

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
April 16, 2012 – 7:00 PM**

The City Council of the City of Brevard met in regular session on Monday, April 16, 2012 in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

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

Staff Present: City Manager Joe Moore, City Attorney Mike Pratt, Asst. Planning Dir. Brad Burton, Finance Director Jim Fatland, Planning Dir. Josh Freeman, Bldg & Grounds Dir. Lynn Goldsmith, Police Chief Phil Harris, Police Officer Greg Holden, Bldg. & Grounds Rep Matt Landers, Public Service Dir. David Lutz, Firefighter Mark Norton, Executive Assistant Jeanette Owen, Police Dept. Assistant Ina Whitmire, and City Clerk Desiree Perry.

Press: Derek McKissock of Transylvania Times

Welcome – Mayor Harris called the meeting to order, welcomed those present then introduced Council members, City Attorney, Manager and Clerk.

Introduced - Mayor Harris welcomed and introduced Mr. David Rotem, Deputy Speaker of The Knesset (Israeli Parliament), and Dr. Sherlock Bally, representative of the Christian Allies Caucus for Israel, sharing it is an honor to have them in attendance tonight. Both Mr. Rotem and Dr. Bally are scheduled to speak at several locations in the Brevard, Pisgah Forest, Hendersonville and Asheville area over the next few days.

Invocation - Mr. Rotem of the Jewish faith offered an invocation.

Pledge of Allegiance to Flag – Boy Scout Derek Pandorf of Troup #701 led in the Pledge of Allegiance to the Flag.

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

Agenda – Mayor Harris shared Ms. Pinson is unable to attend tonight's meeting and recommended the Agenda be amended to remove Special Presentation-Oath of Office, and, to add two items, "Week of the Young Child Proclamation" and "National Day of Prayer Proclamation". Mr. Landreth moved, seconded by Mr. Morrow the Agenda be approved as amended. Motion carried unanimously.

Minutes - Mr. Locks moved, seconded by Mr. Jones the March 19 and April 2, 2012 Minutes be approved as presented. Motion carried unanimously.

Special Presentations

Art Presentation and Display by Brevard College - Ms. Goldsmith explained several pieces of art work by Brevard College students will be on loan to the City this summer for display in Council Chambers. Dr. Ann Chapin, Brevard College Program Coordinator of the Art Major Program, was introduced and welcomed. Art students, Diane Pomphrey, Andrew Edwards, Ariel Muiselaar, Ashley Lowe, Bethany Humberg, Cameron Kahill, Carolyn Anderson, Chris Lockhart, Hannah Davis and Richard Campana, whose work will be displayed at City Hall, were also welcomed.

Dr. Chapin expressed appreciation for the City's support of the arts and looks forward to continued opportunities to build relationships between the City and College. The art work to be displayed will include a variety of paintings and photos. She extended an invitation to attend the Brevard College student Art Show this week (free and open to public) located at the Sims Art Gallery, Monday thru Friday from 8:00 a.m. to 3:00 p.m.

Certificates, Awards and Recognition

Arbor Day - Mayor Harris read aloud and presented to Matt Landers, Building and Grounds staff member, a Proclamation recognizing April 25, 2012 as "Arbor Day" in the City of Brevard.

May 2012 American Stroke Awareness Month - Mayor Harris read aloud and presented to Andi Williams and Rodney Foushee, Transylvania Regional Hospital, and to Transylvania County First Responders, Bobby Cooper, Jeff Pressley, John Whitmire and Laurie Garrett a Proclamation recognizing the month of May as "American Stroke Awareness Month".

Week of the Young Child - Mayor Harris read aloud a Proclamation recognizing April 22-28, 2012 as "Week of the Young Child" in Brevard. Mr. Joe Castro, Smart Start, was scheduled for acceptance; however, he not able to attend.

National Day of Prayer - Mayor Harris read aloud a Proclamation recognizing May 3, 2012 as "A Day Of Prayer In The City of Brevard".

Public Hearings - None

Public Participation

Ms. Agetha Westerhoff, 168 Eagle View Drive, expressed concern over the lack of signage along Highways #280, #64 and #276 to promote the Transylvania Tailgate Market located in downtown Brevard.

Consent Agenda– Mayor Harris explained Consent Agenda items are considered routine and are enacted by one motion. He read aloud the nine (9) items listed and asked if Council desired to remove an item for discussion, or, add an item(s) to the Consent Agenda.

Mr. Morrow moved, seconded by Mr. Landreth, the Consent Agenda be approved as presented. Discussion: Asked for a brief explanation for the multiple project budget amendments.

Mr. Fatland explained a good financial practice is to amend the budget throughout the fiscal year rather than only in June. He also shared the quarterly financial report indicates revenue is running better than anticipated, showing a 16% increase from this time last year.

Motion carried unanimously.

Consent Item K-1 - Ordinance No. 2012-07 Amending the FY 2011-2012 Budget, Amendment Number Three

ORDINANCE NO. 2012-07 AN ORDINANCE AMENDING THE FY 2011-2012 BUDGET AMENDMENT NO. THREE

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, the City Council of the City of Brevard approved budget amendment no. two on January 23, 2012; and

WHEREAS, it is necessary to make an amendment to the approved budget to reflect estimated revenue and expenditures for the various funds for the year ended June 30, 2012; and

WHEREAS, the Brevard City Council desires to amend the FY 2011-2012 Budget accordingly.

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

Section 1 General Fund Expenditures			
Budgeted Expenditures			
Elections			\$657
Human Resources			\$10,000
Finance			\$20,000
Tax Collections			\$5,000
Planning			-\$375,000
Buildings & Grounds			\$6,000
Police			\$24,700
Fire			\$1,000
Recreation			\$3,000
General Fund Transfers			
Hap Simpson	\$15,000		
Downtown MP	\$10,000		
Gallimore Rd	\$10,000		
Davidson River Tr	\$10,000	\$45,000	

Public Services			
Administration	\$20,000		
Garage	\$120,000		
Sanitation	\$20,000	\$160,000	
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			-\$86,643
Section 2 General Fund Revenue			
Budgeted Revenue			
Donations to Police Department			\$12,000
Donations to Fire Department			\$1,000
Recreation Department			\$3,000
Sales Taxes			\$100,000
Privilege Licenses			\$4,000
Misc. Revenue			\$10,000
County Vehicle Maintenance			\$60,000
Sale of Capital Assets			\$12,700
Refuse Collection & Recycling			\$72,657
Fund Balance Appro. Elm Bend SW			-\$375,000

Total Revenue			-\$86,643
Section 3 Utility Fund Expenditures			
New Septage Facility at WWTP			\$160,000
Section 4 Utility Fund Revenue			
Transylvania County			\$160,000
Section 13 Multi-Use Paths Fund Expenditures			
Budgeted Expenditures			\$395,000
Section 14 Multi-Use Paths Fund Revenue			
Budgeted Revenue			\$395,000
Section 17 Downtown Master Plan Expenditures			
Budgeted Expenditures			\$10,000
Section 18 Downtown Master Plan Revenue			
Budgeted Revenue			\$10,000
Section 23 Bracken Mountain Expenditures			
Budgeted Expenditures			\$376,901
Section 24 Bracken Mountain Revenue			
Budgeted Revenue			\$376,901
Section 25 Hap Simpson Expenditures			
Budgeted Expenditures			\$15,000
Section 26 Hap Simpson Revenue			
Budgeted Revenue			\$15,000
Section 28-1 CDBG Cottages Expenditures			
Increase in Fund Balance			\$13,332
Section 28-2 CDBG Cottages Revenue			
Budgeted Revenue			\$13,332
Section 29 That the revenue and expenditures set forth of this ordinance amendment are hereby summarized as follows:			
General Fund			\$8,241,390
Water & Sewer Utility Fund			\$5,726,680
Capital Reserve Fund			\$966,974
Heart of Brevard			\$121,000
Bjerg Trust Fund			\$500

Fire District Fund	\$229,500
Multi Use Paths Fund	\$416,427
Narcotics Task Force	\$35,000
Downtown Master Plan	\$71,000
Wayfinding Fund	\$127,252
Other Post Employment Benefits	\$18,750
Bracken Mountain Project	\$400,000
Hap Simpson Park	\$82,241
CDBG Broad River Terrace	\$0
CDBG Cottages	\$13,332
TOTAL BUDGET APPROPRIATION	\$16,450,046

Adopted and approved this 16th day of April, 2012.

Consent Item K-2 - Ordinance No. 2012-08 Amending the Project Budget for the Downtown Master Plan

**ORDINANCE NO. 2012-08
AN ORDINANCE AMENDING THE PROJECT BUDGET
FOR THE CITY OF BREVARD DOWNTOWN MASTER PLAN**

WHEREAS, it is necessary to make amendments to the budget in connection with the Engineering and Design of a Downtown Master Plan; and,

WHEREAS, the Brevard City Council desires to amend the FY 2011-2012 Budget accordingly.

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

Section 1. Effective the date of passage of this Ordinance, the Fiscal Year 2012 Budget for the Downtown Master Plan Project is hereby amended as follows:

Section 2. Revenues for this project are budgeted as follows:

Transfer from General Fund	\$ 60,000.00
Transfer from Heart of Brevard MSD	<u>\$ 11,000.00</u>
Total Revenues	\$ 71,000.00

Section 3. Expenditures for this project are budgeted as follows:

Downtown Master Plan Expenditures	\$ 71,000.00
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Section 4. The Revenues for the Downtown Master Plan Project shall be increased by \$10,000.00 to \$71,000.00.

Section 5. The Expenditures for the Downtown Master Plan Project shall be increased by \$10,000.00 to \$71,000.00.

Section 6. This Ordinance shall remain in effect until the completion of the Downtown Master Plan.

Section 7. The Finance Officer and City Manager are instructed to take appropriate actions to implement this Ordinance.

Section 8. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of April, 2012.

Consent Item K-3 - Ordinance No. 2012-09 Amending the Project Budget for the Hap Simpson Stream Bank Restoration Project

**ORDINANCE NO. 2012-09
AN ORDINANCE AMENDING THE FY 2011-2012 PROJECT BUDGET FOR THE
CITY OF BREVARD HAP SIMPSON STREAM BANK RESTORATION PROJECT**

WHEREAS, the Brevard City Council established a project budget to account for the receipt and disbursement of funds for the City of Brevard Hap Simpson Stream Bank Restoration Project on April 24, 2011; and

WHEREAS, the City of Brevard has been awarded a grant from the North Carolina Department of Environment and Natural Resources Division of Water Resources in the amount of \$21,500; and,

WHEREAS, the Revenues for the Hap Simpson Project shall be increased \$15,000.

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

Section 1. Effective the date of passage of this Ordinance, the City of Brevard Fiscal Year 2011 - 2012 Budget for the Hap Simpson Stream Bank Restoration Project is hereby amended.

a) **Revenues** for this project are budgeted as follows:

Transfer from General Fund	\$ 60,741
N.C. Department of Environment & Natural Resources Division of Water Resources, Grant Award Date: September 29, 2008	<u>\$ 21,500</u>
TOTAL REVENUES	\$ 82,241

b) Projected **expenditures** for this project are budgeted as follows:

Design and construction of river bank restoration and canoe access improvements	<u>\$ 82,241</u>
TOTAL EXPENDITURES	\$ 82,241

Section 2. This Ordinance shall remain in effect until the completion of the City of Brevard Hap Simpson Stream Bank Restoration Project.

Section 3. The Finance Officer and City Manager are instructed to take appropriate actions to implement this ordinance.

- a) The Revenues for the Hap Simpson Project shall be increased \$15,000; and,
- b) The Expenditures for the Hap Simpson Project shall be increased \$15,000.

Section 4. This Ordinance shall remain in effect until the completion of the Hap Simpson Stream Bank Restoration Project.

Section 5. The Finance Officer and City Manager are instructed to take appropriate actions to implement this Ordinance.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of April, 2012.

Consent Item K-4 - Ordinance No. 2012-10 Amending the Project Budget for the Davidson River Trail Project

**ORDINANCE NO. 2012-10
AN ORDINANCE AMENDING THE PROJECT BUDGET
FOR THE DAVIDSON RIVER TRAIL PROJECT**

WHEREAS, in accordance with the applicable provisions of the North Carolina Local Government Budget and Contract Act; and,

WHEREAS the City of Brevard requires certain fiscal actions to effectively provide continued and improved service to its customers; and

WHEREAS, the City of Brevard has been awarded a \$71,967 Recreation Trails Program (RTP) Grant (Grant Contract Number 1821) by the North Carolina Department of Environment and Natural Resources (NCDENR) for the purpose of constructing a bike / hike path and recreational trail from Lowe's to Davidson River Campground along the Davidson River; and,

WHEREAS, the City has accepted the RTP Grant under the conditions set forth by NCDENR and Brevard City Council intends to complete the project, including providing local funds required to meet the overall project cost; and,

WHEREAS, the Brevard City Council established a project budget to account for the receipt and disbursement of funds for the Davidson River Trail Project; and,

WHEREAS, the Brevard City Council is desirous to amend the Davidson River Trail Project Budget by increasing the budget by \$10,000;

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

Section 1. Effective the date of passage of this ordinance amendment, the City of Brevard Fiscal Year 2011-2012 Budget is hereby amended as described in Section 3 below, and a project budget for the Davidson River Trail Project is hereby amended.

Section 2. Revenues for this project are budgeted as follows:

REVENUES	
RTP Grant Reimbursement	\$ 71,967
Transfer from Capital Reserve	\$ 31,500
TOTAL REVENUES	\$103,467

Section 3. Projected expenditures are budgeted as follows:

EXPENDITURES	
Bike / Hike Path & Trail Construction	\$103,467
TOTAL EXPENDITURES	\$103,467

Section 4. This ordinance shall remain in effect until the completion of the Davidson River Trail Project.

Section 5. The Finance Officer and City Manager are instructed to take appropriate actions to implement this ordinance.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Adopted this the 16th day of April, 2012.

Consent Item K-5 - Ordinance No. 2012-11 Amending the Project Budget for the Pedestrian/Bicycle Pathway /Sidewalk Projects

**ORDINANCE NO. 2012-11
AN ORDINANCE AMENDING THE PROJECT BUDGET
FOR THE PEDESTRIAN/BICYCLE PATHWAY/SIDEWALK PROJECTS**

WHEREAS, the City Council desires to amend the Pedestrian/Bicycle Pathway/Sidewalk projects budget to account for the revenue and expenditures.

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

Section 1. The project budget shall be amended for the Pedestrian/Bicycle Pathway Project and the Elm Bend Sidewalk.

Section 2. Projected Revenues for this project shall be:

Previously approved Revenue	\$ 783,100
General Fund	\$ 10,000
Capital Reserve Fund	<u>\$ 375,000</u>
TOTAL	\$ 1,168,100

Section 3. Projected Expenditures for this project shall be:

Previously Approved Expenditures	\$ 783,100
Additional Expenditures for Gallimore Road Project	\$ 10,000
Elm Bend Sidewalk	<u>\$ 375,000</u>
TOTAL	\$ 1,168,100

Section 4. This Ordinance shall remain in effect until the completion of the project.

Section 5. The Finance Officer and City Manager are instructed to take the appropriate actions to implement this Ordinance.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of April, 2012.

Consent Item K-6 - Ordinance No. 2012-12 Amending a Project Budget for Bracken Mountain Trail Design and Construction

**ORDINANCE NO. 2012-12
AN ORDINANCE AMENDING A PROJECT BUDGET FOR THE CITY OF BREVARD
BRACKEN MOUNTAIN TRAIL DESIGN & CONSTRUCTION**

WHEREAS, in accordance with the applicable provisions of the North Carolina Local Government Budget and Contract Act; and,

WHEREAS the City of Brevard requires certain fiscal actions to effectively provide continued and improved service to its customers; and

WHEREAS, the City of Brevard City Council approved Ordinance 04-2011 on January 24, 2011 for \$28,000; and

WHEREAS, Brevard City Council now desires to increase project budget for the City of Brevard Bracken Mountain Trail Project; and

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

Section 1. Effective the date of passage of this ordinance, the City of Brevard Fiscal Year 2011-2012 Budget is hereby amended as described in Section 3, below, and a project budget for the City of Brevard is hereby established amended for the following revenue and expenditures.

Section 2. Revenues for this project are budgeted as follows:

General Fund	\$ 23,000
NCDENR Grant	\$ 5,000
Capital Reserve Fund (CWMTF)	\$ 372,000

Total	\$ 400,000

Section 3. Projected expenditures are budgeted as follows:

Design & Construction	\$ 400,000
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Section 4. This ordinance shall remain in effect until the completion of the City of Brevard Bracken Mountain Trail Project.

Section 5. The Finance Officer and City Manager are instructed to take appropriate actions to implement this ordinance.

Section 6. This Ordinance shall become effective upon its adoption and approval.

Adopted this the 16th day of April, 2012.

Consent Item K-7 - Financial Report, 3rd Quarter [Jan-March 2012]. (On file)

Consent Item K-8 - King Street Traffic Schedule Amendment

Applicant, Mr. Jackson Wine, proprietor of a private nightclub that has been approved for operation at 185 King Street, proposes an amendment to the City of Brevard Traffic Schedule that would add one additional on-street handicapped parking space accessible to the public on the southwest side of King Street.

Council approved concept; therefore, staff will prepare an Ordinance for adoption consideration at Council's next regular meeting.

Consent Item K-9 - Public Records in North Carolina Webinar Handout (On file)

New Business

M-1 - City, County, State and National Economic Indicators - Mr. Fatland provided a brief power point showing economic indicators. Included in the presentation was the Transylvania County Building Department - Year 2011 Report which shows the decline in the number of building permits issued between the years 2007-2011, and, the North Carolina Capital Management Trust's 2011-2012 Year in Review and Economic Expectations.

M-2 - Economic Development Work Session Preparation - Mayor Harris asked, since the Chamber of Commerce is now in the process of scheduling a meeting for a round table discussion on economic development, does Council still want to meet on April 30th at 5:30 p.m. for their scheduled Economic Development workshop?

Council members affirmed they do want to hold their scheduled workshop and to continue economic development discussions which began at Council's Retreat. Hope will be the beginning to discuss and answer questions such as:

- What does economic development look like for a municipality? Is it jobs, housing, workforce development, broadband, etc.
- What are the economic factors that are driving factors?
- What kind or types of businesses do we have and are they shifting?
- What are the really important economic indicators - what should we be focusing upon?
- Future? How can we sustain ourselves, our community?
- How do we best use our infrastructure for economic development?
- How do we, as a City and as one of the municipal organization within the community, how do we best align our assets as a partner with the Town of Rosman, School Board and Transylvania County?
- Where are our strengths and weaknesses? We are one part of the bigger picture. We have to decide what is within our jurisdiction, what is important, and what is within the City's budget.
- Would like the benefit and perspective of professionals (outside our community) to evaluate and offer what the typical roles are that a city plays in economic development, what can we expect to do as a city, etc.

Mr. Moore explained in preparation for Council's scheduled workshop that he has invited the following speakers to come: Mark Burrows, TC Economic Development; Scott Hamilton, Advantage West; Clark Gillespy, Duke Energy; and Leslie Scott, NC Rural Center. He also plans to extend an invitation to members of the Board of County Commissioners, Board of Education, Town of Rosman, as well as, to appropriate staff to come and hear the speakers presentations.

Remarks by Officials

Mayor Harris shared the Assault on Carolinas was a great success and fits perfectly with the City's vision and branding, and, that it was an honor to have Mr. David Rotem present at tonight's meeting.

Mr. Dickson praised the Police, Fire, Public Services Departments and City staff for the excellent work they did prior to and during the Assault on Carolinas event - and appreciation to the citizens of our community for the great turnout and support of the event.

Mr. Locks echoed praise for the Assault on Carolinas event, and, encouraged Council and public to attend the Mountain Resource Commission meeting scheduled for April 20th from 10 a.m. to 1:00 p.m. at the Library's Rogow Room.

Closed Session

Mayor Harris asked City Attorney if it would be appropriate to convene two closed sessions for the purpose to first discuss a **potential litigation**, and a second to discuss a **personnel** matter. City Attorney advised it would be appropriate pursuant to **GS § 143-318.11. (a)(3)** along with the appropriate motion second and vote, to discuss a potential litigation matter. Following the first closed session Council is to reconvene the regular meeting and then by an appropriate motion go into the second closed session to discuss a **personnel** matter pursuant to **GS § 143-318.11. (a)(6)**.

At 8:27 p.m. Mr. Morrow moved, seconded by Mr. Landreth, Council go into closed session to discuss potential litigation and a personnel matter. Motion carried unanimously. {A five minute recess took place in order to allow all who were not authorized to remain to leave Council Chambers.}

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

Adjourn Closed Session to Regular Session – At 9:30 p.m. Council resumed the meeting in regular session.

A motion to enact Ordinance No. 2012-13 Fixing Compensation and the Other Terms of Employment for City Manager Joe Moore. was made by Mr. Morrow, with a second offered by Mr. Landreth. The vote was unanimous, in favor.

ORDINANCE NO. 2012-13 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 \$110,250.00, effective July 1, 2012, 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 shall 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 at will. 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, 2012.

Adopted and approved this the 16th day of April, 2012.

Adjourn - There being no further business before Council, a motion to adjourn was made by Mr. Landreth, second offered by Mr. Locks and the meeting was adjourned at 9:30 p.m.

Jimmy Harris
Mayor

Desiree D. Perry
City Clerk

Minutes Approved: May 21, 2012