MINUTES
BREVARD CITY COUNCIL
Regular Meeting
January 19, 2016 – 7:00 PM

The Brevard City Council met in regular session on Tuesday, January 19, 2016, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present - Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Maurice Jones, Ann Hollingsworth, Gary Daniel and Charlie Landreth.

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, Deputy City Clerk Jill Murray, Planning Director Daniel Cobb, Planner Aaron Bland, Director Lynn Goldsmith, Project Development Director Josh Freeman, Emory Owen, ORC Wastewater Treatment Plant, Dennis Richardson ORC Water Plant and Police Chief Phil Harris.

Press – Park Baker, Transylvania Times

A. Welcome and Call to Order – Mayor Harris called the meeting to order, welcomed those present and introduced Council members, Manager, Attorney and Deputy Clerk.

B. Invocation – Reverend Lauren Sims-Salata, First United Methodist Church, offered an Invocation.

C. Pledge of Allegiance – Mayor Harris led in the Pledge of Allegiance.

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

E. Approval of Agenda – Mr. Landreth moved, seconded by Ms. Hollingsworth, the Agenda be approved as presented. Motion carried unanimously.

F. Approval of Minutes – Ms. Hollingsworth noted that on page 13 of the Planning Board's December 10, 2015 minutes, a correction should be made taking her name out of the first paragraph, as she is not on the Stakeholder Committee.

Noting that correction, Ms. Hollingsworth moved, seconded by Mr. Landreth, both the December 3, 2015 and December 10, 2015 Minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

Certificate of Appreciation was not presented to Mr. Josh Burdette for his two years of service on the Board of Adjustment, as he was not present, however, he will receive his certificate.

H. Public Hearing(s)

H-1. Transylvania Taxi, Request for Public Convenience and Necessary Approval. This public hearing was properly noticed and advertised on January 4th and 11th.

Mayor Harris explained that the applicant has requested the Public Hearing be moved to Council's February 15 meeting. Request was granted by Council.

I. Public Participation

Ms. Pat Childress, 185 Talada Court, stated that she is the President of the Transylvania Heritage Museum and handed out a packet of information titled "The Museum of Transylvania Heritage, Transylvania Heritage Museum Corporate Sponsor

Information Packet, January 19, 2016. She asked Council to consider giving financial support to the museum. The County currently gives $5000 to pay for expenses and would like the City to match it or give a lower amount if necessary. The museum cannot operate without donations. They do receive grants but those are usually for specific projects. The museum gets people from 126 different zip codes so they are drawing people in and it would be a dream to consider the City a partner. Council explained that all non-profits come before them in March and asked her to come back then.

Mr. Thomas Snow, 258 Sega Road, stated that he would like to start a community theater based on local history. He would like help from Council in finding a venue to perform in.

J. Special Presentation(s) –

J-1. Countywide Reappraisal Presentation by TC Tax Administrator's Office – Transylvania County Tax Administrator Annette Raines presented the Report. She stated that the Notice of Real Property Value for the Reappraisal will be going out in the end of February. She has put together a brochure and it will go out with the reappraisal notice. She also stated that the tax base will be decreasing and it's not as bad as they thought.

Mr. Morrow asked for an explanation of the 1 ½% charge that is charged by the County. Ms. Raines stated that the DMV handles that now but she will get an answer for him as to whether it is statewide or county.

J-2. City of Brevard Audit Report -
Dan Mullinix of Gould Killian CPA Group, P.A. showed a PowerPoint presentation (on file). He thanked the financial staff for doing such a good job and he explained that he has gone into great detail with the Finance and Human Resource Committee and if there are any questions down the road, feel free to ask your colleagues on the committee.

Mayor Harris confirmed what Mr. Mullinix said about having a committee being a good thing and Mr. Mullinix said it was very good to have such committees. Mayor Harris also added that our fund balance is better than it was, it's going up and that's a positive thing and he asked Mr. Mullinix how he would rate our financial health and Mr. Mullinix replied with "very good."

J-3. Pisgah Conservancy Presentation by John Cottingham –
Mr. Cottingham introduced himself as the Director of the Pisgah Conservancy and passed out his business cards. He grew up coming to the Pisgah Forest and is in a group with folks who have been camping in Pisgah for the last 41 years. Over the years he noticed things that needed attention and looked online to see if he could find a way to give money to help but there was nothing. He put together a group of people as an advisory council and the feedback was unanimous that we need something like this here. After speaking with Mr. Freeman and Mr. Fatland that brought him to Council to speak about it. Mr. Cottingham showed a quick PowerPoint presentation (on file).

Mayor Harris asked what some of the challenges are that he sees. Derek Ibarguen, Pisgah Forest Park Ranger, stated that it's mainly trail maintenance, wildlife opening maintenance, habitat improvement project, fishing access, recreation access and visitor improvement. Mayor Harris also asked Derek "how do you project this next year?" Derek said that they don't have tools to project it, they just see trends and gauge it by visitors. For example, Sycamore Flats had to be closed because it got too full. The parks have over 40,000 hours of volunteer service alone and about 19 employees.

Mr. Daniel asked Mr. Cottingham if they plan to have an advocacy. Mr. Cottingham said no and that they want to focus on the issues that need attention.

~~ At 8:32 P.M. Mayor Harris called for a ten minute break. ~~

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Mayor suggested New Business Items M2B, M3, M4, M7, 8A and 8B be added to the Consent Agenda, and he further stated that Josh Freeman agreed to serve on the Land of Sky Rural Planning Organization Transportation Coordinating Committee and Daniel Cobb as an alternate.

Mr. Morrow pointed out that for Item M6 County Courthouse, Option 3, there is an ordinance on the table. Mayor Harris added that under section 3 of that Ordinance that the project expenditures from the City's point of view are contingent upon the provision of funds of partnering organizations such as Transylvania County. Mr. Daniel then stated that he would like that pulled to discuss it further.

Motion: Mr. Morrow moved, seconded by Mr. Jones, the Consent Agenda be amended to include New Business Items M2B, M3, M4, M7,8A and 8B, and the Consent Agenda be approved as amended. The motion carried unanimously.

The following Consent Agenda items were approved:

K-1. Staff Reports:

a. Public Works Department, Oct-Nov 2015 Monthly Report
b. Finance Department, December 2015 Monthly Report
c. Planning Department Quarterly Report
d. Fire Department Annual Report

K-2. Ordinance No. 2016-01 - Ordinance – FY2016 Budget Amendment Number Two

ORDINANCE NO. 2016-01

AN ORDINANCE AMENDING THE FY2015-2016 BUDGET
AMENDMENT NO. TWO

Whereas, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2015-13), Budget Ordinance Amendment No. One (Ordinance No. 2015-14); and

Whereas, it is necessary to make amendments to the budgets to reflect additional revenue, appropriation of fund balance, and expenditures for Fiscal Year 2015-2016.

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

SECTION 01) General Fund Expenditures are hereby increased $309,709 from $8,668,450 to $8,978,159 as shown as follows:

Police Grant	$ 9,709
Patton Reimbursement	<u>$300,000</u>
TOTAL EXPENDITURE	$309,709

SECTION 02) General Fund Revenues are hereby increased $309,709 from $8,668,450 to $8,978,159 as shown as follows:

Government Crime Police Grant	$ 9,709
Transfer From Multi Use Paths	<u>$300,000</u>
TOTAL REVENUE	$309,709

SECTION 13) Multi Use Paths Expenditures are hereby increased $300,000 from $297,000 to $597,000 as shown as follows:

Transfer to General Fund	<u>$300,000</u>
TOTAL EXPENDITURES	$300,000

SECTION 14) Multi Use Paths Revenues are hereby increased $300,000 from $297,000 to $597,000 as shown as follows:

Transfer from Downtown Master Plan	<u>$300,000</u>
TOTAL REVENUES	$300,000

SECTION 14-A) Bracken Mountain Project Expenditures are hereby increased $10,792 from 0.00 to $10,792 as shown as follows:

Trail Design and Construction	$10,792
Total EXPENDITURES	$10,792

SECTION 14-B) Bracken Mountain Project Revenues are hereby increased $10,792 from 0.00 to $10,792 as shown as follows:

Fund Balance Appropriation	$10,792
TOTAL REVENUES	$10,792

SECTION 17) Downtown Master Plan Expenditures are hereby decreased $300,000 from $811,000 to $511,000 as shown as follows:

Transfer to Multi Use Paths	$300,000
TOTAL EXPENDITURES	$300,000

SECTION 18) Downtown Master Plan Revenues ae hereby decreased $300,000 from $811,000 to $511,000 as shown as follows:

Fund Balance Appropriation	$300,000
TOTAL REVENUES	$300,000

SECTION 19) Rosenwald Revitalization Expenditures are hereby increased $51,674 from $240,000 to $291,674 as shown as follows:

Property Acquisition Costs	$51,674
TOTAL EXPENDITURES	$51,674

SECTION 20) Rosenwald Revitalization Revenues are hereby increased $51,674 from $240,000 to $291,674 as shown as follows:

State Part F Grant	$17,863
Fund Balance Appropriation	$69,537
TOTAL REVENUES	$51,674

SECTION 31) That Revenue and Expenditures Sections 1 through Section 30 of the Ordinance Amendment have increased $372,175 from $25,413,663 to $25,785,838 as follows:

		Budget
General Fund	$	8,978,159
Water & Sewer Fund	$	5,103,500
Utility Capital Projects Fund	$	7,819,034
Capital Reserve Fund	$	445,000
Heart of Brevard MSD Fund	$	120,700
Bjerg Trust Fund	$	100
Fire District Fund	$	648,530
Multi-Use Paths Fund	$	597,000
Narcotics Task Force Fund	$	45,100
Downtown Master Plan Fund	$	511,167
Other Post-Employment Benefits Fund	$	18,750
Bracken Mountain Project Fund	$	10,792
Health Insurance Fund	$	1,171,500
Housing Trust Fund	$	13,332
T.L. Scruggs Scholarship Trust Fund	$	11,500
Rosenwald Revitalization Fund	$	291,674
TOTAL BUDGET APPROPRIATION	$	25,785,838

This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of January, 2016.

K-3. Form Base Code Report – Report accepted as presented.

K-4. Water and Sewer Extensions to Brevard Academy – No action. Report accepted as presented.

K-5. Correspondence - **No Action.** (*Offered to Council as information only.*)
a. Transylvania Building Department Annual Report
b. NC Dept. of Commerce State CDBG Program, Completion
c. City Council Annual Retreat, Jan 28 and 29, 2016

K-6. (M-2b) Update on Current Projects – Report accepted as presented.

K-7. (M-3) - Wastewater Treatment Plant, Update of Current Projects – Report accepted as presented

K-8. (M-4) – Sewer Extension to Pisgah Trailer Park - The property was a voluntary annexation years ago but sewer extensions were never extended there and the Manager feels the City needs to honor the annexation by putting sewer there.

K-9. (M-7) – Resolution No. 2016-01 –Kings Creek Phase II Bid Award –

RESOLUTION NO. 2016-01

A RESOLUTION AWARDING THE CONSTRUCTION WORK FOR THE CITY OF BREVARD KINGS CREEK PHASE II - SEWER UPGRADE PROJECT

WHEREAS, The City of Brevard has previously approved the City of Brevard Kings Creek Phase II Sewer Upgrade Project, herein after; "The Project"; and

WHEREAS, The Project has received approval and permits from the NCDEQ – DWQ state regulating agency; and

WHEREAS, The City of Brevard has secured funding for The Project through a secured loan from NCDEQ - DWI in the amount of $1,463,984.00 towards The Project; and

WHEREAS, The City of Brevard has received approval from the NC Department of State Treasurer, Local Government Commission to accept the loan; and

WHEREAS, The City of Brevard has placed The Project to public bid under state requirements, and has received bids that are within the established budget for The Project; and

WHEREAS, The City of Brevard, upon recommendation of the City's Consulting Engineers, Brown Consultants, PA, desires to accept the low bid, award and construct The Project; and

WHEREAS, in accordance with G.S. 143-129, the City of Brevard received formal proposals for the Kings Creek Phase II Sewer Upgrade Project at 11:00 A.M. on Tuesday, December 15, 2015, at Brevard Public Works Conference Room; and,

WHEREAS, after receiving the Bid Tabulation from this bid opening for the proposed project, the Brevard City Council now desires to approve an award of contract.

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

1. A contract for the Kings Creek Phase II Sewer Upgrade Project (CWSRF Project No. CS370476-06) is hereby awarded to L-J, Inc., NC License #66302, 220 Stoneridge Dr., Suite 405, Columbia, SC 29210-8018, for the bid price of **$997,598.90** as received at 11:00 A.M., on Tuesday, December, 2015, in accordance with the City's bid documents for this Project.

2. The City Manager upon award approval from the NCDEQ- DWI, is authorized and directed to sign a contract with L-J, Inc.

3. The City Manager is authorized and directed to take all necessary actions required by the NCDEQ- DWI to complete The Project, including all close out documents.

4. The City Manager is authorized and directed to process and approve any required change orders up to The Project's budget limit that may be needed to complete The Project.

5. The City Manager shall advise the Council periodically on the status of completion of The Project.

6. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this 19th day of January, 2016.

K.10. (M-8A&B) – Board and Committee Appointment(s):
a. Board of Adjustment – Council elected Paul Welch and Kevin Jones to serve.
b. Land of Sky Rural Planning Organization (RPO) Transportation Technical Coordinating Committee (RPO-TCC) – Council elected Josh Freeman and Daniel Cobb as an alternate.

L. Unfinished Business - None

M. New Business

M-1. Resolution – Transylvania Taxi, Certificate of Public Convenience and Necessary - No action. Will be considered at the February 15 Council meeting.

M-2. Water Treatment Plant

M-2a. Cathey's Creek Intake Presentation by McGill & Associates – Keith Webb from McGill & Associates passed out a PowerPoint presentation (on file) and stated that the first step was to reevaluate and estimate what realistic future water demands are for the City. How much do we think the City will need in the future as we grow and to serve areas that are currently not served. The second is an evaluation of Cathey's Creek supply, our main and only supply. He said we have a great watershed inside the Pisgah Forest and it is protected. Lastly we were asked to evaluate if we were to build a second intake of where Cathey's Creek meets the French Broad River. He also stated that it will be a water supply for many years to come with good maintenance. Also it is class two water meaning it is a totally protected watershed and has strict guidelines.

Mr. Landreth asked if the City is able to draw 3.8 million out per day in 2065, do we have the processing basins that we need or will there be a capital projected required to expand. Mr. Webb stated there will be a capital project needed. In order to go to 3.8 million we would need to plan to build a third basin and a third filter.

Mr. Jones added that it has been a thrill to be on the Public Works and Utilities Committee and to have McGill and Associates and everything that's been going on at the Wastewater Treatment Plant. It has been a very effective entity and I'm just proud that we decided to do this and work together.

Mayor Harris added that you build it when the demand asks for it. He also thanked the Public Works and Utilities Committee and from a finance perspective any time that you expand your capital facilities, it costs money. This is really good news to hear this tonight.

M-5. Probart Street Sidewalk Improvements – **Ordinance No. 2016-02**
Mr. Freeman presented a PowerPoint presentation (on file) regarding the impending sidewalk installation on Probart Street. He thanked the City Management Team, Michael GoForth, the Parks, Trails and Recreation Committee and the residents of Probart Street. Mr. Freeman stated that the project cost is right at $529,166.00, timeline would begin tomorrow with the bidding and then conclude construction by May 31, 2016. Staff's recommendation is to enact the Ordinance Authorizing Construction of the Probart Street Sidewalk. Mayor Harris did not have any questions since he serves on the Committee. Mr. Landreth asked if there is currently on-street parking and Mr. Freeman answered no.

Mr. Morrow moved, seconded by Mr. Jones, that Item M-5, Probart Street Sidewalk Improvements be approved as presented. Motion carried unanimously.

ORDINANCE NO. 2016-02

AN ORDINANCE AUTHORIZING CONSTRUCTION OF THE PROBART STREET SIDEWALK

WHEREAS, the Parks, Trails and Recreation Committee has recommended construction of a six-foot wide monolithic sidewalk along Probart Street, from Railroad Avenue to Andante Lane; and,

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

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

WHEREAS, the Brevard City Council now desires to authorize revenues and expenditures associated with construction of the Probart Street sidewalk.

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

Section 1. The Parks, Trails and Recreation Committee's recommendation to construct a six-foot wide monolithic sidewalk along Probart Street, from Railroad Avenue to Andante Lane is hereby approved and adopted as policy of the City of Brevard, and Staff is hereby directed to proceed with implementation thereof.

Section 2. Revenue for the Probart Street Sidewalk project is budgeted as follows:

REVENUE	
10-3990-0000 Fund Balance Appropriated	$530,000
Total Revenue	$530,000

Section 3. Expenditures for the Probart Street Sidewalk project are budgeted as follows:

EXPENDITURES	
Engineering, Design, Construction	$530,000
Total Expenditures	$530,000

Section 4. Project expenditures will be covered with existing funds with an appropriation from the General Fund. Staff is authorized and directed to solicit and present project financing proposals for Council's consideration. Upon selection and approval of a financing package, Council will replenish funds expended from the General Fund Balance.

Section 5. This Ordinance shall remain in effect until the Probart Street Sidewalk project is completed.

Section 6. The City Manager is hereby authorized and instructed to take appropriate actions to implement this Ordinance, including but not limit to the execution of contracts and agreements.

Section 7. This Ordinance shall become effective upon its adoption and approval.

Approved and adopted this the 19th day of January, 2016.

M-6. County Courthouse, Option 3 - **Ordinance No. 2016-3**
Mr. Daniel asked why it depends on ownership of what Brevard College may or may not have.

Mayor Harris explained that in Mr. Pickelsimer's Will, the property known to locals as Pickelsimer Hill was to be deeded to Brevard College and the Will was contested.

Mr. Pratt added that the Pickelsimer children contested the Will and the trial court ruled that the Will was valid. The Will and the Trust leave this property to Brevard College. The lawsuit was then appealed and the Court of Appeals affirmed the trial court's decision that the Will and the Trust were valid and that Brevard College should receive the property. The lawsuit is not entirely over yet. There is a very remote possibility that Brevard College will not end up with the property but it is unlikely. I would say the lawsuit is about 95% over and about 95% chance that Brevard College will end up with the property.

Mr. Daniel asked if Brevard College may have an interest in the property. Does that mean someone else has an interest as well? Mr. Pratt explained that there was a family corporation that owned the property and Mr. Pickelsimer owned the majority interest in the corporation but not all of the shares. He left his interest in the corporation to Brevard College and majority rules in that respect.

Mr. Daniel's concern is that the property is not in the hands of Brevard College yet and the City could be paying for a plan that we don't know the details that are being offered.

Mr. Landreth added that the City is contributing 45% or so in the project costs and we don't have a goal of what the project is. We should add "whereas" statements to the Ordinance.

- WHEREAS, Brevard City Council values the presence of court functions downtown; and
- WHEREAS, the Brevard City Council wishes to support financially a site analysis focused on the evaluation of improvements that would facilitate the continued presence of court downtown; and
- WHEREAS, the Brevard City Council requests representation by a City representative on the Site Planning Committee.

Mr. Morrow made a motion to amend the Ordinance as stated above, Ms. Hollingsworth seconded. Motion was carried unanimously.

ORDINANCE NO. 2016-03

AN ORDINANCE AUTHORIZING A TRANSYLVANIA COUNTY COURTHOUSE EVALUATION PROJECT

WHEREAS, Transylvania County, the Heart of Brevard, Brevard College and the City of Brevard intend to collaborate to evaluate options for the joint development of a multi-purpose facility that could include a new Transylvania County Courthouse; and,

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

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

WHEREAS, the Brevard City Council now desires to authorize revenues and expenditures associated with the Courthouse Evaluation project; and

WHEREAS, Brevard City Council values the presence of court functions downtown; and

WHEREAS, the Brevard City Council wishes to support financially a site analysis focused on the evaluation of improvements that would facilitate the continued presence of court downtown; and

WHEREAS, the Brevard City Council requests representation by a City representative on the Site Planning Committee.

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

Section 1. Revenue for the Courthouse Evaluation project is budgeted as follows:

REVENUE	
Fund 83 Downtown Master Plan Fund	
Heart of Brevard (Annual Contribution)	$11,000
City of Brevard	$14,000
Total Revenue	$25,000

Section 2. Expenditures for the Courthouse Evaluation project are budgeted as follows:

EXPENDITURES	
Evaluation / Conceptual Design	$25,000
Total Expenditures	$25,000

Section 3. Project expenditures are contingent upon the provision of funds from the partnering organizations as follows:

a. Transylvania County: $25,000
b. Brevard College: $8,700

Section 4. This Ordinance shall remain in effect until the Courthouse Evaluation project is completed.

Section 5. The City Manager is hereby authorized and instructed to take appropriate actions to implement this Ordinance, including but not limit to the execution of contracts and agreements.

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

Approved and adopted this the 19th day of January, 2016.

N. Remarks by Officials / Future Agenda Considerations

Mayor Harris congratulated the TDA for the kiosks on the side of OP Taylors, it's a great place to have an informational kiosk. So thank you to John Taylor. Mayor Harris also stated that the other action would require action from Council. He received an email from Desiree Perry with regards to interested parties wanting to use the French Broad Community Center for bridge lessons for 9 consecutive Saturdays for lessons, however, our current policy does not allow for that. The Mayor asked Council to consider allowing a temporary change in policy to accommodate the bridge club. Mr. Morrow moved to approve a temporary change to the policy, Ms. Hollingsworth seconded. Motion carried unanimously.

Mr. Morrow stated that someone approached him about the parking on Rice Street on both sides. Mr. Fatland said he would look into it.

Mr. Landreth had no comments.

Mr. Jones wanted to let Council know that the dates have been set for the North Carolina Black Elected Municipal Officials for their summer retreat here in Brevard and that will be August 4th-7th and as planning goes along, he will be giving more information and if there are any Council members that would like to help with planning the venues and speakers, we have some set aside already.

Mr. Daniel had no comments.

Ms. Hollingsworth had no comments.

Mr. Pratt had no comments.

O. Closed Session – None

P. Adjourn – There being no further business, Mr. Jones moved, seconded by Ms. Hollingsworth, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:57 P.M.

Jimmy Harris
Mayor

Jill Murray
Deputy City Clerk

Minutes Approved: February 15, 2016