MINUTES
BREVARD CITY COUNCIL
Regular Meeting
May 2, 2011 – 7:00 PM

The City Council of the City of Brevard met in regular session on Monday, May 2, 2011 at 7:00 PM in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

The following were present: Mayor Jimmy Harris, Council Members Larry Canady, Rodney Locks, Mack McKeller, Mayor Pro Tem Mac Morrow and Dee Dee Perkins; City Manager Joe Moore, City Attorney Mike Pratt, and City Clerk Desiree Perry.

Staff: Fire Chief Craig Budzinski, Planning Dir. Josh Freeman, Bldg & Grounds Dir. Lynn Goldsmith, Police Chief Phil Harris, Public Service Dir. David Lutz, HR Dir. LeAnn McCraw, Executive Assistant Jeanette Owen, and Finance Dir. Terry Scruggs.

Press: Derek McKissock, Transylvania Times

Welcome - Mayor Harris called the meeting to order, welcomed those present and introduced council members and staff.

Invocation and Pledge – Reverend Mike Jordan, First United Methodist Church, offered the invocation. Mayor Harris led in the Pledge of Allegiance.

Certification of Quorum – The City Clerk certified a quorum present.

Agenda – Mr. Locks moved to add a third item to the Consent Agenda, the appointment consideration of Valeria Gardin to the WCCA Board, and that the Agenda be approved as amended. Motion was seconded by Mr. Canady and carried unanimously.

Approval of Minutes – None were presented for adoption consideration.

Special Presentations – Item #1 - Mayor Harris presented a Proclamation declaring May 5, 2011 as "National Day of Prayer" to Reverend Mike Jordan.

Item #2 – Mayor Harris presented a Proclamation declaring May 1-7, 2011 as "Municipal Clerks Week" to City Clerk Desiree Perry.

Item #3 – Mayor Harris presented a Proclamation declaring May 2011 as "Older Americans Month" to Mr. Robert Anderson, Koala.

Item #4 – Mr. Mike Houston, Brevard ABC Board, to report on changes and requirements as set forth by the State for all Local ABC Groups.

Mr. Houston was not in attendance to make the presentation.

Public Hearings – None

Public Participation – Prior to the meeting the following person(s) signed-up to speak:

Mr. Brian Randall, 206 Appletree Street, shared "Challenge Day" was held last Saturday at Brevard College and that several elementary school students participated. He, along with Equinox Environmental representatives Mr. Gene Harb and Mr. Owen Carson lead the students in the various science events. Three of the students are present tonight to briefly share their experience.

Elementary Students: Sai Damireddi (9 yrs old), James Thompson (9 yrs old) and Abby Thompson (8 yrs old) came forward and individually shared their experience as a participant in "Challenge Day" and presented their challenges to Council: (1) Challenged to make a community garden that is easy for everyone to use, place for recycled art, and a butterfly garden. (2) Challenged to keep local streams safe as that is where our drinking water comes from. (3) Challenged to tell friends that healthy soil, clean water and recycling are important, and that laws be made that are good for our planet.

Mayor and Council members thanked the students, Mr. Randall, Mr. Harb, Mr. Carson and the student's parents for their attendance. All present applauded the students for their presentation.

Mr. Mal Johnson, 22 Lake View Avenue, shared the history of the Little League Program and the acquiring of the fields that are now known as the City's Sports Complex. Shared he hopes the current concern of allowing use of the fields by the traveling league will be resolved, and, that the City would not decide to give away the property as a lot of work went into getting the property to begin with. Believes a 5-year lease with the Little League is appropriate, and, commended the City's staff for the care and maintenance of the fields as they are beautiful.

Consent Agenda – Mayor Harris explained Consent Agenda items are considered routine and are enacted by one motion. He read aloud the three (3) items listed and asked if Council desired to remove a listed item for discussion.

Ms. Perkins moved, seconded by Mr. Morrow, the three Consent Agenda items be approved as presented. Motion carried unanimously. The following items was approved:

Consent Item #1 – Public Services Department Project Report for the month of March, 2011.

Consent Item #2 – Appointment of Mr. Parker J. Platt to the Brevard Board of Adjustment, filling the unexpired term from Dr. Angus Graham, who recently resigned. Term will expire November 2012.

Consent Item #3 – Appointment of Ms. Valeria Gardin to the Western Carolina Community Action (WCCA) Board to fill the vacancy from Council Member Rodney Locks, who has served for several years and is no longer eligible for reappointment. Term will expire May 2017.

Unfinished Business – None

New Business:

Item M-1, Update on proposed renovations to the City Hall Foyer.

Ms. Goldsmith reported within this fiscal year funds were appropriated to study the renovation of the front lobby of City Hall in order to improve customer service and city staff's work flow. The City contracted with Mr. Doug Harris, Harris Architects, to begin the design process of the project. Mr. Harris is present tonight to provide a brief update on the projects progress.

Mr. Doug Harris, Harris Architecture, explained the scope of the project is somewhat limited as it includes only the lobby area of City Hall, especially when considering the goal is to resolve concerns raised with respect to the flow and customer service areas. While City Hall is a well built and well maintained structure, it is a 40 year old building that has exceeded the number of offices, staff, and technology than originally designed for. Desired is to address customer/citizen service areas while maintaining a level of security for staff. Scope of the project is the foyer (short term); however, it would be best to also consider long-term needs when considering a building renovation or expansion. Could consider two extremes: (1) change the floor covering, add lighting, repanel and/or paint; or, (2) tear it down and start over. He does not suggest doing either.

He has met with senior City staff members, including providing them with a questionnaire which resulted in good feedback; many described the some of the same concerns/observations that: The lobby is not welcoming, frequently people coming into City Hall and have difficulty locating the various departments, connectivity and flow between City staff and departments needs improvement, and that the building is quite dated. He suggested it would be good to also receive feedback and input from citizens by means of a similar questionnaire he's drafted (on file) to be provided to citizens as they come to City Hall, as well as, to post upon the City's website to obtain citizen input.

Mayor and Council were receptive to Mr. Harris' suggestion of the citizen questionnaire, and thanked him for his presentation.

Item M-2 – Wastewater Plan Improvements Update

Mr. Moore provided an update on the Wastewater Plant Improvements specific to the whether the septic service with the County should be continued, and if so, how it should be financed. Three options proposed for Council's consideration, and more fully described within the staff report on file, were:

1 - Discontinue Service
2 - Continue Service Indirectly
3 - Continue Service Directly

Recommended if the third option is considered, that an agreement with Transylvania County would need to be approved before June 20, 2011, complete with standard procedures of operation and assign the responsibility of operating costs, depreciation costs, and capital costs to the County, and to include negotiation of the three following major tenants of the contract:

A. Payment of portion of construction costs before August 1, 2011, and all before the end of the construction contract;
B. Increase septic dumping charges to $75/0-1300 on July 1, 2011 with annual review thereafter; and
C. Annual review of operations.

Mr. Moore further explained the City is not interested in having its citizens paying for these services as it is a service our citizens do not use.

Mr. McKeller commented the septage receiving station would be a benefit to the County and County septic haulers, not to City residents. He asked for assurance that by considering such an agreement with the County, that doing so would not have an impact upon the City's ability to receive the grant and/or low interest loan we are applying for from NCDENR for the belt press and grit removal system.

The City's consulting engineer, Mr. Jeffrey Brown, PE, Brown Consultants, affirmed to enter into an agreement with the County as described by the City Manager would not impact the grant/loan as this component has been included within the application.

Mr. Brown stated an estimated cost to the County to build a separate stand alone septage receiving station would be greater at $214,000, than to pay for the construction of one at the City's Wastewater Treatment facility with the estimate of $107,000.

Council members affirmed, they do not want the citizens of the City to pay for this service; assured to negotiate an agreement with the County would not have a negative impact upon the City's ability to secure the grant/loan from NCDENR; if constructed at the City's Wastewater Treatment Plant, the septage receiving station would be owned by the City; and, Council is willing for the Manager to negotiate an agreement or contract with the County as described in Option 3.

Mr. Moore will send a letter to the County tomorrow.

Item M-3 – Acceptance and maintenance of large sculpture "flight school" to be placed on County property located adjacent to the Library.

Ms. Goldsmith reported installation specifications have been engineered and approved, and installation costs have been donated. If accepted, the costs to the City would include paying to have the sculpture appraised by an independent consultant, and to have it added to our insurance carrier. Should the sculpture be damaged or stolen, the City would pay an insurance cost of $2,500 for repair or replacement. City would be responsible for maintaining the piece. Staff recommends Council's acceptance of the sculpture into the program.

Ms. Perkins commented the 13 sculptures that have been donated are a great benefit to our community and moved, seconded by Mr. Canady, the City accept the sculpture as recommended by staff. Motion carried unanimously.

~ Mayor Harris called for a 10-minute break at 8:41 PM; meeting continued at 8:52 PM. ~

Item #M-4 – Revenue Projections – FY 2011-2012 Budget

Mr. Moore projected a power point presentation of the City's Operating and Capital Budget Fiscal Year 2011-2012 Revenue Projections. Throughout the presentation, he described in more detail the following slides:

- Overview of the Budget Process and Purpose
- Overview of Revenue Projections
- Revenue Sources
    - Property Tax
    - Sales and Service
    - Sales Tax
    - State Collected Taxes
    - Miscellaneous (Special tax Districts; Privilege Licenses; ABC Profits; Sale of Materials; Investment Earnings)
    - Utility Rates
    - Debt Proceeds
- Budget Preview: Guiding Principles

Discussion comments from Council members following the presentation:

1. Desire to have a healthy fund balance policy.
2. Desire to have a debt policy established.
3. Additional Service Districts…where (location) and what would be the timing to establish one?
4. Sustainability and risk – over dependence on property taxes. Can we sustain and continually provide the service level we have without raising taxes or utility rates?

Council thanked Mr. Moore for his presentation and the information it provided to them.

Remarks by Officials

Mayor Harris shared at the end of this month the City will be having the formal dedication of the Gallimore Bike/Hike path, including the park and sitting area. One of the contributors to the pathway and park was Mr. Charles Pickelsimer. He and his family have contributed greatly to our community by bringing electric power, telephone, cable, and 911 Service. Mayor recommended Council consider naming the park "Pickelsimer Park", tonight in order to allow sufficient time to have a sign made and placed in time for the dedication.

Mr. Morrow moved, seconded by M. Canady, the City so name the Gallimore Bike Path park, "Pickelsimer Park" in honor of Mr. Charles Pickelsimer and family. Motion carried unanimously.

Closed Session - Mayor Harris asked the City Attorney if it would be appropriate to convene a closed session to discuss a **personnel matter.** City Attorney advised it would be appropriate pursuant to GS 143-318.11 (a)(6) along with the appropriate motion seconded and vote, to discuss a personnel matter.

Upon motion by Mr. McKeller, seconded by Mr. Morrow and unanimously passed, a closed session to discuss a personnel matter was called at 9:44 PM and to convene upon clearing Council Chambers. Authorized to remain in closed session were the City Attorney ad Council members. The City Attorney will provide minutes of the closed session.

No official action was taken in closed session and Minutes of the Closed Session are authorized to be sealed.

<u>Adjourn Closed Session to Regular Session</u> – At 10:18 PM Council resumed the meeting in regular session.

Ordinance No. 11-2011 Ordinance Fixing Compensation And The Other Terms of Employment for City Manager Joe Moore.

Mr. Morrow moved, seconded by Mr. Locks, **Ordinance No. 11-2011** be adopted at presented. Motion carried unanimously.

ORDINANCE NO. 11-2011

AN ORDINANCE FIXING COMPENSATION AND THE OTHER TERMS OF EMPLOYMENT FOR CITY MANAGER JOE MOORE

WHEREAS, the City Council of the City of Brevard has reviewed the job performance of City Manager Joe Moore and has found it to be exemplary; and

WHEREAS, in accord with Chapter 2, Article III of the Brevard City Code, the compensation of the City Manager and other terms of his employment are to be fixed by ordinance;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA:

Section 1. RATIFICATION OF APPOINTMENT. Mr. Joseph M. Moore, II (herein after referred to as the "City Manager") was duly appointed to the Office and position of City Manager of the City of Brevard, effective September 1, 2009, and has served ably since that date, and City Council desires his continued service.

Section 2. SALARY. The City Manager's base salary is hereby set at $105,000.00 effective July 1, 2011, which shall be paid by the City of Brevard.

Section 3. EQUIPMENT USE AND ALLOWANCES.

(a) MOTOR VEHICLE MAINTENANCE AND GAS ALLOWANCE. In addition to the City Manager's salary, the City of Brevard has been paying and shall continue to pay to him monthly the sum of $200.00 as compensation for providing a vehicle for his use in connection with the conduct of his office. This payment shall be designated as a motor vehicle maintenance and gas allowance, and shall be paid in lieu of any reimbursement for actual mileage traveled in the course of the conduct of his office, except as mileage for attending those Professional Growth and Development meetings contemplated in Section 8.

(b) STANDARD OFFICE EQUIPMENT. The City of Brevard has been providing and shall continue to provide, for the use of the City Manager, all standard and reasonably necessary office equipment, including but not limited to a cell phone and a laptop computer, which shall be provided for business use at no cost to the City Manager.

Section 4. RESIDENCE REQUIREMENT. The City Manager shall be required to reside within the city limits of the City of Brevard or within the Extra-Territorial Jurisdiction of the City.

Section 5. ANNUAL EVALUATION. The City Manager's ongoing job performance will be reviewed each year prior to the establishing of the next fiscal year's budget and following that review, the City Council will set the terms of his continued employment, with any raises to be effective at the beginning of the next fiscal year. The evaluation shall include a written report and presentation by City Council to the City Manager.

Section 6. FUTURE INCREASES. The City Manager shall not qualify for or participate in any longevity pay raise or Cost of Living Adjustment (COLA) pay raise plan. Any salary raises will be individually considered by City Council and shall be based on performance, as well as other factors which are deemed relevant by City Council.

Section 7. PERSONNEL POLICY AND BENEFITS.

(a) 401K PLAN CONTRIBUTION. The City of Brevard shall contribute an amount equal to three percent (3%) of the City Manager's salary to his 401K plan, annually.

(b) OTHER BENEFITS. The City of Brevard Personnel Policy shall not apply to the City Manager. However, the Personnel Policy shall be followed for certain benefits to which he shall be entitled, to wit:

- Health Insurance/Health Savings Account for the City Manager and his family;
- Vacation time, sick leave and payment therefore;
- Paid holiday schedule;
- Group life insurance, short term disability insurance and dependant life insurance.

Section 8. PROFESSIONAL GROWTH AND DEVELOPMENT. The City Manager shall be permitted, and is encouraged to attend appropriate professional and municipal functions, meetings, conferences, etc., as a legitimate travel expense in accordance with the travel policies of the City. These may include the North Carolina League of Municipalities, the International City Management Association, the North Carolina City and County Management Association, the American Society of Civil Engineers and the American Public Works Association.

Section 9. COMMUNITY INVOLVEMENT. The City Manager is encouraged to be active and involved in all positive and appropriate facets of the community, including in his discretion, participation in civic organizations, charitable events, speaking engagements and the like. Upon the request of the City Manager, City Council will consider an allowance for participation in civic organizations.

Section 10. STANDARDS FOR BEHAVIOR AND CONDUCT. The City Manager shall at all times, and in all locations, present himself in public and in the presence of others, in such manner as is appropriate to the person who is the primary spokesperson and manager for the City of Brevard. In this regard, his conduct shall at all times be that of a competent, truthful, ethical and moral individual, and shall be beyond reproach. Any conduct in violation of this provision, including but not limited to a criminal misdemeanor or felony conviction of any kind, shall be grounds for immediate dismissal.

Section 11. TERMINATION OF EMPLOYMENT.

(a) VOLUNTARY SEPARATION. In the event that the City Manager voluntarily terminates his employment, no severance of any kind shall be paid by the City of Brevard.

(b) INVOLUNTARY SEPARATION. City Council retains the absolute right to terminate the City Manager's employment. In the event that the City Manager's employment is terminated by act of City Council, he shall receive six (6) months' salary as severance pay in lieu of any other remaining salary. Severance pay shall be terminated immediately upon his acceptance of any other employment. Severance pay may be paid in lump sum or over the regularly scheduled pay days, in the discretion of City Council. No other benefits shall be paid or continued in effect following termination except as may be required by law.

Section 12. EFFECTIVE DATE. This Ordinance shall be effective as of July 1, 2011.

Adopted and approved this the 2nd day of May, 2011.

Adjourn - There being no further business before Council, Mr. Morrow moved, seconded by Mr. Locks, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 10:20 PM.

Desiree D. Perry
City Clerk

Jimmy Harris
Mayor

Minutes Approved: April 16, 2011