MINUTES
BREVARD CITY COUNCIL
Regular Meeting
January 23, 2012 — 7:00 PM

The City Council of the City of Brevard met in regular session on Monday January 23, 2012 at 7:00 pm in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present: Mayor Jimmy Harris, Council Members Maurice Jones, Charlie Landreth, Mayor Pro Tem Mac Morrow, Wes Dickson, and Rodney Locks

Staff Present: City Manager Joe Moore, City Attorney Gayle Ramsey (filling in for Mike Pratt), Assistant Planning Director Brad Burton (filling in for Desiree Perry, City Clerk) Planning Director Joshua Freeman, Human Resources Director LeAnn McCraw, Public Services Director David Lutz, Executive Assistant Jeanette Owen, Officer Cameron Brent Sorrells of the Brevard Police Department, Lynn Goldsmith, Building and Grounds Director, Chief Craig Budzinski of the Brevard Fire Department and Jim Fatland, City Finance Director

Others: Bob Townsend and Dan Mullinix, CPA's of Gould Killian CPA Group, Brian Jenest of Cole, Jenest and Stone, Derek McKissock of the Transylvania Times, Ms. Morgan Newman, an intern with WSQL radio and Mr. Jack Wilkes, a City Council member and Mayor Pro Tem form the City of Winnsboro, SC.

Welcome–Mayor Harris called the meeting to order at 7:02 pm, welcomed those present and introduced council members, City Attorney, Manager and the (acting) Clerk.

Invocation and Pledge–Mayor Harris offered the Lord's Prayer as an invocation, and then led in the Pledge of Allegiance to the Flag.

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

Agenda–Mr. Locks requested to move the Ordinance Establishing a Housing Trust Fund from New Business to Consent Item #7 at 7:09 pm. Mayor Harris explains the Ordinance establishing a Housing Trust Fund is merely a compliance issue with the requirements of grant funding. Mr. Morrow moves to approve this agenda change. Mr. Locks seconds the motion. The Motion carried unanimously.

Mayor Harris explains to the audience that discussion of the City's new Noise Ordinance will not be heard this evening as previously referenced in a another Council meeting (not listed on this meeting's agenda, but referenced verbally as a point of information). Chief Phil Harris is not available, and the Mayor explained that his presence would be important to the discussion

Approval of Minutes–Mr. Landreth requested that his wife's name, "Andi," be spelled correctly on page two of the December 5, 2011 minutes. Acknowledging the incorporation of this change, Mr. Morrow moved that the December 5, 2011 meeting Minutes be adopted. The motion was seconded by Mr. Jones. The motion carried unanimously.

Special Presentations–Mayor Harris requested that the Council hear the presentation of the City of Brevard FY 2010-11 Audit Report by the Gould Killian CPA Group first (Agenda item 2), then hear the Downtown Master Plan presentation by ColeJenest & Stone (Agenda item 1). There was consensus with Council for this change.

City of Brevard FY 2010-11 Audit Report / Gould Killian CPA Group, PA — Mayor Harris recognized the representatives from the Gould Killian CPA Group, PA. Mr. Dan Mullinix began his presentation at 7:10pm. Mullinix expresses accolades for Fatland as new Finance Officer, and then describes the layout of document, and explains the Firm's "unqualified opinion" of the audit. Mullinix references pp. 50, 51 and 54 which detail of general fund with comparisons to previous year which indicate good results, and not "getting into" fund balance. Mullinix also references p.81 (Compliance Section / Unqualified Opinion) Mullinix cites 3 deficiencies described on p. 85 in sections 11-1, 11-2, 11-3. Mullinax explains Fatland's role in rectifying these situations, which the Mayor deems to be "housekeeping issues." Mullinix concurs. Mullinix reports in letter to Council there were no disagreements with Management during the audit process. Mullinix reports further that the City Of Brevard has exceeded the State average for fund balance, which is exemplary of good fiscal responsibility on the part of the City. Further, Mullinix states COB has a "borrowing capacity" of 76 million dollars and Debt Service has decreased by 12%—and has been going down for past 12 years; another strong indicator of good fiscal responsibility. The Mayor then reiterated and paraphrased statements by Mr. Mullinix: "The Fund Balance is [at] 41% and never has been that high, [which is an] historic high and [having] removed $375K debt in one year is impressive!" "Also [our] Bond rating has increased from 76 to 78 [also] indicating 'more fiscal responsibility'". "[Your] audit report suggests there are no inconsistencies, [it is] a solid report with everything headed in the right direction and what an accountant wants to see?" Mullinix concurred. Mr. Locks questions if "Operation Effectiveness and [financial] Policy issues have been adequately addressed. Jim Fatland, the City Finance Director, stated those appropriate changes are underway and also the consistent accounting policies for Credit Card usage are being rectified and will be corrected by the next audit.

City Manager Joe Moore introduces Jim Fatland as new Finance Director and gave him accolades for his work. Jim Fatland thanked Dan Mullinix, for his assistance. Fatland also stated that he would like to see audit "moved up" next year—to occur earlier. Mr. Mullinix finished his presentation at 7:26 pm.

<u>Downtown Master Plan / ColeJenest & Stone</u> — The Mayor reintroduces Brian Jenest as also Council member and mayor Pro-Tem of the City of Davidson. Mr. Jenest begins his presentation at 7:26 pm. Jenest talked about downtown Brevard from a planning and implementation perspective. Jenest gives PowerPoint presentation. Jenest finished his presentation at 7:42 pm and requested feedback from Council, specific to examples he provided in his presentation for Main street streetscapes.

Mayor Harris stated that currently there are 28 spaces. Option 1 has 24 spaces, Option 2 has 16 spaces. The Mayor would prefer to employ Option 1, to preserve parking. Jonest inquired if any studies have been done to determine whether or not enough parking is downtown. Is there enough parking in downtown? Madrid Zimmerman, Heart of Brevard Executive Director stated that, "Several studies have been done, including one with Planning Department. "We have enough spaces, it's how they are employed and with what frequency they are used [is part of the issue]. Josh Freeman, City Planning Director reminded Council that a decision did not need to be made tonight and it was important to be careful how to present any perception of loss of parking to the public. There was general discussion among Council members as to specifics of the designs. The Mayor then offered that, "[There is no] natural pathway from downtown to Brevard College. Brevard College and the community are desirous of such a connection…" Jenest discussed the redevelopment of properties east of North Broad Street street, (as coming down jailhouse hill) as the catalyst to create this connectivity. There were more discussions as to design specifics, with Mr. Freeman reminding Council that a grass median design for Highway 64 is already on the NCDOT Transportation Improvement Plan. Mr. Locks inquired if proposed costs related to implementation of these iterations will be available at Staff Retreat. Freeman responded in the affirmative. The Mayor then offered, "We have a Planning Department, and Council is in place to manage that. Council needs input from the people as to what they want their downtown to look like in 5, 10 or 20 years. Good things [for downtown] create interest, interests promote development and investment, and development and investment promote jobs…which lead to happy people." Mr. Locks stated that there is a "big need" for public space, which was affirmed by Jonest and qualified by stating further "…you need something sizeable in terms of public space." Mr. Morrow and Mr. Freeman discussed a lack of sidewalks and pedestrian accessibility points on the West side of North Broad, and lack of currently available right-of-way in that area and the potential viability for some sort of shared partnership with College Plaza and the City to construct sidewalks and pedestrian access in that area. Mr. Landreth stated that he felt that the Library [area] and South Broad are "southern anchor[s] [to downtown"] and [appealing street and sidewalk designs] should be appropriate for this area as well." Mr. Locks requested that Council get a reminder and overview of efforts as to Bike / Hike Path at Staff Retreat. Joe Moore affirmed that that would be provided. Mr. Dickson and Mr. Locks had further discussion on Options 1 and 2 of the Main Street design. Mr. Freeman stated that "…at retreat we'll come back with options and cost information as to proposals. Freeman also encouraged Council to bear in mind the developing Community Development Strategies as that topic directly is related to these [Downtown Master Plan] endeavors. Mr. Jenest concluded his presentation at 8:12 pm.

Certificates and Awards– None

Public Hearings–None

Public Participation–

Dr. Stewart Trimble—Subject: The "Free Clinic" and Capacity / Impact Fees. Dr. Trimble describes the role of the Free Clinic. They have recently moved, did so to save money. Here to beseech council to waive Capacity / Impact fees. The Free Clinic had 2260 visit last year, two days per week. Describes medical personnel available …neurosurgeon and orthopedist (retired and very well known) are on staff. Had to cut out pharmacy—became too expensive. Dr. Trimble stated that, "[The] Republicans in Congress cut our funding." "We want to save as much money as we can to serve as many as we can."

Mark Montgomery—Subject: Handicapped Parking at St. Phillips. Before Council on behalf of St. Phillips; they have aging population and the Reverend has received requests for handicapped parking close to the front door. Mr. Montgomery requested Council's approval to locate three new parking spaces for handicapped only. Mr. Montgomery presents a letter, on St. Phillips letterhead to the Mayor. A sketch of the proposed parking sites accompanied the letter. The Mayor explains that the process must be vetted. Mr. Locks inquires of Mr. Montgomery if the St, Phillips has considered first three spaces in the drive that separates the parking lot from the church? Mr.Montgomery stated, "No, we are trying to get something closer…but those spaces are options for sure."

Madrid Zimmerman—Subject: Prepared Statement concerning the Downtown Master Plan. Ms. Zimmerman read a prepared statement that gave examples of why Brevard City Council should appropriate funding for the downtown Master Plan.

Jim Hawkins—Subject: Signed up inadvertently. Mr. Hawkins did state to Council, "It's a beautiful town and I appreciate all [that] you do."

Harvey Miller —Subject: Pedestrian crossing area of French Broad and Broad Street. Asked Council to close their eyes and imagine being on the corner facing French Broad place (at corner of French Broad and North Broad Street) and describes with detail a specific traffic situation. Mr. Miller requests installation of audible and visual signals at this intersection. Knows it's the NCDOT—but would like City to exert its influence for these pedestrian amenities at this location. Advocates for all VIP Visual Impaired People of TVA for the installation of the signalization for impaired at this location.

Pete Peters—Subject: Pedestrian infrastructure on North Broad Street, widening sidewalks in downtown, merchandising by downtown businesses on public sidewalks and tree grates.

Mr. Peters advocates for the installation of pedestrian infrastructure and crossing areas on the West side of North Broad Street. "People are crossing there anyway—very dangerous." Peters also takes exception, as a taxpayer, to merchandising by City Businesses on downtown sidewalks and stated that A "real hard look" needs to be taken as to that practice. Peters concluded by stating the importance of properly installed tree grates in the downtown area as the Master Plan develops.

Consent Agenda—Six items were presented on the Agenda, and a seventh was added from New Business: An Ordinance Establishing a Housing Trust Fund, as item seven. Joe Moore clarified that Mr. Landreth is the primary appointment to Land of Sky Regional Council. Mr. Morrow made a Motion to accept the Consent Agenda, and his motion was seconded by Mr. Landreth. The motion Carried unanimously.

Consent Item #1 – Staff Reports: Public Services Department

Consent Item #2 – **Resolution No. 2012-01** A Resolution Revising And Updating The Signatories Of The City Officials And Employees Authorized To Use The United Community Bank Credit Cards And Setting Forth Guidelines For the Use Of The Credit Cards By City Officials And Employees (Amendment No. 4 to Resolution No. 35-2007)

RESOLUTION NO. 2012-01

A RESOLUTION REVISING AND UPDATING THE SIGNATORIES OF THE CITY OFFICIALS AND EMPLOYEES AUTHORIZED TO USE THE UNITED COMMUNITY BANK CREDIT CARDS AND SETTING FORTH GUIDELINES FOR THE USE OF THE CREDIT CARDS BY CITY OFFICIALS AND EMPLOYEES (Amendment No. 4 to Resolution No. 35-2007)

WHEREAS, upon the request of the Finance Director and, as recommended by the City Manager, the City Council of the City of Brevard authorized by Resolution No. 35 -07, dated May 21, 2007, the obtaining and use of a credit card from United Community Bank to be used for travel expenses incurred by City Officials and City employees who are on City business, and to allow them to acquire the necessary materials to conduct business and/or deliver services in a convenient and expeditious manner;

WHEREAS, the following rules and guidelines for restricted use of the credit card were set forth as follows:

1) The Credit Card may not be used for:

   a. Purchases that can be made on an account or where the City has a standing purchase order on file with the store or business.
   b. Alcoholic beverages.
   c. Purchase(s) that exceeds the cardholder's limit.
2) Only purchases directly related to budgeted items are allowed.
3) The Department Head shall be responsible for credit card used in their department.
4) A receipt(s) must be kept for all credit card purchases. Employee will be personally liable for purchases not having a receipt.
5) All receipts will be reviewed and approved by the department head and remitted to the Finance Department in time for payment. Departments that do not have the monthly statement and receipts to the Finance Department in time for payment will be responsible for absorbing any late fee charges; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to revise and update the names and signatories of the City Officials and employees who have been designated to use the United Community Bank credit card.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 1. The following named persons, whose signatures are shown below, are approved for making purchases utilizing a City credit card issued by United Community Bank. Nine (9) were issued: City Manager, Finance & Human Resources Department, Building & Grounds Department, City Clerk, Police Department, Planning Department, Public Service Department, Water and Wastewater Treatment Plant, and Fire Department.

1. Joseph M. Moore, II, PE, City Manager ______________________________
2. James R. Fatland, Finance Director ______________________________
3. LeAnn McCraw, Human Resource Dir. ______________________________
4. Lynn Goldsmith, Building/Grounds Dir. ______________________________
5. Desiree D. Perry, City Clerk ______________________________
6. J. Phil Harris, Chief of Police ______________________________
7. Joshua Freeman, Planning Director ______________________________
8. David Lutz, Public Services Director ______________________________
9. Emory Owen, Wastewater Plant ______________________________
10. Clinton Egerton, Water Plant ______________________________
11. Craig F. Budzinski, Fire Chief ______________________________

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved the 23rd day of January, 2012.

<u>Consent Item #3</u> – Staff Report: City Clerk Report of vacancies upon City Advisory Boards/Committees.

<u>Consent Item #4</u> – Ordinance No. 2012-01 Amending the City of Brevard's FY 2011-12 Budget, Amendment No. Two

ORDINANCE NO. 2012-01
AN ORDINANCE AMENDING THE FY2011-2012 BUDGET
AMENDMENT NO. TWO

WHEREAS, the City Council of the City of Brevard has previously approved the budget (Ordinance 14-2011) for the operation of the City during the referenced fiscal year; and

WHEREAS, the City Council of the City of Brevard approved budget amendment no. one (Ordinance 23-2011) to correct the fiscal year dates; and

WHEREAS, it is necessary to make an amendment to the approved budget to reflect actual cash balances within various funds for the year ended June 30, 2011; and

WHEREAS, the Brevard City Council desires to amend the FY2011-2012 Budget accordingly.

NOW, THEREFORE, BE IT ORDINAED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 3 Utility Fund Expenditures
Water/Sewer Special Project Budgeted Expenditures ($935,184)

Section 4 Utility Fund Revenue
Water/Sewer Special Project Budgeted Revenue ($935,184)

Section 13 Multi-Use Paths Fund Expenditures
Budgeted Expenditures ($855,140)

Section 14 Multi-Use Paths Fund Revenue
Budgeted Revenue ($855,140)

Section 19 Wayfinding Fund Expenditures
Budgeted Expenditures ($46,748)

Section 20 Wayfinding Fund Revenue
Budgeted Revenue ($46,748)

Section 23 Bracken Mountain Expenditures
Budgeted Expenditures ($4,901)

Section 24 Bracken Mountain Revenue
Budgeted Revenue ($4,901)

Section 25 Hap Simpson Expenditures
Budgeted Expenditures ($5,259)

Section 26 Hap Simpson Revenue
Budgeted Revenue ($5,259)

Section 27 CDBG Broad River Terrace
Budgeted Expenditures ($250,000)

Section 28 CDBG Broad River Terrace

Budgeted Revenue	($250,000)

Section 29 That the revenue and expenditures set forth of this ordinance amendment are hereby summarized as follows:

General Fund	$8,328,033
Water & Sewer Utility Fund	$5,566,680
Capital Reserve Fund	$966,974
Heart of Brevard	$121,000
Bjerg Trust Fund	$500
Fire District Fund	$229,500
Multi Use Paths Fund	$21,427
Narcotics Task Force	$35,000
Downtown Master Plan	$61,000
Wayfinding Fund	$127,252
Other Post Employment Benefits	$18,750
Bracken Mountain Project	$23,099
Hap Simpson Park	$67,241
CDBG Broad River Terrace	$0
TOTAL BUDGET APPROPRIATION	$15,566,456

Adopted and approved this 23rd day of January, 2012.

Consent Item #5 – Resolution No. 2012-02 Revision And Update Of The City's Signatory And Disbursement Resolution Approving Employees To Sign Checks And Disburse Funds

RESOLUTION NO. 2012-02

REVISION AND UPDATE OF THE CITY' S SIGNATORY AND DISBURSEMENT RESOLUTION APPROVING EMPLOYEES TO SIGN CHECKS AND DISBURSE FUNDS

WHEREAS, the most recent revision and update of the City's Signatory and Disbursement Resolution was enacted by the Brevard City Council on January 19, 2010 with the adoption of Resolution No. 04-2010; and,

WHEREAS, it is now necessary, for a variety of reasons and just cause, to once again revise and update the authorizations of said resolution by designating specific City officials for the purpose of signing checks and disbursement of City funds;

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

Section 1. Resolution No. 04-2010 is hereby amended by rewriting same as set forth herein.

The following named persons, whose signatures are shown, are approved for the signing of checks and the disbursement of monies from all funds of the City:

NAME	SIGNATURE
Joseph M. Moore II, P.E., City Manager	______________________
James R. Fatland, Finance Director	______________________
Desiree D. Perry, City Clerk	______________________
Joshua S. Freeman, Planning Director	______________________

Section 2. All checks for disbursement of City funds shall bear the signature of either the City Manager or the Finance Director plus one additional signature.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 23rd day of January, 2012.

Consent Item #6 – Appointments:

1. Appointed Council Member Charlie Landreth to serve as Primary Council representative on the Land of Sky Regional Council, replacing Mayor Jimmy Harris. There is no term expiration date for this appointment.

2. Appointed Council Member Charlie Landreth to serve as Council representative on the Transylvania County Economic Development Advisory Board; replacing former Council member Larry Canady. Term will expire February 2015.

Consent Item #7 (M-1) – Ordinance No. 2012-02 An Ordinance Establishing A Housing Trust Fund For The City Of Brevard

ORDINANCE NO. 2012-02

AN ORDINANCE ESTABLISHING A HOUSING TRUST FUND FOR THE CITY OF BREVARD

WHEREAS, the maintenance and expansion of affordable housing (housing for individuals whose income is below 80% of the median for Transylvania County) is necessary to support a sustainable local economy and maintain a high quality of life within the City of Brevard and Transylvania County; and,

WHEREAS, the maintenance and expansion of workforce housing (housing for individuals whose income is in the 80%-120% of the median for Transylvania County) is necessary to support a sustainable local economy and maintain a high quality of life within the City of Brevard and Transylvania County; and,

WHEREAS, City Council's adopted goals for the development of affordable and workforce housing within the City of Brevard are set forth within the City of Brevard Land Use Plan, the Focus 2020 Plan, and the 2010-2015 Consolidated Strategic Housing & Community Development Plan; and,

WHEREAS, the City Council of the City of Brevard desires to establish a Housing Trust Fund for the City of Brevard for the purposes of supporting the development of affordable and work force housing within the City of Brevard.

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

SECTION 01. A Housing Trust Fund for the City of Brevard as set forth in Exhibit A to this Ordinance, which is included herein and incorporated by reference, is hereby adopted and enacted.

SECTION 02. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 03. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this the 23rd day of January, 2012.

Remarks by Officials—

The Mayor announced the Staff Retreat, to be held February 9-11, 2012 at the Schenck Job Corps. Mr. Jones had no comment. Mr. Landreth thanked all who spoke, and gave thanks to remind [Council] of the diversity of community. Mr. Morrow had no comment. Mr. Dickson thanked staff for facility tours, expressed accolades for Bracken Mtn. Project and all of the volunteers that have participated. Mr. Locks stated that there was a need get info out to the public to fill these positions, in reference to vacant Boards and Committees positions.

Mr. Locks made a motion to adjourn the meeting and that motion was seconded by Mr. Landreth and passed unanimously. The meeting was adjourned at 8:44 pm.

Mayor Jimmy Harris

Brad Burton, Assistant Planning Director,
Filled in for the City Clerk

Desiree D. Perry, City Clerk

Minutes Approved: February 20,2012