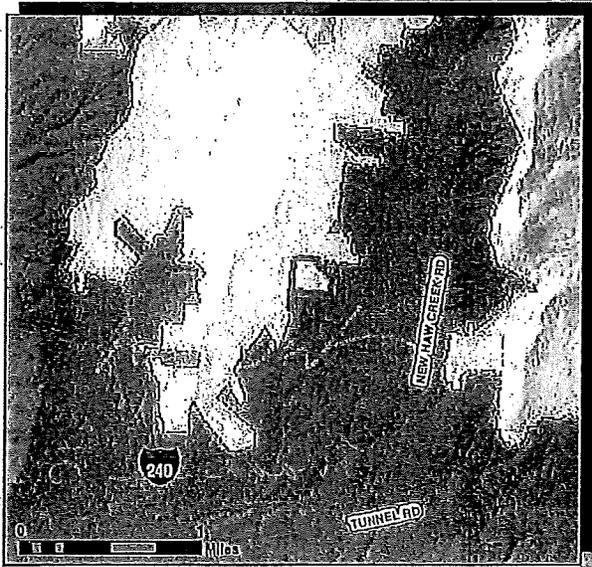
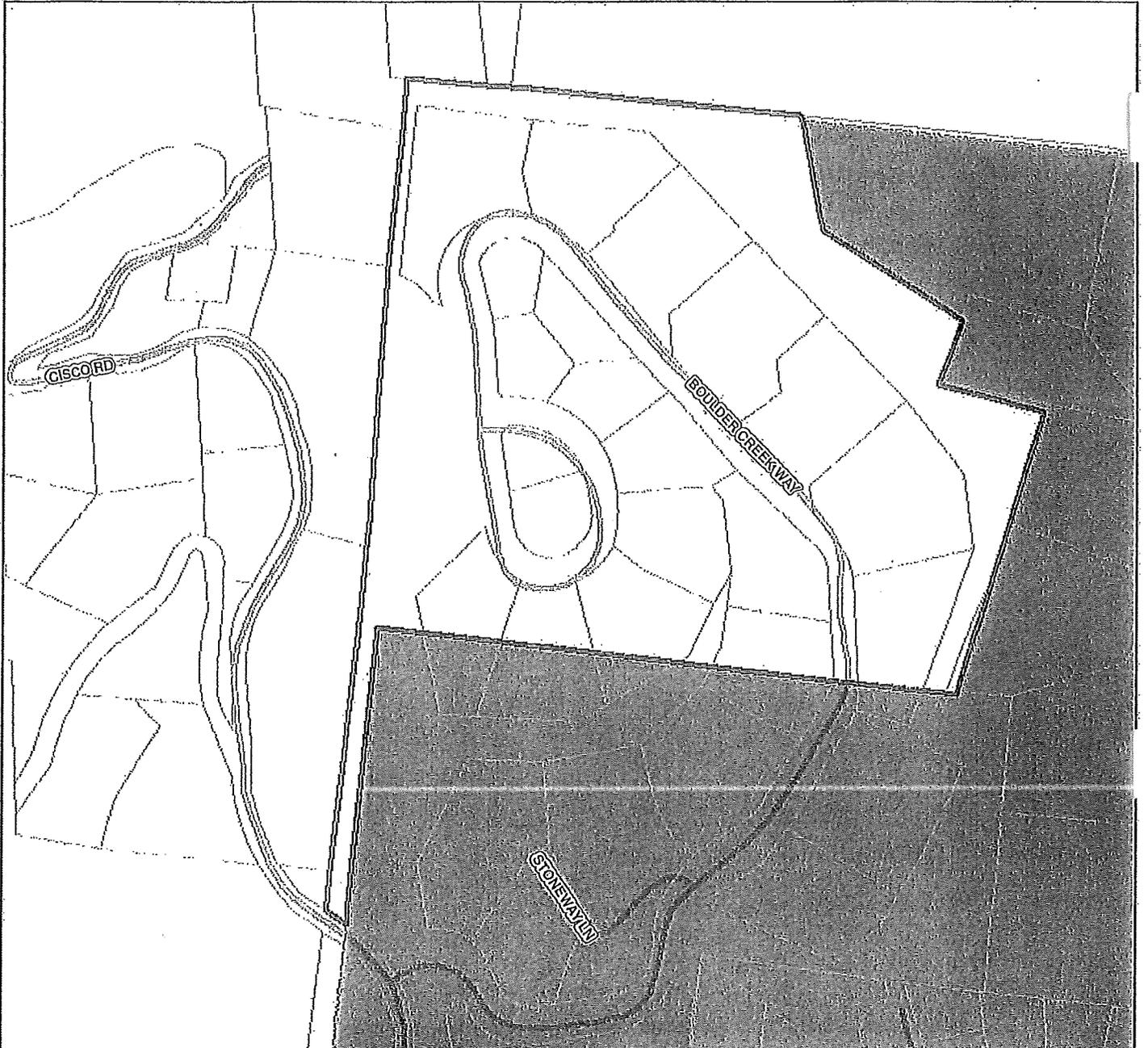
  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

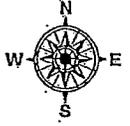
  
\_\_\_\_\_  
City Clerk



 **City of Asheville**  
**Proposed Annexation: Haw Creek Area**

-  Proposed Annexation Area
-  Buncombe County Property Boundaries
-  City of Asheville Corporate Boundary
-  City of Asheville ETJ Boundary

0 125 250 375 500 Feet



RESOLUTION NO. 12-253

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STEWART ENGINEERING, INC. FOR ARCHITECTURAL AND ENGINEERING CONSTRUCTION DOCUMENTS FOR THE BEAUCATCHER GREENWAY \_\_\_\_\_

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, City Council adopted the Parks, Recreation Cultural Arts and Greenways Master Plan that identifies the Beaucatcher Greenway as a priority greenway; and

WHEREAS, City Council adopted the Asheville Downtown Master Plan that supports the development of vista parks to provide permanent public views of the downtown via the Beaucatcher Greenway; and

WHEREAS, City Council accepted a grant from the North Carolina Parks and Recreation Trust Fund to support acquisition of the Beaucatcher property to facilitate the development of the Beaucatcher Greenway; and

WHEREAS, City Council directed staff to complete a land exchange with owners of the Festiva property to enhance and extend the Beaucatcher Greenway; and

WHEREAS, City Council appropriated funds for the construction drawings and construction for the Beaucatcher Greenway in the 2010-11 Capital Improvement Project 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 Stewart Engineering, Inc., for an amount not to exceed \$310,000 for the Beaucatcher Greenway architectural and engineering construction documents 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 27<sup>th</sup> day of November, 2012.

Magdalen Burlison  
City Clerk

Jim Bellan  
Mayor

Approved as to form:

[Signature]  
City Attorney

Magdalen Burlison  
City Clerk

RESOLUTION NO. 12- 254

## RESOLUTION TO DESIGNATE EMERGENCY SOLUTIONS GRANT FUNDING

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2011 and 2012 from the US Department of Housing and Urban Development; and

WHEREAS, the State has made these funds available to Continuum of Cares in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

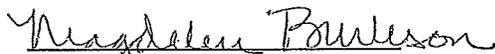
WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has approved the application for \$164,444 submitted by the City for these funds, as well as providing additional funding of \$54,914 above that request; and

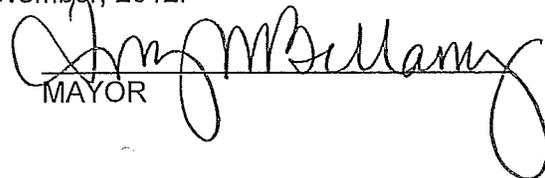
WHEREAS, the City of Asheville needs to designate the purpose of the additional funded amount of \$59,914;

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

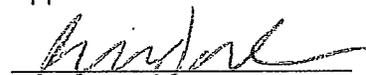
1. The City of Asheville provide additional funding of \$4,914 to the Salvation Army to provide Emergency Service;
2. The City of Asheville retain \$15,000 to fund administration and management of activities supporting the Asheville Buncombe Continuum of Care;
3. The City of Asheville designate \$35,000 to pay for licensing fees to the Carolina Homeless Information Network to support local agencies participation in the Homeless Information Management System;
4. Council authorizes the City Manager to sign all necessary contract documents with the State of North Carolina and subgrant agreements with funded agencies, after approval by the City Attorney.

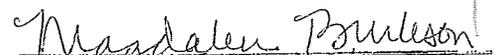
Read, approved and adopted this 27th day of November, 2012.

  
CITY CLERK

  
MAYOR

Approved As To Form:

  
CITY ATTORNEY

  
City Clerk