

**MINUTES  
BREVARD CITY COUNCIL  
Regular Meeting  
April 15, 2013 – 7:00 PM**

The City Council of the City of Brevard met in regular session on Monday, April 15, 2013 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, Wes Dickson, Maurice Jones and Charlie Landreth.

**Staff Present** - City Manager Joe Moore, City Attorney Mike Pratt, City Clerk Desiree Perry, Planning Director Josh Freeman, Building & Grounds Director Lynn Goldsmith, Building & Grounds Matt Landers, HR Director Christine Caldwell, Public Service Director David Lutz, Finance Director Jim Fatland, Police Chief Phil Harris, Fire Chief Craig Budzinski, and Executive Assistant Jeanette Owen

**Press** - Derek McKissock, Transylvania Times

**A. Welcome and Call to Order** - Mayor Harris called the meeting to order, welcomed all present and introduced Council Members, City Attorney, City Manager and the Clerk.

**B. Invocation** - Pastor Richard Jennings, Joy Outreach Fellowship Church, offered an invocation.

**C. Pledge of Allegiance and singing of the National Anthem** - Seven year old Kaeden Galloway, a second grade Rosman Elementary School student and daughter of former Interim Police Chief Dean Galloway, led in the Pledge of Allegiance to the Flag, and then sang the National Anthem a cappella.

**D. Certification of Quorum** - The City Clerk certified a quorum present.

**E. Approval of Agenda** - Mr. Morrow moved, seconded by Mr. Landreth, the Agenda be amended to add to New Business Support for Schenck Job Corp, to remove the Closed Session, and to approve the Agenda as amended. Motion carried unanimously.

**F. Approval of Minutes** - Mr. Locks moved, seconded by Mr. Landreth the March 18, 2013 Minutes be approved as presented. Motion carried unanimously.

**G. Certificates / Awards / Recognition**

**G-1 Tree City USA Award** - This is the 34th year the City has received Tree City USA recognition. On behalf of the NC Forest Service and Tree City USA, Mr. Frank Rogers, US Forest Service, presented to the City a Tree City USA flag. On behalf of the City, Mr. Landers received the flag and invited all to attend the City's Arbor Day Celebration to be held at the City's Sports Complex on Wednesday, April 24th at 10:00 a.m.

**G-2 Arbor Day Proclamation** - Mayor Harris read aloud and presented to Mr. Landers the Proclamation recognizing April 24, 2013 as "Arbor Day" in the City of Brevard.

**H. Special Presentations** - None

**I. Public Participation**

Ms. Martha Owen, 485 Becky Mountain Road, explained she works and has a business downtown and this morning found that the Youngblood parking lot has been roped off to no longer allow people to park on the property. Asked Council to consider

purchasing the lot for parking as there is limited parking available in the downtown; the parking area has been used for parking by merchants and visitors for quite some time. Stated the property has been poorly maintained over the years and if the City does not purchase it that they seek to have the owner cleanup the lot as it presents hazards in its present condition.

**J. Public Hearing(s) and Public Forum(s) - None**

**K. Consent Agenda** - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the two (2) items listed and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda.

Mr. Jones moved, seconded by Mr. Dickson , that New Business Item M-1 FY-2013 Budget Amendment be added to the Consent Agenda and the Consent Agenda be approved as amended. Motion carried unanimously. The following three items were approved:

**K-1 Staff Reports:** (a) Monthly Financial Report; (b) Public Services Department Report; and, (c) Fire Department Quarterly Report. (On file.)

**K-2 Proposed Utility Rate Increase Before the NC Utilities Commission.**  
Approved joining the NC League of Municipalities Joint Action Program, including the fee of \$500 dollars, to join collectively to oppose the utility rate increase proposed by Progress Energy/Duke Energy, realizing that the City may gain a greater savings by taking this action. (Fiscal impact of the proposed 1% utility rate increase is expected to cost the City \$3,400.)

**K-3 (M-1) Ordinance No. 2013-03** Amending The FY 2012-2013 Budget, Amendment No. One

**ORDINANCE NO. 2013-03  
AN ORDINANCE AMENDING THE FY 2012-2013 BUDGET  
AMENDMENT NO. ONE**

**WHEREAS**, the City Council of the City of Brevard has previously approved the annual budget (Ordinance No. 2012-17); and

**WHEREAS**, it is necessary to make an amendment to the approved budget to reflect an increase in revenue and an increase in expenditures; and

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

**Section 1 General Fund Expenditures**

The contingency line item has decreased and departmental budgets increased as follows:

|                     |                 |
|---------------------|-----------------|
| Human Resources     | \$ 9,000        |
| Finance             | 130,000         |
| Police              | 150,000         |
| Public Works Garage | 59,000          |
| Non Departmental    | 6,000           |
| Contingency         | <u>-133,700</u> |
| Total Expenditures  | \$220,300       |

**Section 2 General Fund Revenue**

The following revenue sources have increased as follows:

|                       |           |
|-----------------------|-----------|
| Privilege Licenses    | \$ 32,000 |
| Miscellaneous         | 9,000     |
| Zoning Administration | 12,000    |
| Sales Taxes           | 80,000    |

|                                |               |
|--------------------------------|---------------|
| Hold Harmless                  | 5,500         |
| Donations to Police Department | 3,100         |
| Sale of Fixed Assets           | 7,700         |
| Grants-Police Department       | 26,000        |
| County Vehicle Maintenance     | <u>45,000</u> |

|               |           |
|---------------|-----------|
| Total Revenue | \$220,300 |
|---------------|-----------|

#### **Section 15 Narcotics Fund Expenditures**

The following expenditures have increased as follows:

|                              |              |
|------------------------------|--------------|
| TNTF Expenditures            | \$10,000     |
| DEA Fed Police Department    | 4,500        |
| Fed Asset Sheriff Department | <u>4,500</u> |

|                    |          |
|--------------------|----------|
| Total Expenditures | \$19,000 |
|--------------------|----------|

#### **Section 16 Narcotics Revenue**

The following revenue has increased as follows:

|                                    |               |
|------------------------------------|---------------|
| Fed Asset Funds-Police Department  | \$ 4,500      |
| Fed Asset Funds-Sheriff Department | 4,500         |
| State Controller Payments          | <u>10,000</u> |

|               |          |
|---------------|----------|
| Total Revenue | \$19,000 |
|---------------|----------|

#### **Section 27 Water & Sewer Capital Projects Revenue**

The following revenue has increased as follows:

|                                                        |          |
|--------------------------------------------------------|----------|
| Transylvania County Reimbursement for Septage Facility | \$10,326 |
|--------------------------------------------------------|----------|

#### **Section 28 Water & Sewer Capital Projects Expenditures**

The following expenditure has increased as follows:

|                              |          |
|------------------------------|----------|
| New Septage Facility at WWTP | \$10,326 |
|------------------------------|----------|

#### **Section 30A CDBG Cottages Revenue**

The following revenue has increased as follows:

|                    |           |
|--------------------|-----------|
| CDBG Grant Revenue | \$250,000 |
|--------------------|-----------|

#### **Section 30B CDBG Expenditures**

The following expenditures has increased as follows:

|                     |              |
|---------------------|--------------|
| Street Improvements | \$225,000    |
| Administration      | 18,000       |
| Planning            | <u>7,000</u> |

|                    |           |
|--------------------|-----------|
| Total Expenditures | \$250,000 |
|--------------------|-----------|

#### **Section 30C Terrell Scruggs Scholarship Fund Revenue**

The following revenue has increased as follows:

|               |         |
|---------------|---------|
| Contributions | \$3,000 |
|---------------|---------|

#### **Section 30D Terrell Scruggs Scholarship Fund Expenditures**

The following expenditures has increased as follows:

|                     |         |
|---------------------|---------|
| Scholarships Awards | \$3,000 |
|---------------------|---------|

#### **Section 31 That the Revenue and Expenditures set forth in the FY 2012-2013 Budget Ordinance Sections 1, 2, 15, 16, 27, 28, 30A, 30B, 30C and 30D, as amended, are hereby summarized as follows:**

|              |           |
|--------------|-----------|
| General Fund | 8,845,050 |
|--------------|-----------|

|                                     |                |
|-------------------------------------|----------------|
| Water and Sewer Utility Fund        | 4,767,000      |
| Utility Capital Projects Fund       | 2,164,701      |
| Capital Reserve Fund                | 547,000        |
| Heart of Brevard MSD Fund           | 120,975        |
| Bjerg Fund                          | 100            |
| Fire District Fund                  | 884,169        |
| Multi-Use Paths Fund                | 375,000        |
| Narcotics Task Force Fund           | 59,100         |
| Downtown Master Plan Fund           | 100,000        |
| Wayfinding Fund                     | 350,000        |
| Other Post Employment Benefits Fund | 18,750         |
| Bracken Mountain Project Fund       | 200,000        |
| Health Insurance Fund               | 850,850        |
| Housing Trust Fund                  | 13,352         |
| Terrell Scruggs Scholarship Fund    | 3,000          |
| CDBG Cottages                       | <u>250,000</u> |

Total Budget Appropriations \$19,549,047

Adopted and approved this 15<sup>th</sup> day of April 2013.

**L. Old Business - None**

**M. New Business**

**M-2 Animal Control Agreement** - Mr. Pratt explained the Draft Animal Control Agreement has gone between him and the City and County Managers, and County Attorney and is now presented to Council for review and consideration. (Noted the Article numbers are out of order and will be corrected.) Based upon informal conversations with the County Manager and County Attorney, the point of contention is found within Article II. Term & Termination describing the City's intention for the Agreement to run in perpetuity.

Discussion:

1. Agreement should include conditions that the facility will be operated for the intended purpose. If the City (citizens) are going to pay \$100,000 towards the construction of a new animal shelter, then assurances need to be made that for their investment the facility will be operated for the intended purpose of an animal shelter. If not operated for (20 or more years), then the County should pay back a pro-rated amount to the City citizens.
2. Agreement should include clear language that for now on if the City were to take animals to the shelter that they would not be charged a fee, because to charge would put into question why a City resident, who pays both City and County taxes, would be charged an additional fee to use the animal shelter.
3. Willing to amending the Agreement to a 40 year contract rather than in perpetuity.
4. Article IV. City's Obligations to be amended to remove the "May 1, 2013" date to read installments to be paid to the County the first month after the Agreement has been accepted.

**Motion** - Mr. Landreth moved, seconded by Mr. Morrow, the draft Animal Shelter Agreement be amended to include the above described provisions and approved. Motion carried unanimously.

**M-3 Schenck Job Corps** - Mr. Locks shared according to an article published on February 11th, the Department of Labor has agreed to suspend all enrollments to the Job Corps and are considering closing the Job Corps. The Schenck Job Corps has been a vital asset for our community, and, for those students who receive vocational training, life skills and education. Schenck Job Corps also provides a variety of economic impacts and benefits to the City; they are a City water customer; staff and students provide fire

fighting assistance; staff and students have on many occasions volunteered their assistance and service on community projects, like Bracken Mountain; and, they have been host site for some City functions, like annual Council Retreats. Suggested City staff be directed to write an appropriate Resolution in support of the Schenck Job Corps and what they provide to our community.

Mayor Harris added letters to our Senators and Representatives should also be written and forwarded.

Mr. Locks moved, seconded by Mr. Morrow, Council direct staff to write a Resolution in support of the Schenck Job Corp. Motion carried unanimously.

## **N. Remarks by Officials**

Mayor Harris shared Mr. Blair Willard passed away yesterday, Sunday, April 14th. Blair was a dear man who served our community by serving as a volunteer with our Police Department and as a cross-walk officer. Mr. Locks added that Blair also served as a Brevard Planning Board member. Mr. Willard's contributions to our community were many and he will be missed.

Mr. Landreth shared he has two topics, each of which he would like Council to support and to pass to staff for action.

1. Tree Ordinance - Desires to make our Tree Ordinance more effective. Suggested Chapter 8 of the City's development ordinance be reviewed by staff, including addressing the practice of topping trees. Current topping practices are resulting in dangers to the tree, and, unattractive conditions. Asked that topping practices/guidelines be reviewed including the consideration to prohibit topping trees in the City.

**Motion** - Mr. Landreth moved, seconded by Mr. Locks, Council direct staff to explore the City's policies and/or ordinances related to the Tree Ordinance (as described above), and to report back to Council. Motion carried unanimously.

2. NC General Assembly Activities - NC HB 150 / Senate Bill 189, if adopted, will limit the City's ability to establish design criteria on residential uses unless all of the property owners issue their specific consent. Adoption would put the City and its residents in the position of not being able to establish standards. Result would be the developer, not the property owners or community, would have the greater influence on design criteria. One way to avoid Brevard being subject to the proposal is for us to submit a local bill to our legislator to seek exemption.

**Motion** - Mr. Landreth moved, seconded by Mr. Morrow, Council direct staff to draft a local bill to be sponsored by our Representatives to exempt Brevard from this Bill. Motion carried unanimously.

Mr. Locks shared that in addition to the proposed Bill Mr. Landreth just described, there are many others that are being considered that would have a significant impact upon revenue currently being received by Brevard, such as sales tax, electric and gas, beer and wine tax, to name a few. It seems the General Assembly is making a move to take multiple authorities and revenues from local government. Suggested in addition to the previously described Bill, staff be directed to look at other Bills as well.

**Amended Motion** - Mr. Locks asked Mr. Landreth if he was willing to amend his previous motion directing staff to draft a local bill in response to NC HB 150/Senate Bill 189, to include (following completion of drafting local bill) staff being further directed to look at these other proposed Bills to make their recommendation(s). Mr. Landreth agreed to the proposed change to the Motion. Carried unanimously.

Mr. Locks emphasized the importance of Council Members, staff and citizens to be more involved with what is going on in the General Assembly, and to support the work the NCLM is doing on behalf of cities throughout our State. This was his take-away from attending Town Hall Day.

Mr. Dickson applauded the preparation and hard work done by the Pisgah Forest Rotary for the Assault On The Carolina's event. The event has grown from its first year of 14 participants to this year having more than one thousand. Moving the event to downtown Brevard has proved to be a good decision, and he hopes other similar events will be held in the future. He extended praise and appreciation to the City's Planning, Public Services, Police and Fire Departments for the assistance they provided for the Event.

Mr. Jones extended his appreciation to the Brevard Fire Department for their efforts in having Mr. Jim P. Aiken, a Brevard Firefighter/Acting Chief who died in the line of duty on August 25, 1909, recognized. Chief Aiken was driving a two wheeled fire truck when it overturned on North Broad Street, killing him. He will be recognized at the 8th Annual North Carolina Fallen Firefighters Memorial weekend, scheduled for Friday, May 3rd at 1:00 p.m. Brevard has had two fallen firefighters, Mr. Aiken and Mr. Kilpatrick. Three Brevard Fire Department representatives will be attending the Memorial and will have a motorcycle escort from the Guardian LEMC.

Community Public Service Announcement - Police Chief Harris announced the 2nd Annual Brevard Cares event, partnering with the Chamber of Commerce, Job Corps, Church of Jesus Christ of Latter Day Saints, Destiny Church, City staff and citizen volunteers will be working together to help cleanup owner-occupied homes belonging to elderly and/or disabled folks who need assistance. Encouraged all to come and help; volunteers are asked to bring their yard tools, gloves, sunscreen, etc. Last year there were 80 volunteers, and they hope to have even more this year. Meet at Bethel A Baptist Church on Saturday, April 20th at 8:00 a.m. Breakfast foods will be provided.

City Manager reminded Council of the workshop scheduled for Monday, April 29, 2013 at 5:30 p.m. to receive and discuss the first phase of the Comprehensive Plan.

#### **O. Closed Session- None**

**Adjourn** - There being no further business before Council, Mr. Landreth moved, seconded by Mr. Jones, the meeting be adjourned. Motion carried. Meeting adjourned at 8:19 p.m.

s/Jimmy Harris  
Mayor

s/Desiree D. Perry, CMC, NCCMC  
City Clerk

Minutes Approved: May 20, 2013