

MINUTES
May 2, 2019
REGULAR MEETING OF THE CITY COUNCIL
CITY HALL – COUNCIL CHAMBERS
5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Ron Stephens and Council Members: Jeff Miller, Steve Caraker

Absent: Council Member Jerry Smith

Staff Present: City Manager John F. Connet, City Attorney Samuel Fritschner, City Clerk Tammie Drake, Police Chief Herbert Blake, Finance Director John Buchanan, Development Assistance Director Susan Frady, Human Resources Director Jennifer Harrell, Planner Daniel Heyman, Downtown Director Lew Holloway, Engineering Director Brent Detwiler, Director Allison Nock, Assistant Manager Brian Pahle, Utilities Director Lee Smith, Fire Chief Joseph Vindigni, Public Works Director Tom Wooten

1. Call to Order: Mayor Volk called the regular meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with four members in attendance.

2. Invocation: A moment of silence for prayer was provided.

3. Pledge of Allegiance: The Pledge of Allegiance to the Flag was led by Master Jordan Wynn, recipient of the Mayor's Civic Achievement Award.

4. Public Comment Time: *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda.*

Tate Johnson, 935 Toxaway Drive, Hendersonville, United Way Director of Resource Development, requested a partnership with the City to place a Little Free Library at Sullivan Park. The Boys and Girls Club members will maintain the library. The supplies for the Little Free Library and books have been donated by Publix. Publix will continue to provide books. Mr. Connet asked Mr. Johnson to solidify the location with the Public Works Director.

Virginia Faust, 727 Florida Avenue, thanked the Council for their dedication. She requested the City work with Duke Energy to install solar panels on new Police Headquarters. She stated the payback time has been improved. She stated the City will realize a cost savings in the long run and the project will be an example to the rest of the City.

Anne Hansley, 311 Buncombe Street, gave background information on the damage to the house resulting from stormwater culvert collapse in 2017 and subsequent flooding issues. She stated this should have been studied many years ago.

5. Consideration of Agenda:

Additions to Regular Agenda:

12a. Discussion and Staff Direction of an Ordinance Related to Panhandling and Blocking the Sidewalk

Deletions from Regular Agenda:

9. Consideration of Value Engineering for the Public Restrooms at 125 Fifth Avenue West
10. Consideration of Multi-Area Streambank Restoration Project Tentative Award (only one bid was received)

Council Member Caraker moved approval of the agenda as amended. A unanimous vote of the Council followed. Motion carried.

6. Consideration of Consent Agenda: *Consent agenda items are considered routine, non-controversial in nature and are considered and disposed of through a singular motion and vote.*

A. Consideration of Minutes:

- i. April 4, 2019 Regular Meeting
- ii. April 11, 2019 Special Meeting

B. Consideration of Budget Amendments: Mr. Adam Murr, Budget and Management Analyst, presented the following budget amendments.

- 1. Fund 60, No Change, \$2,199, Part-Time Employee Budget
 Budget amendment to adjust an overage resulting from the part-time temporary assistance of an employee in the

Water and Sewer Operations Support Division.

2. Fund 454, Increase, \$6,074, Main St. Restrooms Construction Administration

An amendment to provide budget for construction administration with Samsel architects.

3. Fund 32, Increase, \$21,790, North Main Sidewalk Improvement Final Change Order

An amendment associated with the final change order and pay applications for the North Main St. Sidewalk improvements project. The budget will increase by \$21,790 to facilitate the final costs.

C. Consideration of Utilizing the Volunteer Firemen's Insurance Services, Inc. (VFIS) for Fire Department Property, Portable Equipment, and Auto Coverage: Fire Chief Joseph Vindigni stated the City is currently insured through the NCLM for property, auto and equipment. He proposed utilizing the Volunteer Firemen's Insurance Services, Inc. (VFIS) for the fire department in relation to property, portable equipment, and auto coverage. He stated this change would give the fire department better coverage and guaranteed replacement without a schedule for all portable equipment, fire department property and apparatus. He stated currently the Fire Department does not have guaranteed replacement coverage for fire department apparatus and in the event of an accident they would receive the depreciated value. Also, only some of the portable equipment is covered under the NCLM where VFIS will cover guaranteed replacement for all portable equipment.

D. Consideration of Placing United Way Little Library in Sullivan Park: City Manager John Connet reported the United Way of Henderson County recently received a donation of a "Free Little Library" from Publix Foundation. Publix has donated these library installations, along with children's books to stock them, to communities throughout their footprint and partnered with United Ways to place them in locations where children will benefit from access to books. The United Way is requesting to place the little library in Sullivan Park, where it could be accessed by the Green Meadows Community. The Boys and Girls Club are interested in partnering to keep the box maintained and replace books as needed. They would also like to put some plants and flowers around the box and maintain those with their Club kids. Mr. Connet recommended approval of the request.

E. Consideration of N. Main Street Sidewalk and Water Project - Final Adjusting Change Order: Mr. Detwiler reported the N. Main Street Sidewalk and Water Project will be completed within the next couple of months. Part of the closeout process on public projects typically involves a final adjusting change order to be executed with the final payment application. The purpose of the adjusting change order is to make final adjustments to the quantities of various items that were actually installed (versus estimated during design) as part of the project. Although many contingency items will not be necessary, several item quantities exceeded their estimated amounts, and therefore, not more than \$70,000 (or about 5.6% of the project cost) will be needed as part of the final adjusting change order. Much of the quantity adjustment was due to NCDOT requiring a shift in the sidewalk location during construction in order to provide a wider travel lane on N. Main Street. The shift resulted in moving the retaining wall into existing banks, which meant additional wall and asphalt and subgrade quantities. He stated of the \$70,000, approximately \$39,000 will be needed for the sidewalk portion and approximately \$31,000 will be needed for the water portion. He noted these are projections and should be considered conservative numbers. He stated a proposed budget adjustment was included in this consent agenda.

F. Consideration of the Engagement with Greene Finney LLP for the Financial Audit of Fiscal Year ending June 30, 2019 and Receipt of the Auditor's Letter of Required Communication to Council: Finance Director John Buchanan provided an Engagement Letter from Greene, Finney LLP and the contract to audit the City of Hendersonville's financial statements for the fiscal year ending 6-30-19. He also provided "a letter of required communications" from the auditor to the City Council.

G. Consideration of Certificate of Sufficiency for the Satellite Annexation of Property Located at 1210 Shepherd Street: Development Assistance Director Susan Frady presented the petition from Stephen Wesley Nicholson for a satellite annexation of PIN 9578-62-5949 and 9578-63-6197 located at 1210 Shepherd Street, approximately 2.46 acres. She also provided the Clerk's Certificate of Sufficiency finding the petition is valid. She stated the next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation. A hearing to zone the property will be held simultaneously.

H. Consideration of Approval of Special Appropriations Full Funding List for FY 2019-20: Budget and Management Analyst Adam Murr presented the City's Special Appropriations Policy. He explained each year prior to budget adoption, the City Council may adopt a full funding list for special appropriations that will not be discussed in budget workshop discussions. These appropriations are not approved with this action, approval occurs with the budget ordinance adoption. The City Manager recommends the following special appropriations for full funding.

Henderson County Economic Investment Fund: \$50,000, Fund 60

Henderson County Partnership for Economic Development: \$15,000, Fund 10

Henderson County Planning Department: \$132,409, Fund 10

Henderson County Rescue Squad: \$10,000, Fund 60

IAM - Leak Repair Program: \$5,000, Fund 60

Merchant's and Business Association: \$2,500, Fund 10

Mills River Partnership: \$70,000, Fund 60

I. Consideration of Purchase of Real Property from the City of Asheville along the French Broad River for the Purpose of Constructing a Raw Water Intake: City Attorney Fritschner reported following an appraisal the City of Asheville has agreed to sell to the City of Hendersonville 1.598 acres of real property along the French Broad river for a raw water intake. The value is \$14,625, although there could be incidental costs, plus closing costs. He stated the Engineering and Water/Sewer Departments have requested the City Council to approve the purchase of this property.

J. Consideration of a Resolution Accepting the Dedication of Certain Real Property Interests to the City of Hendersonville for the Multi-Area Streambank Restoration Project: City Attorney Fritschner presented the following dedications proposed for acceptance by the City Council.

Resolution #19-0520

A RESOLUTION ACCEPTING THE DEDICATION OF CERTAIN REAL PROPERTY INTERESTS TO THE CITY OF HENDERSONVILLE

WHEREAS the City Council is advised that a completed dedication to the City of an interest in real property requires not only the initial dedication but also the acceptance in some form by the City of the dedication; and

WHEREAS the City Council has determined that it is desirable for the City to accept dedications formally and in a manner that can easily be discovered; and

WHEREAS the City Council believes that the most formal and easily discovered method of accepting real property dedications is by City Council resolution, where the property interest has not been accepted by a document executed by an authorized City representative; and

WHEREAS the City Council is informed that the real property interests listed below have been dedicated to the City but not yet accepted in writing;

NOW, THEREFORE, BE IT THEREFORE RESOLVED that the City Council does hereby accept the dedication of the following identified real property interests effective as of the moment of adoption of this resolution:

Dedicated by	Date of recording	Property interest and short description
The Housing Assistance Corporation	6 February 2019	Sewer easement and system
B & G Enterprises, LLC	8 March 2019	Streambank maintenance easement
Steven Paul Bennett and wife		
Marilyn J. Bennett	14 November 2018	Streambank maintenance easement
Brown Bear Holdings, LLC	17 January 2019	Streambank maintenance easement
Harlow R. Case	30 November 2018	Streambank maintenance easement
Susan Metzger Ferrell and		
Husband Rene Charles Stafford	25 January 2019	Streambank maintenance easement
Henry Groncki and wife		
Judith Groncki	9 January 2019	Streambank maintenance easement
Group Ventures, Inc	7 November 2018	Streambank maintenance easement
Haywood Townes Homeowners		
Association, Inc	17 January 2019	Streambank maintenance easement
J Bartholomew Properties, LLC	19 December 2018	Streambank maintenance easement
Vernon Jones	27 December 2018	Streambank maintenance easement
Clifford E. Kirby and wife		
Carla S. Kirby	21 March 2019	Sewer easement
William T. Swanner Jr. and wife		
Carolyn N. Swanner	8 March 2019	Streambank maintenance easement
Mountain Inn and Suites, LLC	8 March 2019	Streambank maintenance easement
The Oaks Regime	14 November 2018	Streambank maintenance easement
Steven M. Pressley and wife		
Linda P. Pressley	27 December 2018	Streambank maintenance easement
Barbara L. White and husband		
John White	27 December 2018	Streambank maintenance easement
Ferdinand Richard Paul Wuttke		
and wife Katharine Rantz Wuttke	9 January 2019	Streambank maintenance easement
Daniel V. Yost, trustee of the		
Daniel V. Yost Revocable trust dated		
02/19/2008	7 November 2018	Streambank maintenance easement
Richard E. Miley, trustee of the		
Richard E. Miley trust dated 12/28/2017		
And Carol A. Miley, trustee of the		
Carol A. Miley trust dated 12/28/2017	4 January 2019	Streambank maintenance easement
Bill R. Fitzpatrick and wife		
Karen S. Fitzpatrick	4 January 2019	Streambank maintenance easement
Larry E. Lumsden and wife		
Carol J. Turnham	4 January 2019	Streambank maintenance easement
Jerry E. Barnhouse and wife		
Dianne L. Barnhouse	4 January 2019	Streambank maintenance easement
Jean Lee McDonald	6 February 2019	Streambank maintenance easement
Orlando DeJesus Avalos	6 February 2019	Streambank maintenance easement
Linda Adams, et al.	17 January 2019	Streambank maintenance easement

Adopted this second day of May 2019.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

K. Consideration of partner with Housing Assistance Corporation to Install Water and Sewer Lines in S. Oak Street in Return for Six Affordable Housing Units: Mr. Connet reported the Housing Assistance Corporation (HAC) is in the process of purchasing property with three blighted

structures on S. Oak Street between First Avenue and Allen Streets. The property is currently served by water and sewer along Gravel Street. However, these water and sewer lines are in very bad shape. Staff is proposing the City partner with HAC to relocate the water and sewer lines to S. Oak Street. He stated water service in this area can be improved by moving the line, a sewer line in poor condition can be eliminated and sewer availability for residents improved on S. Oak Street. In addition, HAC will be to create six single-family lots for affordable/workforce housing.

Mr. Connet estimated the cost of the work is \$88,000. He proposed utilizing City workforce to do the work and request HAC to help pay for the materials. He recommended proceeding with installing these new water and sewer lines.

L. Consideration of a Resolution Authorizing the Execution of an Installment Financing Agreement, a Security Agreement and Related Documents in Connection with the Financing of Equipment: Finance Director John Buchanan reported a request for financing proposals was issued to provide funds for City vehicles and equipment. Nine responses were received on April 22, 2019:

City of Hendersonville
 FY 2019 Equipment Financing Proposal Summary
 4/22/2019

Bank	Rate	Loan Term	Total D/S	Fees	Prepayment	Additional Terms
Pinnacle				\$ 1,500.00	no penalty	
	2.25	5 Year	\$495,861			
Us Bancorp	2.581	3 year	\$486,332	\$ -	After 13 months 103%	Provide validity opinion
	2.693	5 Year	\$500,235			
First Bank	2.65	3 year	\$487,506	\$ 600.00	no penalty	
	2.67	4 Year	\$494,073			
	2.69	5 Year	\$500,795			
BB&T	2.69	3 year	\$487,238	\$ -	anytime 100%	
	2.82	5 Year	\$501,926			
SunTrust	2.765	3 year	\$487,863	\$ 250.00	Year 1 103% Year 2 102% Year 3 101%	City attorney opinion
	2.782	4 Year	\$494,932			
	2.806	5 Year	\$501,989			
First Citizens Bank	2.70	3 year	\$487,322	\$ -	anytime 100%	City attorney opinion on validity and tax exempt status
	2.85	5 Year	\$502,326			
Carolina Alliance	2.944	3 year	\$489,396	\$ -	anytime	
	2.952	4 Year	\$496,564			
	2.968	5 Year	\$503,950			
Santander	2.99	3 year	\$489,632	\$ -	anytime 100%	rate valid 30 days
	3.02	5 Year	\$504,486			
Entegra	3.49	3 year	\$495,809	\$ -	no penalty	
	3.615	4 Year	\$505,956			
	3.75	5 Year	\$516,774			

Mr. Buchanan requested approval of the resolution for the installment financing to be provided by Pinnacle Financial Partners for a loan amount not to exceed \$465,100 with an interest rate of 2.25% for five years.

Resolution #19-0251

RESOLUTION AUTHORIZING THE EXECUTION OF AN INSTALLMENT FINANCING AGREEMENT A SECURITY AGREEMENT AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF EQUIPMENT FOR THE CITY OF HENDERSONVILLE

WHEREAS: The City of Hendersonville ("City") has previously determined to undertake a project for the financing of vehicles and equipment, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City issued a Request for Proposal from financial institutions for installment financing and hereby determines to finance the Project through Pinnacle Financial Partners. The amount financed shall not exceed \$465,100, the annual interest rate shall not exceed 2.25%, and the financing term shall not exceed five years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Pinnacle Financial Partners financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

5. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this second day of May 2019.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

M. Consideration of a Contract with SmartBill Ltd. for Billing and Insert Print/Mail Services:

Finance Director John Buchanan requested City Council's approval of a contract with the SmartBill Corporation for bill and insert print/mail services to replace the current contract with Municode Corporation. He stated Municode has limited ability to provide on-line bill presentation with our current software. In September of 2018, Municode implemented a minimum fee for processing of \$50 for any service and there are continued issues with production, sorting and mailing of our billing documents.

Mr. Buchanan stated the SmartBill Corporation is a fully integrated bill and insert print/mail service that would decrease the current cost of services. They provide industry-leading software automation tools that reduce time document changes, conversions and delivery to customers. The initial term of the contract is two years with automatically renew for an additional term. [The contract is available in the office of the Finance Director.]

Council Member Caraker moved Council's approval of the items listed on the consent agenda. A unanimous vote of the Council followed. Motion carried.

7. Recognitions/Presentations:

- A. Mayor's Certificate of Commendation for:** Mayor Volk presented certificates of Commendations for Crystal Cauley and Diamond Cash in Recognition of the First Black Art and Craft Exhibition in Hendersonville.
- B. Service Excellence Quarterly MVP Recognition:** Mayor Volk recognized the following employees: Ricky Levi, Chris Duncan, Kyle Kirchner, Timmy Hensley, Brad Duncan and LB Heatherly as Service Excellence MVP employees.
- C. Proclamation for Police Week:** Mayor Volk presented a proclamation for Police Week to Chief Herbert Blake.

8. Consideration of Acceptance of a Grant from the North Carolina Recreation and Park Association (NCRPA) to Replace Playground Equipment at Sullivan Park and Playground Design:

Tom Wooten, Public Works Director, reported the staff applied for and received a grant from the North Carolina Recreation and Park Association (NCRPA) to replace the playground equipment at Sullivan Park. He stated the grant will provide matchings funds for the equipment and funds are included in the City's budget.

Mr. Wooten provided two different designs and asked for direction from the City Council. After discussion, **the Council agreed to present the plan to the community at a meeting in Green Meadows and allow the residents to choose. Council Member Caraker moved Council to authorize the City Manager to enter into an agreement with the NC Recreation and Park Association for a grant to replace playground equipment at Sullivan Park. A unanimous vote of the Council followed. Motion carried.**

~~**9. Consideration of Value Engineering for the Public Restrooms at 125 Fifth Avenue West**~~

~~**10. Consideration of Multi-Area Streambank Restoration Project Tentative Award**~~

11. Presentation on Wash Creek Stormwater Master Plan: Ms. Jennifer Diaz, Withers Ravenel reported on the Wash Creek Stormwater Master Plan. The goals were: locating and assessing existing infrastructure, documenting that information within the GIS database for prioritization and to identify potential capital improvement projects to make improvements.

Ms. Diaz stated Wash Creek watershed encompasses approximately 15% of the City limits.

Assessment of Existing Infrastructure: Ms. Diaz stated 641 structures were located within the watershed including: inlets, manholes and pipe headwalls. The condition of each structure was assessed. Approximately 43% of the structures were assessed as "good" condition although these were not videoed. She stated five areas of focus came from complaints the City has received.

The next step was to prioritize the projects. Numerical values were assigned to structures to determine a score for "Likelihood of Failure" to "Consequences of Failure."

Ms. Diaz provided a map and reviewed the projects with priority scores and provided cost estimates. She stated they considered costs as well as potential benefits. She stated other considerations for prioritizing projects included coinciding with other capital improvement projects. She stated they identified 15 individual structures in need of repair. She stated there are additional high-risk areas not included in the scope of this project because they

are located outside of the focus areas, e.g., areas maintained by NCDOT. She also provided samples of alternative designs that were not considered as part of this analysis.

In conclusion, Ms. Diaz stated the City now has information they did not have before along with a more robust GIS. There was discussion of the replacement materials. Mr. Connet commented the standard design has been for 10-year storms and asked if there have been any conversations about increasing the standard, specific to municipalities. Ms. Diaz stated the standards are specific to municipalities and case-by-case. She stated structures are designed based on local data.

Because this was an initial presentation and not a public hearing, public comment was not accepted. Mayor Volk commented this is step one of a lot of work that must be done. **No action was taken by the Council.**

12. Presentation on Performance Management: Intern Preston Blakely provided a presentation on performance measures for the seven divisions of the Public Works Department. He stated Performance measurement is a method of evaluating organizational effectiveness and efficiencies and is data driven. Numerical indicators create the narrative of what occurred and/or is occurring; benchmarks set goals regarding where the organization wants to be with services. He stated this leads to transparency, accountability, and better decision-making for the City and its leaders.

Mr. Blakely reviewed the phases of the performance measures, the vision, mission and goals for the project. Types of measures included: the workload, efficiency, effectiveness and productivity. He reviewed the objectives for each of the division.

Mr. Blakely stated performance management is based on scientific management principals and add value to the organization by providing actionable measures for decision-making. He stated the measures were designed alongside staff, making the program sustainable in the long run. He stated department heads and the management team will track measures and discuss implications with City Council as needed. **No action was taken by the Council.**

12a. Discussion and Staff Direction of an Ordinance Related to Panhandling and Blocking the Sidewalk: City Manager John Connet reported City staff has been working on regulations related to panhandling resulting from reports of an increase in panhandling. He stated the ordinance was brought to City staff by the Police Department and was reviewed by City Attorney Sam Fritschner.

Mr. Connet provided the draft regulations stating these are a way to enhance our current regulations against impeding sidewalk access in the downtown area in a way that is fair and appropriate within constitutional restrictions. He stated future amendments may be needed for solicitation in parking decks, etc.

The Council discussed removing trash receptacles from sidewalks and possibly including such a requirement in the ordinance.

City Attorney Fritschner stated the draft regulations are based on a previous court case. Discussion followed on whether these regulations will address the situation at the library. Mr. Connet explained the ordinance will address public property and rights of way, not private interior buildings. The draft ordinance will be presented for Council's consideration at their June 6 meeting. **No action was taken.**

13. Consideration of a Resolution to Adopt the 2019 General Records Schedule for Local Government Agencies and Reaffirm that Portions of the Previously-Adopted 2012 Municipal Schedule are Still In Effect: City Clerk Tammie Drake reported according to NCGS § 121-5(b) and 132-3, the City may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of NC is the division of DNCR charged with administering a records program. They provide a records retention schedule as the primary way the State Archives give consent to destroy public records. Without approving this schedule, the City would be obligated to obtain their permission to destroy any record, no matter how insignificant.

Mrs. Drake reported Cultural Resources is splitting the records retention schedule in two segments: General Records and Program Records, so everyone's retention periods for commonly-created records (General Records) are consistent across the board for municipalities, counties, councils of government, etc.

Mrs. Drake requested Council's adoption of the new General Records schedule. This includes: Administration and Management Records, Budget, Fiscal, and Payroll Records, Geographic Information System (GIS) Records, Information Technology Records, Legal Records, Personnel Records, Public Relations Records and Risk Management Records. The remaining standards of the 2012 Municipal schedule (those not included in the new General Schedule) are still in effect. These include Emergency Services and Fire Department Records, Fleet Maintenance Records, Law Enforcement Records, Parks and Recreation Records, Planning and Zoning Records, and others. She further requested the Administrative Value remain at one year as is the current schedule.

Discussion followed on public records including documents, e-mail and text messages and their retention period.

After discussion Council Member Caraker moved Council to approve the Resolution Adopting the 2019 General Records Schedule for Local Government Agencies and Reaffirm that portions of the previously

adopted 2012 Municipal Schedule are still in effect. A unanimous vote of the Council followed. Motion carried.

Resolution # 19-0522

RESOLUTION TO ADOPT THE 2019 GENERAL RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES AND REAFFIRM THAT PORTIONS OF THE PREVIOUSLY ADOPTED 2012 MUNICIPAL SCHEDULE ARE STILL IN EFFECT

WHEREAS, the North Carolina Department of Natural and Cultural Resources, Division of Archives and Records, Government Records Section has published the General Records Schedule for Local Government Agencies, which supersedes parts of the Municipal Retention and Disposition Schedule which it is charged with issuing; and

WHEREAS, G.S. §121-5 and G.S. §132-3 require a municipality to approve the schedule in order to conduct routine disposal of records which must otherwise be retained without specific permission for disposal by the Division of Archives and Records; and

WHEREAS, the following document to this Resolution is the form acknowledging the approval of the schedule as required by the Division of Archives and Records, Government Records Section; and

WHEREAS, to reduce the burden and costs of record retention and maintain efficient City records management, the City Council finds and determines that this Resolution should be approved;

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

The City of Hendersonville hereby adopts the General Records Schedule for Local Government Agencies and reaffirms that portions of the previously adopted 2012 Schedule are still in effect; and further, sets the Administrative Value to remain at one year.

Adopted this second day of May 2019.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

14. Consideration of a Resolution Authorizing the City Attorney to File Actions Under NCGS Chapter 40A With Respect to Certain Real Properties in Henderson County: City Attorney Sam Fritschner presented a resolution authorizing him to file eminent domain actions for four properties. These easements are needed for the streambank restoration project and the Etowah water tank project. He stated he will do everything possible to reach an agreement to acquire the property with eminent domain actions.

Council Member Caraker moved the City Council to approve the resolution approving the filing of eminent domain actions. A unanimous vote of the Council followed. Motion carried.

Resolution #19-0523

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE ACTIONS UNDER N.C.G.S. CHAPTER 40A WITH RESPECT TO CERTAIN REAL PROPERTIES IN HENDERSON COUNTY

WHEREAS the City Council finds it necessary in order to complete the construction of the streambank project and waterline project in various locations within Henderson County,

NOW, BE IT THEREFORE RESOLVED that the City Attorney be, and he is hereby authorized to file actions under N.C.G.S. Chapter 40A with respect to easements on the following identified real properties.

Named Defendant:	Original Parcel Deed Book/Page #
NC4 Cherryspr, LLC	1519/343
Thomas F. Kirk	1171/578
Patrick John Bresnahan and wife Amy Ireland Bresnahan	1150/145
Yitao Lin	3120/311
Sanford A. Killian and wife Carol A. Killian	1669/630

Adopted this second day of May 2019.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk

14. Reports/Comments from Mayor and City Council Members: Council Member Miller invited the Council and the public to a returning Honor Air flight from Washington, DC on Saturday evening, May 4 at 8:30 p.m. with WWII, Vietnam and Korean War veterans at the Asheville Airport.

15. Reports from Staff:

A. Report on Investment report: Mr. Buchanan provided investment reports for Quarter 3. He stated there has been a steady increase in earnings and expects to end the year more than \$50,000 higher than last year.

B. Budget Workshop Reminder: Mr. Connet reminded the Council and public of the Budget Workshop on Friday, May 3, 2019, at 8:30 a.m. in City Hall.

B. Appointments to Boards/Commissions: Mrs. Drake also reported on the vacant positions and upcoming appointments.

17. New Business: There was no new business.

18. Adjournment: The meeting adjourned at 7:45 p.m. upon unanimous assent of the Council.