

MINUTES
BREVARD CITY COUNCIL
Regular Meeting
June 20, 2016 – 7:00 PM

The Brevard City Council met in regular session on Monday, June 20, 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, City Clerk Desiree Perry, Special Project Director Josh Freeman, Accounting Clerk Tom Whitlock, Parks & Property Mgmt. Director Lynn Goldsmith, HR Director Derrick Swing, HR Specialist & Deputy Clerk Jill Murray, Fire Chief Craig Budzinski, Planner Aaron Bland, Code Enforcement Officer Paul Ray, Planning Director Daniel Cobb, Police Chief Phil Harris, Public Works Director David Lutz and Water Plant ORC Dennis Richardson.

Press – Kevin Fuller, 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 City Clerk.

B. Invocation – Mayor Harris offered an Invocation.

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

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

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

F. Approval of Minutes – Mr. Landreth moved, seconded by Mr. Morrow, the May 23, 2016 Budget Work Session minutes, page 2, Item 19, be amended to read: “Street Banners - The cost of hanging banners will go from \$200 to \$250, except at the N. Broad Street (Jailhouse Hill) location where the cost will be determined by staff based upon the new requirements to safely install at that location”, and for the minutes to be approved as amended. Motion carried unanimously.

Mr. Jones moved, seconded by Mr. Landreth, the May 16, 2016, meeting minutes be approved as presented. Motion carried unanimously.

G. Certificates, Awards and Recognition

G-1. Proclamation 2016-08 Arts and Culture Celebration 2016 was presented to TC Arts Executive Director Tammy Hopkins.

Proclamation No. 2016-08
Arts and Culture Celebration 2016
June 24 – July 4, 2016

WHEREAS, the community of Brevard and Transylvania County is one of the most vibrant centers of arts and culture in WNC with 30+ arts organizations and 325+ art events a year and home to the Transylvania Community Arts Council, Brevard Music Center, The Porter Center for Performing Arts, Brevard Little Theatre, Brevard Philharmonic, Brevard Lumber Arts District, 13 downtown art galleries, 19 award winning sculptures, the Brevard 4th Friday Gallery Walks, The Fine Art & Craft Trail on Scenic 276 South - Potters Row, Brevard Community Band, Transylvania Art Guild, Conneestee Art League, Transylvania County Handcrafters’ Guild, Transylvania Choral Society, Land of Waterfalls Camera Club, Transylvania County

Library, Silvermont, Cradle of Forestry Historic Site, Allison-Deaver House and the Transylvania Heritage Museum; and

WHEREAS, these arts and cultural centers attract tourism with art events and music concerts that have a positive economic impact on the city and county; and

WHEREAS, artists can make a living to support their families and community through their creative work; and

WHEREAS, residents and visitors have abundant opportunities to enjoy music, dance, literature, storytelling, theatre, and visual arts and crafts; and children and adults alike may learn through participation in the arts; and

WHEREAS, diverse cultures are celebrated through art programs in the Transylvania County Schools, Rise and Shine, Boys and Girls Club, Transylvania County Library, The Transylvania Heritage Museum, and the Transylvania Community Arts Council; and

WHEREAS, the arts add beauty to our lives and community, therefore being an intrinsic component to our quality of life.

NOW, THEREFORE, I, MAYOR JIMMY HARRIS, and Brevard City Council of the City of Brevard, N. C. do hereby proclaim June 24-July 4, 2016, as **ARTS & CULTURE CELEBRATION** within the City and call on all citizens to join us in recognizing and commending the Arts Organizations of Brevard and Transylvania County for providing artistic and cultural opportunities to the citizens and visitors of our community.

G-2. Recognition of Terrell Scruggs Scholarship Recipients - The following 2016 Scholarship recipients were recognized: Tyler Arant (not present), Marlene Contreras (not present), Hannah Field, Bryce Foster (not present), Alexandria Galloway (not present), Nicholas McCall (not present), Cameron McCathern, Carver Nichols (not present), Taylor Robarts, Zachary Stroup and Audrianna Van Gores. Also present were Terrell Scruggs Scholarship Committee Members: Sue Fox, Jimmy Perkins, Derrick Swing and Josh Freeman.

H. Public Hearing

H-1. Non-Contiguous Annexation and Zoning Designation, Challenge Foundation Properties of Brevard, LLC. Property is located at 1110 New Hendersonville Highway, PIN 9507-02-3649-000 and 9507-02-3957-000. The proposed zoning district is Institutional Campus (I-C) District. The public hearing was properly advertised in the newspaper on June 6th; letters of Notice were mailed to adjoining property owners and Notice was posted upon the subject property.

Mayor Harris opened the public hearing at 7:24 P.M.

Mr. Bland presented the staff report. Subject property will be the new location of Brevard Academy, a K-8 public charter school. Because the property is currently located outside the City's planning jurisdiction it is subject to Transylvania County zoning ordinances and must be rezoned by the City concurrently with the annexation. The proposed zoning district is Institutional Campus (IC). Prior to the annexation request, the Applicant secured zoning and building permits from Transylvania County and construction is currently underway on site. The Planning Board discussed both the annexation and rezoning at their meeting on May 16th and unanimously voted to recommend approval of both.

Mr. Mike Harrington, Challenge Foundation Properties of Brevard, LLC, representative was present in support of the request and to answer any questions Council or the public may have. Also present was Mr. Warren Alston, Chairman of the Board of Directors.

Public Participation – None

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:35 P.M.

H-2. City of Brevard Fiscal Year 2016-2017 Budget Ordinance and Fee Schedule. The public hearing was properly advertised on June 6th and 13th, 2016.

Mayor Harris opened the public hearing at 7:35 P.M.

Mr. Fatland reported on May 16th the draft budget was presented to Council and a budget workshop was held on May 23rd. He recommends a revenue neutral tax rate of \$.4800 and for the Heart of Brevard tax rate to remain at \$.2250, and, lower minimum water/sewer to 500 gallons.

Public Participation

Ms. Shelly Webb, Executive Director of Sharing House, expressed concern with the proposed lowering of the minimum gallons for water and sewer as doing so will result in an increase to a customer's monthly bill. Sharing House serves about twenty percent (20%) of the County population, people who are low wage earners, or disabled, or elderly and who are on a fixed income. Based upon data they have collected, in 2014 they provided \$10,000 in water assistance; in 2015 \$16,000 which was a 70% increase, and, have had already spent \$24,727 in water assistance this year (52% increase). This (water billing) is the only assistance category that has shot up at an alarming rate. Heat and food assistance categories have had little change. Reducing the rate to 500 gallons is going to be very hard on the lower income families.

Mr. Landreth asked Mr. Fatland if a previously mentioned payment assistance program has been fleshed out.

Mr. Fatland replied the matter will soon be reviewed by the Council Public Works and Utilities Committee, and, that the Water Department has been working with people to help by means of a payment plan.

Mr. Landreth recommended the matter be referred to the Council Public Works and Utility Committee, and, added what the Sharing House does is limited by the resources they are given and while we have a generous community the need is great and for our policies to tap on that resource is something we need to be very aware of as we establish our rates and programs.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:48 P.M.

H-3. Short Term Rentals. The public hearing was properly advertised on June 6th and 13th, 2016.

Mayor Harris opened the public hearing at 7:48 P.M.

Mr. Morrow moved, seconded by Mr. Landreth, Council continue the Short Term Rental Public Hearing until their August 15th meeting, as recommended by the City Attorney. Motion carried unanimously.

I. Public Participation

Mr. Thomas Davis, 159-A&B King Street, Brevard. Expressed concern over limited parking available on King Street. He is a business owner and landlord and the recent increase of businesses that have opened along King Street has created a problem as there are too few parking spaces. Asked if additional handicapped spaces could be provided, and, hopes the City has or will consider angled parking or some other means to provide more parking spaces for the King Street area.

Ms. Patricia Wrinkle, 39 Appletree Street. According to the City's Traffic Schedule Appletree Street is a "no parking" area; however, people who use the French Broad Community Center continue to park their cars along Appletree Street, and in

doing so have occasionally blocked driveways. Asked that the Police Department enforce the no-parking on Appletree Street.

Ms. Stephanieanne Smith, Carolina Pediatric Therapy, 159-B King Street. Stated she is a speech therapist and with the new businesses that have opened along King Street it has created a parking problem for her clients, some who are children with disabilities. She offered Council copies of some letters from her client's parents expressing their concerns with respect to safety/traffic. (Letters filed with Agenda Packet materials.) There is a handicapped space on King Street in front of their clinic; however, it is available for other neighboring businesses to also use. Asked if the City would consider providing to their clinic three designated parking spaces on King Street - one handicapped space and two regular parking spaces from the hours of 8 AM to 6 PM, and, that the request be a consideration upon a future City Council agenda.

J. Special Presentation

J-1. Brevard Housing Authority (BHA) – Mr. David Nash, Executive Director of Brevard Housing Authority, who was accompanied by BHA Manager Rhodney Norman, and BHA Board Members Judith West and Katie Thompson, presented the report. Mr. Nash described BHA as 360 residents living in five small neighborhood properties, including 161 children and youth; has a strong local staff, led by a community-centered board appointed by City Council including one board member who is a resident. Technical assistance and executive leadership is under a long-standing contract with Asheville Housing Authority. He presented a power-point that described the Demographics including race/ethnicity, age, family size and income; Priorities and Accomplishments through management, community outreach and property improvements; and, described Challenges such as parking lots are in need of significant improvements for stability and curb appeal, and, the need for a collaborative partner to help non-disabled, non-elderly, non-working residents get back to work (about 30% of households).

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.

Mr. Morrow moved, seconded by Ms. Hollingsworth, the Consent Agenda be amended by adding New Business Items M-1, M-2, M-3, M-4, M-6, and M-8 appointing Mr. Eric Crite to the ABC Board, and that the Consent Agenda be approved as amended. Motion carried unanimously.

K-1. Staff Reports:

- a. Finance Department May 2016 Monthly Report
- b. Public Works Monthly Report, April 2016

K-2. Prudential 457 NC Plan for Employees – Adopted the NC Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Service 457(b) for public employees of North Carolina. (Exhibit A)

K-3. Transylvania Wellness Center – Adopted Memorandum of Understanding (MOU) with Transylvania County for Wellness Center Partnership, and, Contract for Wellness Center with Blue Mountain Medicine. The MOU establishes that the City will pay \$4,400 annually (10% of its contracted cost with Blue Mountain Medicine – currently \$44,000) for basic utility and operating costs of the running the facility. The expense will be charged to the employee medical fund. Total Contract fee with Blue Mountain Medicine is \$44,000 annually which is budgeted in the employee medical fund.

K-4. Ordinance No. 2016-12 An Ordinance Declaring A Road Closure For National Night Out

ORDINANCE NO. 2016-12

**AN ORDINANCE DECLARING A ROAD
CLOSURE FOR NATIONAL NIGHT OUT**

WHEREAS, Brevard City Council acknowledges National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, better places to live; and,

WHEREAS, Brevard City Council acknowledges this event provides an opportunity for an evening of family-oriented activities; and,

WHEREAS, Brevard City Council acknowledges this festival requires a portion of Main Street (US Highway 276) from Broad Street (US Highway 64) to Johnson Street to be closed for setup, activities, and cleanup; and,

WHEREAS, Brevard City Council acknowledges the importance of celebrating this event for the betterment of the community;

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

SECTION 01. Pursuant to authority granted by G.S. 20-169 the City of Brevard hereby declares the following temporary road closures during the days and times set forth below on the following described portion of a State Highway System route:

Date:	Tuesday, August 2, 2016
Time:	5:00PM – 8:00PM
Route Description:	Main Street (US 276) from Broad Street (US 64) to Johnson Street.

SECTION 02. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 20th day of June, 2016.

K-5. Interlocal Contract Agreement with Houston-Galveston Area Council – Approved Brevard Fire Department’s request to enter into an interlocal agreement with the Houston-Galveston Area Council for purchasing equipment for the City of Brevard. Its enabling legislation allows for HGACBuy to act nationwide on behalf of local governments, special districts and private non-profits providing a government service. Allows use of any of HGACBuy’s competitively procured contracts for goods and services.

K-6. Ordinance No. 2016-16 An Ordinance Amending The City of Brevard Traffic Schedule

ORDINANCE NO. 2016-13

**AN ORDINANCE AMENDING
THE CITY OF BREVARD TRAFFIC SCHEDULE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT THE CITY OF BREVARD TRAFFIC SCHEDULE SHALL BE AMENDED AS FOLLOWS:

Section 01. The City of Brevard Traffic Schedule is hereby amended as described below:

- a) Designate both sides of Oakdale Street, between Duckworth Avenue and Hemphill Circle as a no parking area (Schedule I);

Section 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Brevard Traffic Schedule to reflect the change as

set forth herein.

Section 03. The City Manager of the City of Brevard is hereby authorized and directed to cause the appropriate signs to be installed and enforcement of the foregoing provisions to be implemented.

Section 04. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this 20th day of June, 2016.

K-7. Form Base Code Update - Accepted Planning Staff's 2-page update offered for informational purposes only.

K-8. Kings Creek Phase II 20-Yar Loan Update – The City of Brevard had received approval for a 2% loan for 20-years for the Kings Creek Phase II Project. The City requested that the NCDENR consider a no interest loan for Kings Creek Phase II Project. On June 20, 2016, NCDENR notified the City that they approved a no interest loan for Kings Creek Phase II. This will save the City \$301,515 in interest cost over the 20-year loan period.

K-9. City-County Joint Parks and Recreation Strategic Plan – Council approved the scheduling of a joint meeting with the Transylvania County Board of Commissioners for September 26, 2016, at 7:00 PM in the Commissioners Meeting Room to receive a presentation of the draft plan.

K-10. Zilka Virus Information – Accepted Planning Staff's 2-page informational report and recommendation to maintain current levels of activity related to proactive code enforcement of standing and stagnant water.

K-11. Ordinance No. 2016-14 An Ordinance Declaring A Road Closure For The Fourth Of July Festival

ORDINANCE NO. 2016-14

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE FOURTH OF JULY FESTIVAL

WHEREAS, Brevard City Council acknowledges a long tradition of providing an annual Fourth of July Festival for the pleasure and enjoyment of its citizens and visitors; and,

WHEREAS, Brevard City Council acknowledges this festival provides an opportunity for day-long, family-oriented activities; and,

WHEREAS, Brevard City Council acknowledges this festival requires a portion of Main Street (US Highway 276) and Broad Street (US Highway 64) to be closed for setup, activities, and cleanup; and,

WHEREAS, Brevard City Council acknowledges the importance of celebrating Independence Day;

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

SECTION 01. Pursuant to authority granted by G.S. 20-169 the City of Brevard hereby declares the following temporary road closures during the days and times set forth below on the following described portion of a State Highway System route:

Date:	Monday, July 4, 2016
Time:	6:00AM – 7:00PM
Description:	Main Street (US 276) from Caldwell Street to Johnson Street, and Broad Street (US 64) from French Broad Street to Morgan Street.

SECTION 02. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the 20th day of June, 2016.

K-12. Correspondence (No Action. Offered as information only.)

- a. ABC Board Proposed FY2016-17 Budget
- b. Heart of Brevard July 4th Celebration Information
- c. Transylvania Pollinator Day, June 25th
- d. Brevard Music Center Celebrates 80th Anniversary

K-13. (M-1). Ordinance No. 2016-15 An Ordinance To Extend The Corporate Limits Of The City of Brevard, North Carolina

ORDINANCE NO. 2016-15

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF BREVARD, NORTH CAROLINA**

WHEREAS, the Brevard City Council has been petitioned under G.S. 160A-58.1, as amended, to annex the non-contiguous area described herein, and,

WHEREAS, the City Council has by Resolution No. 2016-04 directed the City Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the City Clerk has certified the sufficiency of said petition (relying on the opinion of the City Attorney) and the City Council adopted Resolution No. 2016-09 fixing a date of public hearing. By authority granted by G.S. 160A-58.2, a public hearing on the question of this annexation was held at the Brevard City Hall at 7:00 o'clock, P.M. on the 20th day of June, 2016, after due notice by publication on the 6th of June, 2016;

WHEREAS, the City Council does hereby find as a fact that the petition meets the requirements of G.S. 160A-58.1(b), as amended.

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

Section 1. By virtue of the authority granted by G.S. 160A-58, as amended, all of that property lying in Transylvania County, owned by Challenge Foundation Properties of Brevard, LLC, as shown and being all of that property recorded in Document Book 730 Deed Book 735, Page 843 and Deed Book 755, Page 736, and Plat File 16, Page 667 in the Transylvania County Registry and that certain annexation plat provided by the Petitioners to be duly recorded upon annexation is hereby annexed and made a part of the City of Brevard as of the 20th day of June, 2016.

Said property is more fully described as follows:

Location: 1110 New Hendersonville Highway, Pisgah Forest, NC 28768. Transylvania County Property Identification Numbers: 9507-02-3649-000 and 9507-02-3957-000

Metes and Bounds Property Description:

Beginning at a #4 rebar and cap located in Boyd Township, Transylvania County, North Carolina, on the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); said rebar being located S 12°53'13" E a ground distance of 54.92' from North Carolina Geodetic Survey Monument "Dill", which monument has the NC Grid NAD 83 (2005) Coordinates of N= 573,662.68' and E= 900,528.98'; thence running with the property line established in Plat File 12, Slide 378 as recorded in the Transylvania County Registry and shown on recombination Plat File 16, Page 667 as recorded in said registry S 56°00'57" E a distance of 27.01' to a #4 rebar and cap; thence N 89°17'24" E a distance of 11.85' to a #4 rebar and cap in the western margin of Glade Creek Road; thence S 13°24'31" E a total distance of 113.13' to a 2" iron pipe, passing a #4 rebar at 82.97'; thence leaving the margin of Glade Creek Road and with the line of Jack Thomas (trustee) as recorded in Deed Book 97, Page 837 in said registry the following six (6) calls: S 83°53'59" W a distance of 92.89' to a calculated point; thence S 34°50'54" W a distance of 69.11' to a calculated point; thence S 24°02'20" E a distance of 27.95' to a calculated point; thence S 02°44'42" E a distance of 60.47' to a calculated point; thence S 05°05'18" W a distance of 98.55' to a calculated point; thence S 03°47'42" E a distance of 143.87' to a calculated point; thence with the line of Larry and Rebecca Wyke (trustee) as recorded in Deed Book 613, Page 148 in said registry the following two (2) calls: S 08°24'12" E a distance of 159.86' to a calculated point; thence S

12°10'42" E a distance of 88.05' to a calculated point; thence with the line of Lionel Gash as recorded in Deed Book 295, Page 517 in said registry and with the line of Zilla Gash as recorded in Deed Book 295, Page 515 in said registry the following two (2) calls: N 83°26'09" W a distance of 43.79' to a #8 rebar; thence S 07°16'57" E a distance of 588.84' to a 2" iron pipe; thence with the line of Neal Anders as recorded in Deed Book 343, Page 201 in said register S 08°30'41" E a distance of 12.43' to a #8 rebar; thence with the line of John and Karen Kiser as recorded in Deed Book 434, Page 146 in said registry the following two (2) calls: N 72°49'24" W a distance of 113.04' to a #4 rebar; thence S 82°35'02" W a distance of 112.01' to a #4 rebar; thence with the Eugene Mathis line as recorded in Deed Book 50, Page 129 in said registry N 04°32'56" W a distance of 322.40' to a #4 rebar; thence with the Blue Ridge Gardens of Memory, LLC as recorded in Deed Book 597, Page 269 in said registry to following six (6) calls: N 23°01'20" W a distance of 18.66' to a #4 rebar; thence N 25°22'39" W a distance of 10.00' to a #4 rebar; thence N 27°48'49" W a distance of 407.23' to a #4 rebar; thence N 06°49'19" W a distance of 128.66' to a #4 rebar and cap; thence N 06°45'07" W a distance of 351.58' to a #4 rebar; thence N 05°54'38" W a distance of 135.24' to a #4 rebar being located in the southern margin of the 150' right-of-way for New Hendersonville Highway (US-Hwy 64); thence N 00°31'27" W a distance of 75.00' to calculated point in the center of said right-of-way; thence with the center of said right-of-way to following two (2) calls: N 89°28'33" E a distance of 152.07' to a calculated point; thence N 87°27'38" E a distance of 343.81' to a calculated point; thence leaving the centerline of said right-of-way S 02°32'28" E a distance of 75.00' which is the point of beginning.

The total area for annexation is 10.98 acres or 478,113 square feet, plus or minus.

Section 2. The zoning designation of the above described property shall be I-C Institutional Campus District.

Section 3. Upon and after the 20th day of June, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Brevard and shall be entitled to the same privileges and benefits as other parts of the City of Brevard. Said territory shall be subject to the municipal taxes according to G.S. 160A-58.3.

Section 4. Pursuant to 160A-58.8, non-contiguous annexations shall be recorded and reported in the same manner as under G.S. 160A-29, requiring the Mayor of the City of Brevard shall cause to be recorded in the office of the Register of Deeds of Transylvania County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance, Such a map shall also be delivered to the Transylvania County Board of Elections as required by G.S. 163.288.1.

Section 5. Notice of adoption of this Ordinance shall be published once, following the effective date of annexation, in a newspaper have general circulation in the City of Brevard.

Adopted and approved the 20th day of June, 2016.

K-14. (M-2) Ordinance No. 2016-16 An Ordinance Amending The FY2015-2016 Budget Amendment No. Four

**ORDINANCE NO. 2016-16
AN ORDINANCE AMENDING THE FY2015-2016 BUDGET
AMENDMENT NO. FOUR**

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); Budget Ordinance Amendment Two (Ordinance No. 2016-01); Budget Ordinance Amendment Three (Ordinance No. 2016-07) 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 \$930,428 from \$9,252,755 to \$10,183,183 as shown as follows:

Planning	\$ 76,604
Streets – Powell Contracted Services	\$ 3,824
Transfer to Pedestrian Fund	\$800,000

Transfer to Health Insurance Fund	<u>\$ 50,000</u>
TOTAL EXPENDITURES	\$930,428

SECTION 02) General Fund Revenues are hereby increased \$930,428 from \$9,252,755 to \$10,183,183 as shown as follows:

Ad Valorem Tax – Current Levy	\$ 50,000
Sales Tax	\$ 25,000
Zoning Administration	\$ 13,000
Wine & Beer Tax	\$ 4,404
Powell Bill Allocation	\$ 3,824
Refuse & Recycling	\$ 30,000
Sale of Fixed Assets	\$ 4,200
Fund Balance Appropriated	<u>\$800,000</u>
TOTAL REVENUE	\$930,428

SECTION 03) Water & Sewer Fund Expenditures are increased or decreased resulting in no increase to the total budget as shown below:

Water Distribution	\$ 35,000
Wastewater Treatment Plant	\$ 50,000
Wastewater Collections	\$ 50,000
Contingency	<u>\$ -135,000</u>
TOTAL EXPENDITURES	\$ 0

SECTION 11) Fire District Fund Expenditures are hereby increased \$20,000 from \$648,530 to \$668,530 as shown as follows:

Operations, Capital, & Debt Expenditures	<u>\$20,000</u>
TOTAL EXPENDITURES	\$20,000

SECTION 12) Fire District Fund Revenues are hereby increased \$20,000 from \$648,530 to \$668,530 as shown as follows:

Fund Balance Appropriated	<u>\$20,000</u>
TOTAL REVENUE	\$20,000

SECTION 13) Multi-Use Paths Fund Expenditures are hereby increased \$800,000 from \$615,196 to \$1,415,196 as shown as follows:

Pedestrian Path Expenditures	<u>\$800,000</u>
TOTAL EXPENDITURES	\$800,000

SECTION 14) Multi-Use Paths Fund Revenue is hereby increased \$800,000 from \$615,196 to \$1,415,196 as shown as follows:

Loan From General Fund	\$650,000
Transfer from General Fund	<u>\$150,000</u>
TOTAL REVENUE	\$800,000

SECTION 23) Health Insurance Fund Revenue is hereby increased \$225,000 from \$1,298,000 to \$1,523,000 as shown as follows:

Transfer From General Fund	\$ 50,000
Fund Balance Appropriated	<u>\$175,000</u>
TOTAL REVENUE	\$225,000

SECTION 24) Health Insurance Fund Expenditures are hereby increased \$225,000 from \$1,298,000 to \$1,523,000 as shown as follows:

Health Insurance Claims Paid	<u>\$225,000</u>
TOTAL EXPENDITURES	\$225,000

SECTION 29) Terrell Scruggs Scholarship Fund Revenue is hereby increased \$8,000 from \$11,500 to \$19,500 as shown as follows:

Contributions & Donations	<u>\$ 8,000</u>
TOTAL REVENUE	\$ 8,000

SECTION 30) Terrell Scruggs Scholarship Fund Expenditures are hereby increased \$8,000 from \$11,500 to \$19,500 as shown as follows:

Scholarships, Expenses, & Fund Balance Increased	<u>\$ 8,000</u>
TOTAL EXPENDITURES	\$ 8,000

SECTION 31) That Revenue and Expenditures Sections 1 through Section 30 of the Ordinance Amendment have increased \$1,983,428 from \$27,110,793 to \$29,094,221 as follows:

General Fund	\$10,183,183
Water & Sewer Fund	\$ 5,278,483
Utility Capital Projects Fund	\$ 7,819,034
Capital Reserve Fund	\$ 645,000
Heart of Brevard MSD Fund	\$ 130,700
Bjerg Trust Fund	\$ 100
Fire District Fund	\$ 668,530
Multi-Use Paths Fund	\$ 1,415,196
Narcotics Task Force Fund	\$ 45,100
Downtown Master Plan Fund	\$ 811,167
Other Post-Employment Benefits Fund	\$ 18,750
Bracken Mountain Project Fund	\$ 18,268
Health Insurance Fund	\$ 1,523,000
Housing Trust Fund	\$ 26,536
T.L. Scruggs Scholarship Trust Fund	\$ 19,500
Rosenwald Revitalization Fund	<u>\$ 491,674</u>
TOTAL BUDGET APPROPRIATION	\$29,094,221

Adopted and approved this the 20th day of June, 2016.

K-15. (M-3) French Broad Community Center Use Policy and Rental Agreement – Council adopted the French Broad Community Center Use Policy and Rental Agreement as amended. (Exhibit B)

K-16. (M-4) Resolution No. 2016-14 A Resolution Awarding The Construction Work for the City of Brevard Kings Creek Phase II Sewer Upgrade Project

RESOLUTION NO. 2016-14

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 Gravity Sewer Upgrade Project, herein after; “The Project”; and

WHEREAS, The Project has received approval and permits from the NCDEQ – DWI 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 \$1,435,784 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 Gravity Sewer Upgrade Project at 11:00 A.M. on Thursday, June 2, 2016, 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 Gravity Sewer Upgrade Project (CWSRF Project No. CS370476-06) is hereby awarded to Dillard Excavating Company, Incorporated, NC License #8893, 9411 August Road, Pelzer, SC 29669, for the bid price of \$1,054,000.00, all 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 Dillard Excavating Co. 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 Board periodically on the status of completion of The Project.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 20th day of June, 2016.

K-17. (M-6) Ordinance No. 2016-11 As Amended – An Ordinance Authorizing Development of Downtown Parking Lot

**ORDINANCE NO. 2016-11
As Amended**

AN ORDINANCE AUTHORIZING DEVELOPMENT OF DOWNTOWN PARKING LOT

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 establish a project budget to account for the revenues and expenditures associated with the development of a Downtown Parking Lot at the corner of Jordan and Caldwell Streets; and

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

Section 1. Revenue for the Downtown Parking Lot Project is budgeted as follows:

REVENUE (as amended)	
Downtown Master Plan Fund	\$400,000
Transfer from General Fund	\$300,000
Total Revenue	\$400,000

Section 2. Expenditures for the Clemson Park reconstruction project are budgeted as follows (Fund 83-6200-4500 Clemson Park & Other Downtown):

EXPENDITURES	
Property Purchase	\$300,000

Building Demolition	\$20,000
Grading and Paving	<u>\$80,000</u>
Total Expenditures	\$400,000

Section 3. This Ordinance shall remain in effect until the Downtown Parking Lot Project is completed.

Section 4. 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 5. This Ordinance shall become effective upon its adoption and approval.

~~Approved and adopted on this the 16th day of May, 2016.~~

Approved and adopted as amended (amendment shown in strikeout) this the 20th day of June, 2016.

K-18. (M-8) Board and Committee Appointment – Brevard ABC Board of Directors. Council appointed Mr. Eric Crite to the Brevard ABC Board of Directors filling the vacancy from former member Brian P. Phillips. Term will expire July 2019.

L. Unfinished Business - None

M. New Business

M-5. Ordinance No. 2016-17 An Ordinance Amending Ordinance No. 2016-02 Authorizing Construction of the Probart Street Sidewalk.

Mr. Freeman reported Council authorized and directed the construction of a sidewalk along Probart Street on January 19, 2016, (Ordinance No. 2016-02). Since that date, City Staff and the consulting engineer have been working to complete engineering and design, securing necessary utility easements, negotiating the relocation of Duke Energy and Comporium Communications infrastructure, negotiating site-specific issues with property owners along the corridor, and other necessary steps. Staff initially solicited bids for construction via the informal bidding process. However, it quickly became apparent that the project would exceed the statutory limitations for informal bids (\$500,000). After a second round of bidding consistent with statutory requirements for formal bids, Cooper Construction was identified as the lowest qualified and responsive bidder.

Council and the Manager discussed a few different funding options that could be considered. Manager suggested Council could defer the payment until July 2018, which would allow for the Committee to accomplish other incremental improvements/projects with the \$90,000 that is available.

Following discussion, Mr. Daniel moved, seconded by Ms. Hollingsworth, Council accept the Manager’s recommendation of deferring the payment until July 2018, and to amend the drafted Ordinance to reflect the payment schedule beginning in year 2018, and adopt the Ordinance as amended.

Discussion: Mr. Landreth suggested checking into a loan for the Probart Street improvements could be considered.

Vote on Motion: Motion carried unanimously.

ORDINANCE NO. 2016-17

**AN ORDINANCE AMENDING ORDINANCE NO. 2016-02
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 (as amended)	
10-3990-0000 Fund Balance Appropriated	\$530,000
Total Revenue	\$530,000
78-3990-000 Fund Balance Appropriated	\$72,000
Loan from General Fund	\$650,000
Total Revenue	\$722,000

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

EXPENDITURES (as amended)	
Engineering, Design, Construction	\$530,000
Total Expenditures	\$530,000
Engineering, Design, Construction Administration	\$74,000
Landscaping, Tree Removal	\$38,000
Duke Energy / Comporium Utility Relocation	\$15,000
Contingency	\$25,000
Construction	\$570,000
Total Expenditures	\$722,000

Section 4. Project expenditures will be covered with existing funds with an additional appropriation from the General Fund as a 15 year loan at no interest.

Section 5. The General Fund shall be reimbursed in an interest free loan according to the payment schedule set forth below. Payments shall be made on or before June 30 of each year.

Payment Schedule:

<u>YEAR</u>	<u>PAYMENT</u>	<u>REMAINING BALANCE</u>
<u>2018.....</u>	<u>\$45,000.....</u>	<u>\$605,000</u>
<u>2019.....</u>	<u>\$45,000.....</u>	<u>\$560,000</u>
<u>2020.....</u>	<u>\$45,000.....</u>	<u>\$515,000</u>
<u>2021.....</u>	<u>\$45,000.....</u>	<u>\$470,000</u>
<u>2022.....</u>	<u>\$45,000.....</u>	<u>\$425,000</u>
<u>2023.....</u>	<u>\$45,000.....</u>	<u>\$380,000</u>
<u>2024.....</u>	<u>\$45,000.....</u>	<u>\$335,000</u>
<u>2025.....</u>	<u>\$45,000.....</u>	<u>\$290,000</u>
<u>2026.....</u>	<u>\$45,000.....</u>	<u>\$245,000</u>
<u>2027.....</u>	<u>\$45,000.....</u>	<u>\$200,000</u>
<u>2028.....</u>	<u>\$45,000.....</u>	<u>\$155,000</u>
<u>2029.....</u>	<u>\$45,000.....</u>	<u>\$110,000</u>
<u>2030.....</u>	<u>\$45,000.....</u>	<u>\$65,000</u>
<u>2031.....</u>	<u>\$45,000.....</u>	<u>\$20,000</u>
<u>2032.....</u>	<u>\$20,000.....</u>	<u>\$0</u>

Section 6. This Ordinance shall remain in effect until the Probart Street Sidewalk project is completed.

Section 7. 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 8. This Ordinance (as amended) shall become effective upon its adoption and approval.

~~Approved and adopted this the 19th day of January, 2016.~~
Approved and adopted this the 20th day of June, 2016.

M-7. Ordinance No. 2016-18 City of Brevard FY 2016-2017 Budget Ordinance

Briefly discussed the drafted Fee Schedule banner fees may need to be amended in the near future. Mr. Pratt affirmed Council could adopt the Budget Ordinance with the understanding a budget amendment may be done in the future with respect to banner fees.

Mr. Morrow moved, seconded by Mr. Landreth, Council adopt the FY 2016-2017 Budget Ordinance and Fee Schedule as presented. Motion carried unanimously.

ORDINANCE NO. 2016-18
CITY OF BREVARD
FY 2016-2017 BUDGET ORDINANCE

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

Section 1. It is estimated that the following revenues will be available to the General Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Taxes & Licenses/Permits	\$ 6,092,352
Refuse Collection Fees	\$ 877,000
Transfer from Other Funds	\$ 575,100
Charges to Utility Fund	\$ 600,000
ABC Revenue	\$ 150,000
Other Revenue	\$ 628,150
Fund Balance Appropriated - Capital Budget	\$ 127,500
Proceeds From Borrowing	\$ 323,995
TOTAL REVENUES	\$ 9,374,097

Section 2. The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017 in accordance with the Chart of Accounts heretofore established for the City of Brevard:

	Budget
Governing Body	\$ 97,968
Administrative	\$ 757,559
Finance	\$ 660,291
Legal	\$ 63,000
Planning	\$ 566,779
Parks & Property	\$ 620,423
Police	\$ 2,770,421
Public Services	
• Administration	\$ 377,992
• Garage	\$ 536,030
• Streets Local	\$ 750,988
• Streets Powell Bill	\$ 222,000
• Sanitation	\$ 952,777
• Total Public Services	\$ 2,839,787
Recreation	\$ 101,316
Non-Departmental	\$ 817,914
Economic Development	\$ 72,500
Contingency	\$ 6,139
TOTAL EXPENDITURES	\$ 9,374,097

Section 3. It is estimated that the following revenues will be available to the Water and Sewer Utility Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Water Billings	\$ 2,527,000
Sewer Billings	\$ 2,245,000
Meter Fees	\$ 136,000
Other Revenues	\$ 72,500
Proceeds From Borrowing	\$ 142,199
TOTAL REVENUES	\$ 5,122,699

Section 4. The following amounts are hereby appropriated in the Water and Sewer Utility Fund for the operation of said utilities for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Water Plant Operations	\$ 952,740
Water Distribution	\$ 501,896
Waste Water Treatment Plant Operations	\$ 1,369,489
Sewer Collection	\$ 902,607
Non-Departmental	\$ 1,203,489
Contingency	\$ 192,478
TOTAL EXPENDITURES	\$ 5,122,699

Section 5. It is estimated that the following revenues will be available to the Utility Capital Project Fund for Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
NCDENR Construction Grants & Loans	\$ 16,785,934
TOTAL REVENUES	\$ 16,785,934

Section 6. The following amounts are hereby appropriated in the Utility Capital Project Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Water & Sewer Design/Construction Costs	\$ 16,785,934
TOTAL EXPENDITURES	\$ 16,785,934

Section 7. The following revenues will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Fund Balance Appropriated	\$ 38,000
Impact Fees & Interest Income	\$ 20,000
TOTAL REVENUES	\$ 58,000

Section 8. The following expenditures will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Transfer to Multi Use Paths	\$ 38,000
Increase in Fund Balance	\$ 20,000
TOTAL EXPENDITURES	\$ 58,000

Section 9. It is estimated that the following revenues will be available to the Fire District Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

FEMA Grant	\$ 40,000
Transfer from General Fund	\$ 371,678
Fire District Tax	\$ 333,594
Proceeds From Borrowing	\$ 122,000
Fund Balance Appropriated	\$ 12,000
TOTAL REVENUES	\$ 879,272

Section 10. The following amounts are hereby appropriated in the Fire District Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Operations, Capital, & Debt Expenditures	\$ 879,272
TOTAL EXPENDITURES	\$ 879,272

Section 11. It is estimated that the following revenue will be available to the Terrell L. Scruggs Scholarship Fund beginning July 1, 2016 and ending June 30, 2017:

	Budget
Contributions & Donations	\$ 15,000
TOTAL REVENUES	\$ 15,000

Section 12. The following amounts are hereby appropriated in the Terrell L. Scruggs Scholarship Fund beginning July 1, 2016 and ending June 30, 2017:

	Budget
Scholarships, Expenses, & Fund Balance Incr.	\$ 15,000
TOTAL EXPENDITURES	\$ 15,000

Section 13. It is estimated that the following revenues will be available to the Bjerg Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Interest on Investments	\$ 100
TOTAL EXPENDITURES	\$ 100

Section 14. The following amounts are hereby appropriated in the Bjerg Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Transfer to General Fund	\$ 100
TOTAL EXPENDITURES	\$ 100

Section 15. It is estimated that the following revenues will be available to the Other Post-Employment Benefits Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Transfer from General Fund	\$ 12,000
Transfer from Utility Fund	\$ 6,750
TOTAL REVENUES	\$ 18,750

Section 16. The following amounts are hereby appropriated in the Other Post-Employment Benefits Fund for Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Increase in Fund Balance	\$ 18,750
(Transfer to Irrevocable Trust)	
TOTAL EXPENDITURES	\$ 18,750

Section 17. The following amounts are hereby appropriated in the Health Insurance Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Health Insurance Costs	\$ 1,195,250
TOTAL EXPENDITURES	\$ 1,195,250

Section 18. The following revenue amounts are hereby appropriated in the Health Insurance Fund for Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Transfer from General Fund	\$ 869,750
Transfer from Utility Fund	\$ 258,500
Dental Dependent Premiums	\$ 55,000
Retiree Premiums	\$ 12,000
TOTAL REVENUES	\$ 1,195,250

Section 19. It is estimated that the following revenues will be available to the Heart of Brevard Municipal Service District Tax Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Service District Tax - Current & Prior Years	\$ 125,000
TOTAL REVENUES	\$ 125,000

Section 20. The following amounts are hereby appropriated in the Heart of Brevard Municipal Service District Tax Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Contract Services	\$ 125,000
TOTAL EXPENDITURES	\$ 125,000

Section 21. It is estimated that the following revenues will be available to the Housing Trust Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Developer Loan Payment	\$ 26,600
TOTAL REVENUES	\$ 26,600

Section 22. The following amounts are hereby appropriated in the Housing Trust Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Increase in Fund Balance	\$ 26,600
TOTAL EXPENDITURES	\$ 26,600

Section 23. It is estimated that the following revenues will be available to the Multi-Use Paths Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Miscellaneous Revenue	\$ 25,000
Transfer from General Fund	\$ 90,000
Transfer from Capital Reserve Fund	\$ 38,000
Fund Balance Appropriated	\$ 150,000
TOTAL REVENUES	\$ 303,000

Section 24. The following amounts are hereby appropriated in the Multi-Use Paths Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Pedestrian/Bike Path	\$ 153,000
West Loop Phase 1	\$ 75,000
Railroad Ave.	\$ 75,000
TOTAL EXPENDITURES	\$ 303,000

Section 25. It is estimated that the following revenues will be available to the Narcotics Task Force for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Transylvania County	\$ 15,000
Transfer from General Fund	\$ 15,000
State Controller Payments	\$ 10,000
Federal Asset Fund - Police	\$ 5,000
Interest in Investments	\$ 100
TOTAL REVENUES	\$ 45,100

Section 26. The following amounts are hereby appropriated in the Narcotics Task Force for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Operating Expenses	\$ 45,100
TOTAL EXPENDITURES	\$ 45,100

Section 27. It is estimated that the following revenues will be available to the Rosenwald Revitalization Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Fund Balance Appropriated	\$ 134,000
TOTAL REVENUES	\$ 134,000

Section 28. The following amounts are hereby appropriated in the Rosenwald Revitalization Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Rosenwald Park Improvements	\$ 134,000
TOTAL EXPENDITURES	\$ 134,000

Section 29. It is estimated that the following revenues will be available to the Downtown Master Plan for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Fund Balance Appropriated	\$ 540,000
Heart of Brevard	\$ 11,000
Transfer from General Fund	\$ 180,000
TOTAL REVENUES	\$ 731,000

Section 30. The following amounts are hereby appropriated in the Downtown Master Plan for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017:

	Budget
Clemson Plaza	\$ 340,000
Design & Construction Costs	\$ 191,000
Caldwell Street Improvements	\$ 200,000
TOTAL EXPENDITURES	\$ 731,000

Section 31. The Revenues and Expenditures set forth in Section 1 through Section 30 of this Ordinance are hereby summarized as follows:

	Budget
General Fund	\$ 9,374,097
Water & Sewer Utility Fund	\$ 5,122,699
Utility Capital Projects Fund	\$ 16,785,934
Capital Reserve Fund	\$ 58,000
Fire District Fund	\$ 879,272
Terrell L. Scruggs Scholarship Fund	\$ 15,000
Bjerg Fund	\$ 100
Other Post-Employment Benefits Fund	\$ 18,750
Health Insurance Fund	\$ 1,195,250
Heart of Brevard MSD Fund	\$ 125,000
Housing Trust Fund	\$ 26,600
Multi-use Paths Fund	\$ 303,000
Narcotics Task Force Fund	\$ 45,100
Rosenwald Revitalization Fund	\$ 134,000
Downtown Master Plan Fund	\$ 731,000
TOTAL BUDGET APPROPRIATIONS	\$ 34,813,802

Section 32. There is here hereby levied a tax at the rate of forty eight cents (\$0.4800) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2016 for the purpose of raising the revenue listed as Taxes in the General Fund in Section 2 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$950,000,000 and an estimated collection rate of 99.89%.

Section 33. There is hereby further levied a tax at the rate of twenty-two and one-half cents (\$0.2250) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2016 within the boundaries of the Heart of Brevard Municipal Service District for the purpose of raising the revenue listed as Taxes in the Heart of Brevard Municipal Service District Tax Fund in Section 6 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$57,500,000 and an estimated collection rate of 99%.

Section 34. There is hereby further attached (Exhibit A) to said Ordinance a schedule of taxes, fees, and charges for the General and Utility Funds.

Section 35. The Budget Officer shall be authorized to reallocate departmental appropriations among the various line item expenditures of that department, as said officer believes necessary. The Budget Officer shall be authorized to effect interdepartmental transfers, in the same fund, provided that no departmental budget shall be reduced by more than ten percent without the prior approval of the City Council. Any such transfers shall be reported to the City Council at its next regular meeting and shall be entered in the minutes.

Section 36. Copies of the Budget Ordinance shall be furnished to the Budget Officer and Finance Officer of the City to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Brevard City Code and the General Statutes of the State of North Carolina.

Adopted and approved this the 20th day of June, 2016.

N. Remarks by Officials / Future Agenda Considerations

Mayor Harris thanked and congratulated the Manager/Finance Director and Staff who have worked on the budget. City is in a good cash positon and has benefit of low interest rates as the result of the good work of the Manager. City has worked hard on I&I issues, we have great water, and the City’s aging water and sewer systems and plants is being addressed. He also commended Staff for the improvements and landscape that have been added on the corner of Probart and Caldwell Street, a very visible property in our downtown.

Mr. Daniel requested, in consideration of Ms. Webb’s earlier stated concerns, that the City give thought to what can be done to help those in need with their water bills.

Mr. Landreth stated in follow-up from the two Carolina Pediatric Therapy representatives who spoke earlier, he appreciated their bringing the matter to Council and for their polite presentation. Explained his family are clients and have experienced the difficulties described. There is parking on both sides of the street, utility vehicles, infrastructure is inadequate in this neighborhood, and he expects to see more infrastructure problems with water and sewer. It is not just a parking problem but is now a traffic problem. Parking arrangement is bad, too small and not enough real estate for all that is being done upon it. Area has real challenges from a zoning perspective as no off-street parking has been provided; therefore, it has pushed all to on-street parking. Suggested the City not wait for the unfolding of the Small Area Plan, but rather to address what can be addressed in the short term to try to alleviate the congestion Carolina Pediatric Therapy, the restaurant, gallery, etc., are experiencing.

Mr. Jones asked (a) Staff to look into whether or not SAFE can use their same large truck at their new facility on Broad Street; (b) Asked Chief Harris how the 2-hour time limit is calculated for parking as an individual came to him stating she got a ticket and had 8-minutes that remained on her 2-hour parking space; and, (c) Recently Wilson Drive had issues and therefore the City reduce the speed limit to 20 miles per hour; however, excessive speed is still taking place. Should the City consider making Wilson Drive a one-way street?

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold closed sessions to discuss matters of economic development, potential litigation, and, a personnel matter. City Attorney advised pursuant to **GS § 143-318.11. (a)(3) (4) (5) (6)** it would be appropriate to convene provided separate closed sessions on the matters are held. Closed sessions will require a separate motion, second and vote to discuss the matter. Council will enter and exit regular session for each closed session.

O-1. Closed Session #1 - At 9:06 p.m. Mr. Landreth moved, seconded by Ms. Hollingsworth, Council go into closed session to discuss an economic development matter. Motion carried unanimously. (A ten minute break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 10:05 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

O-2. Closed Session #2 – At 10:05 p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into a second closed session to discuss a potential litigation matter. Motion carried unanimously.

Council Returned to Regular Session – At 11:20 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

O-3. Closed Session #3 – At 11:20 p.m. Mr. Daniel moved, seconded by Mr. Landreth, Council go into closed session to discuss a second potential litigation matter. Motion carried unanimously.

Council Returned to Regular Session – At 11:32 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

O-4. Closed Session #4 – At 11:33 p.m. Council dismissed the City Clerk and City Manager to hold a closed session to discuss a personnel matter. City Attorney will provide Minutes of the closed session, and will provide to the Clerk the record of Council's return to regular session and actions taken (if any) and adjournment.

Council Returned to Regular Session – At 11:39 p.m. Council resumed the meeting in regular session. Minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business the meeting be adjourned at 11:39 P.M. by acclamation.

s/Jimmy Harris
Jimmy Harris
Mayor

s/Desiree D. Perry
Desiree D. Perry
City Clerk

Minutes Approved: August 15, 2016

EXHIBIT A



RESOLUTION

WHEREAS, the City of Brevard City Council wishes to provide a qualified defined contribution plan to the employees of the City of Brevard; and

WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Service 457(b) for public employees of North Carolina.

NOW THEREFORE, be it resolved that the City of Brevard has adopted North Carolina Public Employee Deferred Compensation Plan also known as “NC Deferred Comp” under the terms of the Plan Document and the Third-Party Administrator Agreement. All employees shall become eligible to defer compensation {immediately or waiting period}.

Signed this 20th day of June 2016.

Jimmy Harris
Mayor

Attest:

Desiree D. Perry, CMC, NCCMC
City Clerk

EXHIBIT B

FRENCH BROAD COMMUNITY CENTER USE POLICY AND RENTAL AGREEMENT

281 East French Broad Street, Brevard, NC

The FBCC is available for use by any non-profit civic, professional, social, recreational, community oriented clubs and organizations in the City of Brevard, provided that the membership thereof is not restricted on the grounds of race, color, religion or national origin.

The FBCC is managed and maintained by the City Parks and Property Management Department. The City Clerk is responsible for use scheduling and related administration. The City Manager includes in the budget each year the proposed fees and/or charges for use of the FBCC.

The following restrictions will apply in both approving the use of FBCC by any group and in the actual use thereof:

Reservations

1. Reservations shall be made at least seven (7) days prior to scheduled meeting or event.
2. The FBCC is available for reservations Monday through Saturday on both a first come, first serve basis, or, on a continuing basis.
3. The FBCC is only available for use on Sunday when it has not been reserved the previous Saturday. Upon written request, the City Manager is authorized to waive this provision to approve use of the FBCC on a Sunday following a Saturday of use when he determines a waiver is warranted.
4. Reservation is for the hours specified on application that has been approved by the City of Brevard. Please make sure that you request enough time for setup and cleanup.
5. All activities at the French Broad Community Center shall be restricted to the period 7:00 A.M. to 11:00 PM.
6. There is a 7-day cancellation policy. Any user or group wishing to cancel their reservation must do so in writing to the City Clerk. There will be a full refund of both the key and security deposit if cancellation is done at least seven (7) days before scheduled use.

Continuing Reservations

1. A group may reserve a continuing reservation for one or two days per week at no cost. The period of a continuing reservation may be granted for up to one year and will be reviewed periodically by the City Manager and City Clerk. Continuing reservations are not permanent.
2. Upon written request, the City Manager is authorized to negotiate a rental rate for a group desiring to use the FBCC for more than two days in a 7-day period.

Deposits – Key, Use and Forfeit of Deposit(s)

1. A refundable key deposit of ten dollars (\$10) shall be made when a reservation is scheduled.
2. A refundable security deposit of fifty dollars (\$50) shall be made at the time of the reservation.
3. Key deposit will be refunded, upon request, following use provided the FBCC key was returned immediately after the reserved time.
4. Security deposit will be refunded, upon request, following use provided the FBCC was left neat and clean, trash was placed into dumpster, lights were turned off and both doors were locked.
5. Security deposit will be forfeited when a group fails to cancel their reservation at least seven (7) days prior to their reserved time.

Key to FBCC

1. Key is picked up at the Brevard Police Department Dispatch office located at 114 West Jordan Street, Brevard.
2. Group representative will be required to show ID before obtaining the key.
3. Key may be picked up 30 to 45 minutes prior to scheduled reservation and must be returned immediately following scheduled reservation.

Parking

1. Ten (10) paved off-street parking spaces are provided at the FBCC.
2. Keep all vehicles off of the adjoining property owner's lawns.
3. On-street parking on French Broad, Appletree or Franklin Streets shall not be permitted incidental to the use of the FBCC.

4. There shall be no parking in the driveways or in any manner so as to interfere with the use of private drives.

Prohibited

1. Fire Regulations – Maximum occupancy is 90 people.
2. No fireworks of any kind may be set off in or outside of the FBCC.
3. The FBCC is a no smoking facility. Smoking is not allowed inside the building, but is allowed outside.
4. The consumption of alcoholic beverages inside or upon the FBCC premises is prohibited.
5. Illegal drugs or substances are not allowed in or on the premises of the FBCC.
6. Weapons are not allowed in or on the FBCC premises.
7. Animals of any kind are not permitted inside any part of the FBCC. Exception: Animals trained as assistance for legally blind or handicapped individuals.
8. No use shall be permitted at the FBCC which are prejudicial to the rights and privileges of adjacent and nearby property owners and residents due to the sounds or activities generated there from.

Using FBCC

1. No use shall be approved which involves the keeping of items of furniture, equipment and/or materials which by their presence in the FBCC will interfere with the use thereof by other groups.
2. The City of Brevard will not be responsible for any stolen goods.
3. The tables and chairs may be re-arranged to fit your group needs, but must be returned to their original places at the end of your event. Do not remove tables or chairs from the FBCC.
4. No decorations of any kind, i.e., plaques, pictures, or any other objects shall be fastened to the walls, ceilings, windows or lighting fixtures by use of nails, tacks, screws, tape, etc. No use of confetti, silly string, etc., will be permitted. Any fixtures, furniture, displays or decorations provided by the user(s) must be removed from the building immediately following the use of same, so the building will be ready for the next group. Failure to remove items shall be cause of revocation of security deposit.

Clean Up

1. All groups or users are expected to leave the premises in substantially the same condition in which they found it.
2. Inside trash receptacles and liners, broom and dustpan are provided for your use.
3. Paper products are provided for the restrooms.
4. All equipment used is to be returned to its original location and in good condition.
5. All tables, chairs, kitchen counter, sink, and floors are to be free of trash, debris, food and spills.
6. At the end of your event, all trash must be removed and deposited into the dumpster located either in front or behind the FBCC.
7. Turn out lights.
8. Lock both the front and back door.
9. Return key to Brevard Police Department Dispatch immediately following reserved time.

The City Council reserves the right to waive or modify any or all provisions hereof.

FBCC Use Policy Adopted by City Council: November 17, 1980

Policy Revised:

January 18, 1982

January 3, 1984

February 2, 1987

June 20, 2016