

**MINUTES  
BREVARD CITY COUNCIL  
Regular Meeting  
June 17, 2019 – 7:00 PM**

The Brevard City Council met in regular session on Monday, June 17, 2019, 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 Charlie Landreth, Maureen Copelof, Gary Daniel and Maurice Jones.

**Staff Present** – City Attorney Michael Pratt, City Clerk Jill Murray, Deputy Finance Director Tom Whitlock, Executive Assistant to City Manager Denise Hodsdon, Fire Chief Bobby Cooper, Planning Director Daniel Cobb, Planner Aaron Bland, Police Chief Phil Harris, Detective Aaron Thompson, Human Resources Director Kelley Craig and Public Works Director David Lutz.

**Absent:** Jim Fatland, Finance Director and City Manager.

**Press** – Matthew McGregor, 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** – Dr. Mike Miller of the Transylvania Baptist Association, 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** – Mayor Harris asked that the supplement to the Budget Ordinance (Item M-1) and the ABC Board Appointment of Teri Rahn, be added to the agenda. Mr. Landreth added that Item K-2 should read as FY19, not FY19-20. Mr. Landreth moved, seconded by Mr. Jones, the agenda be approved to add the ABC appointment to consent and add the Supplement to Item M-1 as amended. Motion carried unanimously.

**F. Approval of Minutes** – Mr. Jones moved, seconded by Mr. Morrow, the May 20, 2019 minutes and the June 2, 2019 budget work session minutes be approved as presented. Motion carried unanimously.

**G. Certificates / Awards / Recognition –**

**G-1. Proclamation 2019-11. Bethel “A” Baptist Church 100<sup>th</sup> Anniversary Day July 28, 2019.** Mayor Harris read the proclamation aloud and presented it to Maurice Jones.

**Proclamation No. 2019-11  
Bethel “A” Baptist Church  
100<sup>th</sup> Anniversary Day  
July 28, 2019**

**WHEREAS**, Bethel “A” Baptist Church is commemorating its 100<sup>th</sup> church anniversary on July 28, 2019, communities and congregations from all over are coming together to help celebrate the marvelous vision *“Inspired, Committed and United, we are an ICU, a place where brokenness is mended by living our faith in Jesus Christ such that, through us, our neighbors can see Him, feel Him and want to experience Him personally.”* and

**WHEREAS**, with every new pastor that came through Bethel “A” Baptist Church, it appeared that God gave each a vision to do something that would improve and enrich the church family; and

**WHEREAS**, Bethel "A" has continued to advance and grow over the years, starting Rise and Shine Freedom School, CDF touching youth and family members of the community throughout Transylvania County; and, **WHEREAS**, Bethel "A" has undergone many transformations over the past 100 years, the original God – given vision remains; *"We are an ICU, a place where brokenness is mended by living our faith in Jesus Christ such that, through us, our neighbors can see Him, feel Him and want to experience Him personally."*

**NOW, THEREFORE**, I, Jimmy Harris, Mayor of the City of Brevard, hereby honor the 100<sup>th</sup> anniversary of Bethel "A" Baptist Church and proclaim, Sunday, July 28, 2019, as Bethel "A" Baptist Church Day within the City and urge all the citizens of Brevard to pay special tribute to this church on the occasion of their 100<sup>th</sup> anniversary.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Brevard, North Carolina, to be affixed this the 17<sup>th</sup> day of June, 2019.

**G-2. Recognition of Terrell Scruggs Scholarship Recipients.** The following 2019 Scholarship recipients were recognized and present; Maggie Morris, Azilee Grace Owen, Alyssa Lefler, Bethany Farmer, John Nguyen and Allison Snyder. Also present was Terrell Scruggs Scholarship Committee Member Betty Scruggs and Sue Fox.

#### **H. Public Hearing(s) -**

##### **H-1. City of Brevard FY2019-2020 Budget & Fee Schedule.**

Mayor Harris opened the public hearing at 7:19 p.m.

Tom Whitlock reported the highlights of the budget which included giving money to the following non-profits: Bread of Life \$5,000; Farmers Market \$20,000; Boys/Girls Club \$5,000; Sharing House \$12,500; TC Arts Council \$10,000; Heart of Brevard \$30,000; Fireworks Participation \$15,000 and Chamber of Commerce \$3000. He added that there is no City tax increase, no Heart of Brevard tax increase, the City will now start collecting property tax for the City and the Heart of Brevard, 4% water and sewer rate increase and replacement of large water meters and set monthly meter fee.

Mayor Harris thanked Mr. Whitlock for his work on the budget.

##### Public Hearing Participation -

Carole Deddy, 37 High Bush Lane, Brevard, is upset that the City of Brevard taxes have been proposed with a zero increase. The County is increasing their taxes approximately 30% or in my case, my taxes will increase \$60 this year. The City of Brevard is in the enviable position to comfortably propose a decrease in City taxes this year. Included in the proposed City budget is \$520,000 for a faux railroad depot that was originally supposed to be a historic buildout funded entirely from donations. This railroad building is no longer free because it is not funded by donations. My City taxes will decrease by approximately \$100-\$130 if this faux railroad depot is not funded by the taxpayers as is proposed in tonight's City budget. This means my taxes would increase \$470 this year primarily from the County. Not a huge bargain considering the courthouse issue, the EMS solution and water security has not been addressed in any budgets. Further, what appears free this year will result in maintenance and renewal costs next year and forever thereafter. If there was a huge outcry for a faux railroad depot, the fundraising effort to raise the approximately \$600,000 would have been successful but the effort was not successful which should be a good indicator that it is not desired nor needed. The 600 or so City residents have already witnessed water increases of 300% or so when the message appears to be "no proposed City tax increase". The reality is we're paying more for basic City services again. I urge you to purge the City budget of \$520,000 set aside for this railroad building for which there has been no demand or desire for it to exist by the residents who will pay the bill. If bathrooms are deemed so necessary for this particular spot then allow the donations to pay for them, after all, that was the original intent. We do not desire or need more outdoor venues. The beautiful atrium at the library is used only 8 nights per year. Where is the synergy between the City and County governments? The thoughtlessness

of the railroad proposal is demeaning and causes me to lose respect for the credibility for City Council messaging, "no tax increase".

Leslie Logemann said as the manager for the Transylvania Farmers Market, I just wanted to say thank you. It was a very pleasant surprise when I got the phone call saying that our grant funding had been raised to allow us to help to pay for SNAP/EBT and I'm very very thankful for that. We have already started that process and we're in the process of purchasing the equipment and the tokens that it will take. We are also applying for a grant that will allow us to match those dollars so that would mean that if someone came to our market and wanted to use their EBT card and they wanted to pay out \$10, this grant, should we receive it, would allow us to match that and they would get \$10 matching in additional fruits and vegetables. I'm hopeful that the grant will come through and help our market be more successful in offering that program to our citizens. Mostly I just wanted to say thank you and I sit on the Heart of Brevard Board and I will say thank you on behalf of them as well for the funding and help with the fireworks. Thank you so much.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 7:30 p.m.

### **I. Public Participation –**

Mike Pratt explained that if anyone wants to speak about a personnel matter, they are entitled to do so, however, Council can listen but cannot comment on a personnel matter.

Carol Deddy of 37 High Bush Lane, Brevard, said that the City is going to send their own tax bill and the County is going to send their own tax bill and it's beyond me to understand how's its cost effective for the City to send a bill and the County to send a bill. Certainly, I, as a resident, don't really appreciate getting two checks to write instead of one and I clearly do not understand the financial appropriateness of separating. I don't understand with a small community of 6,000 residents in the City, why we need to be separate from the governance of the County. We've talked about merging high schools, we've talked about other synergies, but we never talked about why we need two sets of governing bodies with so few residents. There's 30,000 residents in the County, there's only 6,000 of us in the City. When there's no synergy, we as residents have to wonder. I do not understand the financial appropriateness of separating. Look at the synergy together. I urge you to reconsider.

Jim Reubion of 50 Laurelwood Lane, Pisgah Forest said that his wife and he have been here for 20 years. I served in the U.S. Marine Corps and I was shocked and disappointed and really disgusted when I read that the City Manager was out of uniform. That is a huge no-no. I'm stunned that someone would even offer an excuse. I believe he said a relative had a uniform from a different branch of service. That makes no difference. The DD214 was mentioned as well. It states that you have served your country credibly. I was so thankful to get that. That means everything to me. To compound the misery, there were two City employees, gainfully employed, that are good people that got fired because they reported something that was egregious. I'm going to go meet this guy somehow, somewhere and tell him what I think. He works for us, we don't work for him. He needs us more than we need him. We can get a million City Managers.

Debbie Wilson of 27 MaGaha Mountain Road, Brevard said she's a lifelong resident. My parents were born and raised here and my son, Richard Carl Travis, from the time he knew what a fire truck was, that was his destiny in life. All he wanted to do was to be a Firefighter. He's been injured three times in this endeavor. It's unconscionable that as a first time offense of any kind, that he could be totally dismissed from his position. Summer has worked for the Fire Department as well, not as many years as Carl, but she has also put in many hours of not only service but also of continuing education. She worked as a 911 dispatcher as well. It's unbelievable that they would both be removed from their position over something that everyone has agreed, is totally wrong. I can't believe the apology that this man presented, that he

grabbed the wrong coat, he was in a hurry, and he didn't realize what he did. That is just unbelievable for someone who has been in the military. What really confounds me is that he mixed Airforce and Coast Guard ribbons and was told that he should not wear or participate in the parade, he continued to do so as well so how that could possibly be considered to be ok but yet my son and his wife be dismissed after 25 years. I feel that everyone should reconsider.

Erika Potter of 273 Chelsea Circle, Pisgah Forest agrees with what everyone said. I was disappointed how this was handled. I really think that the firing of these two wonderful people actually made it worse. If they wouldn't have fired these two people, they wouldn't be having a conversation on Facebook right now. It's not going to go away. You all need to think about that kind of stuff.

Diane Daniel of 90 Whitmire Street, Brevard said she has much of the same issues with the depot project. I am very excited about what the City is doing with pedestrian walkways and I'm here to thank you all for putting in the crosswalk by the Methodist Church over to the College. Also, thank you for continuing to work through the issues that are at the heart of many people who have been speaking about how we spend our money in this town. We have a long list of things that need to be done before we spend too much on something that's been fairly newly put on the slate.

Crystal Merrill of P.O. Box 357, Penrose, said I am still a registered voter of the City of Brevard but moving to Penrose. Two issues I come from a thick military family. I found it disgusting and disrespectful to the whole town that Mr. Fatland showed up the way he did and he was asked to step down and he refused to. He could have taken his jacket off and walked in his shirt and pants. Summer and Carl were not the first ones to call him out and they were not the last, but they were the only two dismissed. My main objective is to give you this petition. You will find the letter, the comments and the 910 signatures as of when I left the house and the signatures are still coming in.

## **J. Special Presentation**

### **J-1. Oath of Office Tom Whitlock.**

State of North Carolina  
County of Transylvania  
City of Brevard

I, **Thomas C. Whitlock**, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Tax Collector of the City of Brevard, North Carolina, and that I will not allow my actions as Tax Collector to be influenced by personal or political friendships or obligations, so help me God.

s/Tom Whitlock \_\_\_\_\_

Oath Administered by:  
Jill Murray, City Clerk  
June 17, 2019

**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 Mr. Landreth that items M2, M3, M4, M5 and M6 added to the Consent Agenda and be approved as amended. Motion carried unanimously.

### **K-1. Staff Reports:**

- a. Financial Report for month ending May, 2019.
- b. Public Works Monthly Report, April 2019.
- c. Police Department Quarterly Report Jan-March 2019.

### **K-2. Ordinance No. 2019-13 - FY19 Budget Amendment No. 3**

**ORDINANCE NO. 2019-13**  
**AN ORDINANCE AMENDING THE FY2018-2019 BUDGET**  
**AMENDMENT NO. THREE**

**WHEREAS**, the City Council of the City of Brevard previously approved the Annual Budget (Ordinance No. 2018-13); Budget Ordinance Amendment No. 1 (Ordinance No. 2019-06); Budget Ordinance Amendment No. 2 (Ordinance No. 2019-10); and

**WHEREAS**, it is necessary to make amendments to the budgets to reflect additional revenue, appropriation of fund balance, and expenditures for Fiscal Year 2018-2019.

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

**SECTION 01) General Fund** Revenue is hereby increased \$164,000 from \$11,059,150 to \$11,223,150 as shown as follows:

Property Tax	\$ 25,000
Zoning Administration	\$ 31,500
Wine & Beer Tax	\$ 4,500
Parking Violation Penalties	\$ 3,000
Fund Balance Appropriation	<u>\$ 100,000</u>
<b>TOTAL REVENUES</b>	<b>\$ 164,000</b>

**SECTION 02) General Fund** Expenditures are hereby increased \$164,000 from \$11,059,150 to \$11,223,150 as shown as follows:

Planning Department	\$ 100,000
Streets Local	\$ 44,000
Recreation	<u>\$ 20,000</u>
<b>TOTAL EXPENDITURES</b>	<b>\$ 164,000</b>

**SECTION 03) WATER & SEWER UTILITY FUND** Revenues are hereby increased \$114,000 from \$6,297,497 to \$6,411,497 as shown as follows:

Transfer from Utility Capital Projects Fund	<u>\$ 114,000</u>
<b>TOTAL REVENUE</b>	<b>\$ 114,000</b>

**SECTION 04) WATER & SEWER UTILITY FUND** Expenditures are hereby increased \$114,000 from \$6,297,497 to \$6,411,497 as shown as follows:

Sewer Collections	<u>\$ 114,000</u>
<b>TOTAL EXPENDITURES</b>	<b>\$ 114,000</b>

**SECTION 05) UTILITY CAPITAL PROJECT FUND** Revenues remain unchanged from \$1,200,000 to \$1,200,000 as shown as follows:

Transfer from Capital Reserve	\$ 200,000
Cathey's Creek Intake Grant	<u>\$1,000,000</u>
<b>TOTAL REVENUES</b>	<b>\$1,200,000</b>

**SECTION 06) UTILITY CAPITAL PROJECT FUND** Expenditures remain unchanged from \$1,200,000 to \$1,200,000 as shown as follows:

Waste Water Treatment Plant Rehab	\$ 86,000
Cathey's Creek Intake Project	\$1,000,000
Transfer to Utility Fund	<u>\$ 114,000</u>
<b>TOTAL EXPENDITURES</b>	<b>\$1,200,000</b>

**SECTION 33)** That Revenues and Expenditures Section 1 through Section 32 of the Ordinance have increased \$278,000 from \$23,643,894 to \$23,921,894 as follows:

	<b>Budget</b>
<b>General Fund</b>	<b>\$ 11,223,150</b>
<b>Water &amp; Sewer Utility Fund</b>	<b>\$ 6,411,497</b>
<b>Utility Capital Projects Fund</b>	<b>\$ 1,200,000</b>
<b>Capital Reserve Fund</b>	<b>\$ 200,000</b>
<b>Fire District Fund</b>	<b>\$ 728,863</b>
<b>Terrell L. Scruggs Scholarship Fund</b>	<b>\$ 22,000</b>
<b>Bjerg Fund</b>	<b>\$ 100</b>
<b>Other Post-Employment Benefits Fund</b>	<b>\$ 18,750</b>
<b>Health Insurance Fund</b>	<b>\$ 1,455,245</b>
<b>Heart of Brevard MSD Fund</b>	<b>\$ 146,000</b>
<b>Housing Trust Fund</b>	<b>\$ 3,026</b>
<b>Multi-use Paths Fund</b>	<b>\$ 965,000</b>
<b>911 Communications Fund</b>	<b>\$ 40,163</b>
<b>Narcotics Task Force Fund</b>	<b>\$ 55,100</b>
<b>Rosenwald Revitalization Fund</b>	<b>\$ 892,000</b>
<b>Downtown Master Plan Fund</b>	<b>\$ 561,000</b>

Adopted and approved this 17<sup>th</sup> day of June 2019.

**K-3. Resolution No. 2019-11 – Approving Financing Terms.**

**RESOLUTION NO. 2019-11**

**A RESOLUTION APPROVING FINANCING TERMS**

**WHEREAS:** The City of Brevard ("City") has previously determined to undertake a project for purchasing capital equipment (the "Project") costing \$334,793 and the Finance Officer has now presented a proposal for the financing of such Projects as listed below:

DEPARTMENT	EQUIPMENT
<b>PUBLIC WORKS</b>	
ADMINISTRATION	Ford F250 Pickup Truck
STREETS LOCAL	John Deere Compact Loader
SEWER COLLECTIONS	Western Star Tandem Axle Dump Truck
SEWER COLLECTIONS	IBAK Sewer Video Camera System

**BE IT THEREFORE RESOLVED, as follows:**

1. The City hereby determines to finance the Project through Sun Trust Bank Inc., in accordance with the proposal dated June 12, 2019. The amount financed shall not exceed \$334,793, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.578%, and the financing term shall not exceed ten (10) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Sun Trust Bank, Inc. financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted and approved this 17<sup>th</sup> day of June 2019.

**K-4. Correspondence (No Action. Offered as information only.)**

- a. Transylvania County Building Permit Activity Report, May, 2019.
- b. TCart's Gallery Walk.

**K-5. (M-2) Resolution No. 2019-13 - Directing the Tax Collector Not to Collect Ad Valorem Taxes When the Original Principal Amount Due is \$5.00 Or Below.**

**RESOLUTION NO. 2019-13**

**DIRECTING THE TAX COLLECTOR NOT TO COLLECT  
AD VALOREM TAXES WHEN THE  
ORIGINAL PRINCIPAL AMOUNT DUE IS \$5.00 OR BELOW**

**WHEREAS**, by adoption of Senate Bill 49 and in accordance with G.S. 105-321 (f) the 1995 General Assembly has authorized the governing body or bodies of a taxing unit that collects its own taxes to direct, by Resolution, it's assessor and tax collector not to collect minimal taxes charged on the tax records and receipts; and

**WHEREAS**, minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt or on a tax notice in a total original principal amount that does not exceed an amount, up to \$5.00, set by the governing body or bodies; and

**BE IT RESOLVED** by the Brevard City Council that the Brevard Tax Collector is directed not to collect the combined taxes and fees of City of Brevard and any other unit of government for which it collects taxes, due on a tax notice prepared pursuant to GS105-350, when the total original principal amount is \$5.00 or less; and

**BE IT FURTHER RESOLVED** that this resolution shall be effective with respect to the 2019 tax year, and shall remain in effect until amended or repealed by resolution of the Brevard City Council.

Approved and adopted the 17<sup>th</sup> day of June, 2019.

**K-6 (M3) Resolution No. 2019-12 – Directing The City Of Brevard Tax Collector To Collect Taxes For The City Of Brevard, NC.**

**RESOLUTION NO. 2019-12**

**RESOLUTION DIRECTING THE CITY OF BREVARD  
TAX COLLECTOR TO COLLECT TAXES  
FOR THE CITY OF BREVARD, NC**

**WHEREAS**, the Machinery Act of North Carolina allows for the collection of taxes on all real and personal property located within the municipality; and

**NOW, THEREFORE, BE IT RESOLVED** by the Brevard City Council that the City of Brevard Tax Collector be authorized, empowered, and commanded to levy and collect the taxes of the City of Brevard, and any other unit of government for which it collects taxes, as set forth in the tax records filed in the office of the City of Brevard Tax Collector in the amounts and from the taxpayers likewise therein set forth;

**BE IT FURTHER RESOLVED** that such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the City of Brevard and any other unit of government for which it collects taxes. This order shall be a full and sufficient authority to direct, require, and enable the Tax Collector to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Approved and adopted this the 17<sup>th</sup> day of June 2019.

**K-7 (M4) Ordinance No. 2019-15 – Amending Brevard City Code, Chapter 77 Parks and Recreation.**

**ORDINANCE NO. 2019-15**

**AN ORDINANCE AMENDING  
BREVARD CITY CODE, CHAPTER 77  
PARKS AND RECREATION**

**WHEREAS**, the City Council of the City of Brevard finds that the proposed amendments to Chapter 77 of Brevard City Code are in the best interests of the Citizens of Brevard; and

**WHEREAS**, the North Carolina Legislature, recognizing (1) the exposure to liability from lawsuits for hazardous recreational activities such as skateboarding, (2) the prohibitive cost of insurance for such

activities, and (3) that the risks and dangers inherent in such activities should be assumed by those participating in these activities, has enacted Article 3 of Chapter 99E of the North Carolina General Statutes to encourage governmental owners of property to make land available for skateboarding; and

**WHEREAS**, Article 3 of Chapter 99E of the North Carolina General Statutes limits liability for damages that might arise out of a person's participation in skateboarding on municipal property when the municipality adopts an ordinance requiring the use of certain protective equipment and posts appropriate signage; and

**WHEREAS**, the City of Brevard desires to make available certain land located within the Tannery Park to operate as a Skate Park and make rules regulating its use in accordance with Article 3 of Chapter 99E of the North Carolina General Statutes.

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

**SECTION 1.** Brevard City Code Chapter 77 is amended as described in EXHIBIT A.

**SECTION 2.** If any provision of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

**SECTION 3.** This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 17<sup>th</sup> day of June, 2019.

**K-8 (M5) Ordinance No. 2019-16 – Amending the City Of Brevard Code Of Ordinances – Chapter 50-38 Compensation, Fire Department.**

**ORDINANCE NO. 2019-16**

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF ORDINANCES – CHAPTER 50-38 COMPENSATION, FIRE DEPARTMENT**

WHEREAS, the City of Brevard Fire Department has recommended an amendment to Chapter 50-38 of the Brevard City Code; and,

WHEREAS, after review and consideration of the proposed amendment, it is the desire of City Council to approve the amendment as recommended; and,

WHEREAS, the City Council of the City of Brevard, after hearing all persons wishing to comment on the amendment, desires to approve said amendment.

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

**SECTION 1.** Section 50-38 of the Brevard City Code is hereby amended as described herein and attached as Exhibit A.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the 17<sup>th</sup> day of June, 2019.

**K-9 (M6) Board and Committee Appointment(s):**

Tom Tartt was appointed to the Board of Adjustment for the City and Nancy DePippo was appointed to the Parks, Trails and Recreation Committee.

**L. Unfinished Business – None**

**M. New Business –**

**M-1. Ordinance No. 2019- 14 – City Of Brevard FY2019-2020 Budget Ordinance.**

**ORDINANCE NO. 2019-14**

**CITY OF BREVARD  
FY 2019-2020 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, 2019 and ending June 30, 2020:

	Budget
Taxes & Licenses/Permits	\$ 6,533,865
Refuse Collection Fees	\$ 886,000
Transfer from Other Funds	\$ 646,000
Franchise Sales Tax	\$ 585,000
ABC Revenue	\$ 150,000
Other Revenue	\$ 835,650
Fund Balance Appropriated	\$ 135,000
Proceeds From Borrowing	\$ 1,109,730
<b>TOTAL REVENUES</b>	<b>\$ 10,881,245</b>

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, 2019 and ending June 30, 2020 in accordance with the Chart of Accounts heretofore established for the City of Brevard:

	Budget
Governing Body	\$ 104,668
Administrative	\$ 676,105
Finance	\$ 774,903
Legal	\$ 65,500
Planning	\$ 629,259
Building and Grounds	\$ 333,747
Police	\$ 3,095,564
Public Services	
• Administration	\$ 426,514
• Garage	\$ 610,586
• Streets Local	\$ 741,857
• Streets Powell Bill	\$ 222,000
• Sanitation	\$ 1,027,325
• Total Public Services	\$ 3,028,282
Recreation	\$ 208,254
Non-Departmental	\$ 1,887,963
Economic Development	\$ 77,000
Contingency	0
<b>TOTAL EXPENDITURES</b>	<b>\$ 10,881,245</b>

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, 2019 and ending June 30, 2020:

	Budget
Water Billings	\$ 2,844,875
Sewer Billings	\$ 2,528,145
Meter Fees	\$ 181,800
Other Revenues	\$ 190,000
Proceeds From Borrowing	\$ 197,562
Fund Balance Appropriated	\$ 250,172
<b>TOTAL REVENUES</b>	<b>\$ 6,192,554</b>

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, 2019 and ending June 30, 2020:

	Budget
Water Plant Operations	\$ 829,149
Water Distribution	\$ 566,549
Waste Water Treatment Plant Operations	\$ 1,668,239
Sewer Collection	\$ 806,007
Non-Departmental	\$ 2,322,610
Contingency	\$ -
<b>TOTAL EXPENDITURES</b>	<b>\$ 6,192,554</b>

Section 5. It is estimated that the following revenues will be available to the Utility Capital Project Fund for Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Transfer From Capital Reserve	\$ 80,000
Cathey's Creek Intake Grant	\$ 1,000,000
AMR Radio Read Large Meter Loan	\$ 380,120
<b>TOTAL REVENUES</b>	<b>\$ 1,460,120</b>

Section 6. The following amounts are hereby appropriated in the Utility Capital Project Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Waste Water Treatment Plant Rehab	\$ 80,000
Cathey's Creek Intake Project	\$ 1,000,000
AMR Meter Purchase & Installation	\$ 380,120
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,460,120</b>

Section 7. The following revenues will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Fund Balance Appropriated	\$ 80,000
Impact Fees & Interest Income	
<b>TOTAL REVENUES</b>	<b>\$ 80,000</b>

Section 8. The following expenditures will be continued for the Capital Reserve Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Transfer to Capital Projects Fund	\$ 80,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 80,000</b>

Section 9. It is estimated that the following revenues will be available to the Fire District Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Transfer from General Fund	\$ 438,664
Fire District Tax	\$ 382,804
Loan Proceeds	\$ 650,000
<b>TOTAL REVENUES</b>	<b>\$ 1,471,468</b>

Section 10. The following amounts are hereby appropriated in the Fire District Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Operations, Capital, & Debt Expenditures	\$ 1,471,468
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,471,468</b>

Section 11. It is estimated that the following revenue will be available to the Terrell L. Scruggs Scholarship Fund beginning July 1, 2019 and ending June 30, 2020:

	Budget
Contributions & Donations	\$ 22,000
<b>TOTAL REVENUES</b>	<b>\$ 22,000</b>

Section 12. The following amounts are hereby appropriated in the Terrell L. Scruggs Scholarship Fund beginning July 1, 2019 and ending June 30, 2020:

	Budget
Scholarships, Expenses, & Fund Balance Incr.	\$ 22,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 22,000</b>

Section 13. It is estimated that the following revenues will be available to the Bjerg Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Interest on Investments	\$ 1,000
<b>TOTAL REVENUES</b>	<b>\$ 1,000</b>

Section 14. The following amounts are hereby appropriated in the Bjerg Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Transfer to General Fund	\$ 1,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,000</b>

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, 2019 and ending June 30, 2020:

	Budget
Transfer from General Fund	\$ 20,400
Transfer from Utility Fund	\$ 9,600
<b>TOTAL REVENUES</b>	<b>\$ 30,000</b>

Section 16. The following amounts are hereby appropriated in the Other Post-Employment Benefits Fund for Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Increase in Fund Balance	\$ 30,000
(Transfer to Irrevocable Trust)	
<b>TOTAL EXPENDITURES</b>	<b>\$ 30,000</b>

Section 17. The following revenue amounts will be available in the Health Insurance Fund for Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Transfer from General Fund	\$ 1,054,900
Transfer from Utility Fund	\$ 301,400
Dental Dependent Premiums	\$ 38,000
Employee Premiums	\$ 93,000
Retiree Premiums	\$ 33,000
<b>TOTAL REVENUES</b>	<b>\$ 1,520,300</b>

Section 18. The following amounts are hereby appropriated in the Health Insurance Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Health Insurance Costs	\$ 1,520,300
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,520,300</b>

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, 2019 and ending June 30, 2020:

	Budget
Service District Tax - Current & Prior Years	\$ 146,000
Transfer from General Fund	\$ 11,000
<b>TOTAL REVENUES</b>	<b>\$ 157,000</b>

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, 2019 and ending June 30, 2020:

	Budget
Contract Services	\$ 146,000
Transfer to Downtown Master Plan	\$ 11,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 157,000</b>

Section 21. It is estimated that the following revenues will be available to the Housing Trust Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Developer Loan Payment	\$ 2,820
<b>TOTAL REVENUES</b>	<b>\$ 2,820</b>

Section 22. The following amounts are hereby appropriated in the Housing Trust Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Increase in Fund Balance	\$ 2,820
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,820</b>

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, 2019 and ending June 30, 2020:

	Budget
Miscellaneous Revenue	
Transfer from General Fund	\$ 180,000
Fund Balance Appropriated	\$ 700,000
<b>TOTAL REVENUES</b>	<b>\$ 880,000</b>

Section 24. The following amounts are hereby appropriated in the Multi-Use Paths Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Pedestrian/Bike Path	\$ 296,959
Skate Park Project	\$ 8,041
Depot Project	\$ 530,000
Loan Reimbursement to General Fund	\$ 45,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 880,000</b>

Section 25. It is estimated that the following revenues will be available to the 911 Communications Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020.

	Budget
911 Communication Funding	\$ 56,972
<b>TOTAL REVENUES</b>	<b>\$ 56,972</b>

Section 26. The following amounts are hereby appropriated in the 911 Communications Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Operating Expenses	\$ 56,972
<b>TOTAL EXPENDITURES</b>	<b>\$ 56,972</b>

Section 27. It is estimated that the following revenues will be available to the Narcotics Task Force for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Transylvania County	\$ 15,000
Transfer from General Fund	
State Controller Payments	\$ 10,000
Brevard ABC Board	\$ 10,000
Federal Asset Fund - Police	
Interest in Investments	\$ 100
<b>TOTAL REVENUES</b>	<b>\$ 35,100</b>

Section 28. The following amounts are hereby appropriated in the Narcotics Task Force for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Operating Expenses	\$ 35,100
<b>TOTAL EXPENDITURES</b>	<b>\$ 35,100</b>

Section 29. It is estimated that the following revenues will be available to the Rosenwald Revitalization Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Transfer from General Fund	\$ 800,000
Fund Balance Appropriated	
<b>TOTAL REVENUES</b>	<b>\$ 800,000</b>

Section 30. The following amounts are hereby appropriated in the Rosenwald Revitalization Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Mary C. Jenkins Center	\$ 800,000
Fund Balance Appropriated	
<b>TOTAL EXPENDITURES</b>	<b>\$ 800,000</b>

Section 31. It is estimated that the following revenues will be available to the Downtown Master Plan for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Fund Balance Appropriated	\$ 514,729
Heart of Brevard	\$ 11,000
Transfer from General Fund	\$ 180,000
Jordan St. Parking Lot Revenue	\$ 50,000
<b>TOTAL REVENUES</b>	<b>\$ 755,729</b>

Section 32. The following amounts are hereby appropriated in the Downtown Master Plan for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020:

	Budget
Clemson Plaza	\$ 340,000
Design & Construction Costs	\$ 215,729
Caldwell Street Improvements	\$ 200,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 755,729</b>

Section 33. The Revenues and Expenditures set forth in Section 1 through Section 32 of this Ordinance are hereby summarized as follows:

	Budget
General Fund	\$ 10,881,245
Water & Sewer Utility Fund	\$ 6,192,554
Utility Capital Projects Fund	\$ 1,460,120
Capital Reserve Fund	\$ 80,000
Fire District Fund	\$ 1,471,468
Terrell L. Scruggs Scholarship Fund	\$ 22,000
Bjerg Fund	\$ 1,000
Other Post-Employment Benefits Fund	\$ 30,000
Health Insurance Fund	\$ 1,520,300
Heart of Brevard MSD Fund	\$ 157,000
Housing Trust Fund	\$ 2,820
Multi-use Paths Fund	\$ 880,000
911 Communications Fund	\$ 56,972
Narcotics Task Force Fund	\$ 35,100
Rosenwald Revitalization Fund	\$ 800,000
Downtown Master Plan Fund	\$ 755,729
<b>TOTAL BUDGET APPROPRIATIONS</b>	<b>\$ 24,346,308</b>

Section 34. There is hereby levied a tax at the rate of fifty one cents (\$0.5100) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2019 for the purpose of raising the revenue listed as Taxes in the General Fund in Section 1 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$1,018,500,000 and an estimated collection rate of 99.89%.

Section 35. 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, 2019 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 19 of this Ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$61,000,000 and an estimated collection rate of 99%.

Section 36. There is hereby further attached (Exhibit A) to said Ordinance a schedule of taxes, fees, and charges for the General and Utility Funds.

Section 37. 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 38. 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 17<sup>th</sup> day of June, 2019.

#### **N. Remarks / Future Agenda Considerations**

Mayor Harris said that we will not be having a July meeting but we do have the 4<sup>th</sup> of July celebration. A lot of people come for that event, as well as, for Memorial Day. We choose to have the parade that weekend as there are a lot of children there.

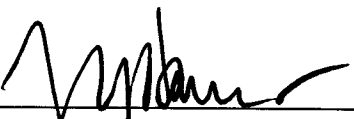
Mac Morrow congratulated the Police Department for closing the important case of Wayburn Shelton who was shot and later died in a robbery of The Cardinal. Phil Harris added that our detectives deserve the credit, as well as, surrounding agencies.

Maureen Copelof said that there is a large book sale going on in town. The AAUW and the profits are kept local and they fund scholarships for middle school girls to go to science camps and for women to go to Blue Ridge Community College. There's about 30,000 books at the gymnasium of Brevard College and it's a great way to support your community.

Mike Pratt confirmed that there are no closed sessions. He also congratulated Planning Director Daniel Cobb on taking a new job at the Town of Mills River. This will be his last Council meeting and he and I have worked together for 11 years and I have enjoyed working with Daniel. He's a good City Planner and a good person.

#### **O. Closed Session(s) - None**

**P. Adjourn** - There being no further business, Mr. Morrow moved, seconded by Mr. Landreth, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:09 P.M.

  
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 Jimmy Harris  
 Mayor

  
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 Jill Murray, CMC  
 City Clerk

Minutes Approved: August 19, 2019