



**AGENDA**  
**BREVARD CITY COUNCIL – REGULAR MEETING**  
**Monday, February 15, 2016 – 7:00 P.M.**  
**City Council Chambers**

**A. Welcome and Call to Order**

**B. Invocation**

Mr. Norman Bossert, Brevard Jewish Community

**C. Pledge of Allegiance**

**D. Certification of Quorum**

**E. Approval of Agenda**

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**L. Unfinished Business - None**

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- 1. Economic Development: GS § 143-318.11. (a)(3)(4) .....
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**P. Adjourn**

# Approval of Minutes

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

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

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

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

**Press** – Park Baker, Transylvania Times

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

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

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

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

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

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

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

**G. Certificates, Awards and Recognition**

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

**H. Public Hearing(s)**

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

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

**I. Public Participation**

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

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

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

## **J. Special Presentation(s) -**

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

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

## **J-2. City of Brevard Audit Report -**

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

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

## **J-3. Pisgah Conservancy Presentation by John Cottingham -**

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

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

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

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

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

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

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

The following Consent Agenda items were approved:

**K-1. Staff Reports:**

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

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

**ORDINANCE NO. 2016-01**

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

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

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

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

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

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

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

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

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

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

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

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

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

Trail Design and Construction	<u>\$10,792</u>
Total EXPENDITURES	\$10,792

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

Fund Balance Appropriation	<u>\$10,792</u>
TOTAL REVENUES	\$10,792

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

Transfer to Multi Use Paths	<u>\$300,000</u>
TOTAL EXPENDITURES	\$300,000

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

Fund Balance Appropriation	<u>\$300,000</u>
TOTAL REVENUES	\$300,000

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

Property Acquisition Costs	<u>\$51,674</u>
TOTAL EXPENDITURES	\$51,674

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

State Part F Grant	\$17,863
Fund Balance Appropriation	<u>\$69,537</u>
TOTAL REVENUES	\$51,674

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

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

This Ordinance shall become effective upon its adoption and approval.

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

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

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

**K-5. Correspondence - No Action. (*Offered to Council as information only.*)**

- a. Transylvania Building Department Annual Report
- b. NC Dept. of Commerce State CDBG Program, Completion
- c. City Council Annual Retreat, Jan 28 and 29, 2016

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

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

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

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

**RESOLUTION NO. 2016-01**

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

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

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

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

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

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

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

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

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

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

1. A contract for the Kings Creek Phase II Sewer Upgrade Project (CWSRF Project No. CS370476-06) is hereby awarded to L-J, Inc., NC License #66302, 220 Stoneridge Dr., Suite 405, Columbia, SC 29210-8018, for the bid price of **\$997,598.90** as received at 11:00 A.M., on Tuesday, December, 2015, in accordance with the City’s bid documents for this Project.
2. The City Manager upon award approval from the NCDEQ- DWI, is authorized and directed to sign a contract with L-J, Inc.
3. The City Manager is authorized and directed to take all necessary actions required by the NCDEQ- DWI to complete The Project, including all close out documents.
4. The City Manager is authorized and directed to process and approve any required change orders up to The Project’s budget limit that may be needed to complete The Project.
5. The City Manager shall advise the Council periodically on the status of completion of The Project.

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

Adopted and approved this 19<sup>th</sup> day of January, 2016.

**K.10. (M-8A&B) – Board and Committee Appointment(s):**

a. Board of Adjustment – Council elected Paul Welch and Kevin Jones to serve.

b. Land of Sky Rural Planning Organization (RPO) Transportation Technical Coordinating Committee (RPO-TCC) – Council elected Josh Freeman and Daniel Cobb as an alternate.

**L. Unfinished Business - None**

**M. New Business**

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

**M-2. Water Treatment Plant**

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

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

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

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

**M-5. Probart Street Sidewalk Improvements – Ordinance No. 2016-02**

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

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

**ORDINANCE NO. 2016-02**

**AN ORDINANCE AUTHORIZING  
CONSTRUCTION OF THE  
PROBART STREET SIDEWALK**

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

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

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

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

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

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

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

REVENUE	
10-3990-0000 Fund Balance Appropriated	<u>\$530,000</u>
Total Revenue	<u>\$530,000</u>

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

EXPENDITURES	
Engineering, Design, Construction	<u>\$530,000</u>
Total Expenditures	<u>\$530,000</u>

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

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

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

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

Approved and adopted this the 19<sup>th</sup> day of January, 2016.

**M-6. County Courthouse, Option 3 - Ordinance No. 2016-3**

Mr. Daniel asked why it depends on ownership of what Brevard College may or may not have.

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

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

unlikely. I would say the lawsuit is about 95% over and about 95% chance that Brevard College will end up with the property.

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

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

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

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

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

#### **ORDINANCE NO. 2016-03**

#### **AN ORDINANCE AUTHORIZING A TRANSYLVANIA COUNTY COURTHOUSE EVALUATION PROJECT**

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

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

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

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

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

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

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

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

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

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

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

EXPENDITURES	
Evaluation / Conceptual Design	<u>\$25,000</u>
Total Expenditures	\$25,000

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

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

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

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

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

Approved and adopted this the 19<sup>th</sup> day of January, 2016.

**N. Remarks by Officials / Future Agenda Considerations**

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

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

Mr. Landreth had no comments.

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

Mr. Daniel had no comments.

Ms. Hollingsworth had no comments.

Mr. Pratt had no comments.

**O. Closed Session** – None

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

\_\_\_\_\_  
Jimmy Harris  
Mayor

\_\_\_\_\_  
Jill Murray  
Deputy City Clerk

Minutes Approved: \_\_\_\_\_

**MINUTES  
BREVARD CITY COUNCIL  
January 28 and 29, 2016 - 8:30 A.M.**

**Annual City Council Retreat- Day One**

The City Council of the City of Brevard met for their annual Council Retreat on Thursday, January 28, 2016, starting at 8:00 a.m. with breakfast with the meeting starting at 8:30 a.m. in the Rogow Room at Transylvania County Library with Mayor Pro Tem Mac Morrow and Mayor Jimmy Harris presiding.

**Present** - Mayor Pro-Tem Mac Morrow, Council Members Maurice Jones, Charlie Landreth, Ann Hollingsworth and Gary Daniel. Mayor Jimmy Harris joined the meeting in progress at 10:14 a.m.

**Staff Present** – City Manager and Finance Director Jim Fatland, City Clerk Desiree Perry, Assistant to the City Manager LeAnn McCraw, Special Project Director Josh Freeman, Planning Director Daniel Cobb, Police Chief Phil Harris, Fire Chief Craig Budzinski, Human Resources Director Derrick Swing, Parks and Property Management Director Lynn Goldsmith and Deputy City Clerk Jill Murray.

**Press** - Kevin Fuller, Transylvania Times

**Others Present** - Retreat Facilitators Land of Sky Executive Director Justin Hembree and Deputy Executive Director Danna Stansbury; Heart of Brevard Executive Director Heath Seymour and NC Senate Candidate Lisa C. Baldwin

**A. Welcome and Call to Order** - Mayor Pro Tem Mac Morrow called the retreat to order, welcomed all present, and explained Mayor Harris plans to join the meeting in a few hours. Proper Notice has been provided and the retreat will be held in a workshop setting.

Mr. Fatland thanked Council and staff for coming and shared he was glad to be in attendance this year as he missed attending last year with the birth of his twin granddaughters who are one year old today.

**B. Certification of Quorum** – City Clerk certified a quorum present.

**C. Agenda** – Mr. Landreth moved, seconded by Mr. Jones, the two-day Retreat Agenda be approved as presented. Motion carried unanimously.

**D. Retreat Facilitators** - Mr. Hembree shared one of the services Land of Sky has to offer the City is their service as facilitators. He provided Council and staff members with a copy of their recommended ground rules. (On file-Agenda Packet). Throughout the retreat ideas or issues may come up that may not have a direct relation to the specific agenda item; they will capture these items and place them upon the “Parking Lot” listing for future discussion. (Exhibit A)

**E. Retreat Materials** - A complete copy of the Agenda and retreat notebook materials and information provided to Council, staff and the press is on file. Following are summaries of discussions held at the retreat:

**F. Retreat Presentations and Discussions**

## City Manager Message and Financial Framework

Mr. Fatland shared at last year's retreat (January 2015) four infrastructure needs were discussed: (A) Whether the City needed to renovate the Waste Water Treatment Plant at an estimated cost of 9 million dollars, and, in order to do so should the City accept a 9 million no-interest loan offer from NCDENR; (B) If the City should abandon the City's Water Treatment Plant and build a new plant at another intake at an estimated cost of \$40 million; (C) Consider a parking structure at an estimated cost of \$2.9 million; and, (D) Comprehensive Pedestrian Plan consideration and question of how much is Council willing to invest each year in pedestrian infrastructure improvements.

In 2015 City Council made some organizational changes that included the establishment of five City Council Committees:

1. Council Downtown Master Plan Committee
2. Council Finance and Human Resources Committee
3. Council Parks, Trails and Recreation Committee
4. Council Public Safety (Police & Fire) Committee
5. Council Public Works & Utilities Committee

With the establishment of the Council Committees, the four above-described infrastructure needs were forwarded to the appropriate Council committee for review, and the following Committee recommendations have already been forwarded to Council:

- A. Waste Water Plant – Council PW&U Committee recommends Council not accept the NCDNR loan for the WWTP as they determined the City's needs could be met with an investment of less money and alternative plan would also bring the WWTP into compliance earlier than the previously stated four-year time frame.
- B. Water Plant - Council PW&U Committee recommends Council not build a new water plant, but rather to make some improvements the City's current Plant. Water Study shows the City could get 5 million gallons per day by having an intake at the confluence of Cathey's Creek (before the French Broad River). Doing so would meet or exceed the City's daily water needs for many years to come.
- C. Parking / Parking Deck – Question of long-term parking needs further study. In the meantime, short-term additional parking needs have been met by the Manager leasing for the City parking spaces at the former First Union Bank, and, by his having improvements made upon the lot across from City Hall to creating additional parking spaces.
- D. Comprehensive Pedestrian Plan – Committee recommended using the one cent tax increase to do the Probart Street sidewalk project now rather than later; project cost will be about \$500,000.

Mr. Fatland described several organizational staffing changes he has made since being appointed Interim City Manager in March 2015 and Manager in August 2015. He then provided the financial overview. (On file-Agenda Packet)

1. State Legislature no longer sends the City franchise fees, however, they are now sending utility sales tax revenue of about \$200,000.
2. General Fund Debt is relatively low and the old City Hall loan has been paid off.
3. Neely Road, Kings Creek Phase I and Phase II projects interest rates range from zero to 2 ¼ percent. As this debt drops off, Council will be able to consider additional improvements – attention now is on the sewer infrastructure.

4. City will continue to have sanitary sewer overflows (SSO). The City is committed to spend over 19 million dollars to handle the issue and to be good stewards of the resources and our environment.
5. Water Plant has consistently processed 1 million gallons per day. With planned improvements to the plant and utility lines, water processed that is not delivered due to waste will be reduced.

Mr. Morrow shared in looking back in the City's history one can see there has been an interest and commitment to be good stewards of our natural resources and good stewards by fixing what needs to be fixed. Making improvements to our water and wastewater plants is serious money and it underscores the commitment we started years ago.

Mr. Landreth added there is a risk when talking about water and sewer infrastructure of people thinking of only pipes and process plants, which is a part of it. However, it also means we are taking water out of the river and putting it back into the river – that needs to be out as our message too.

Ms. Hollingsworth asked for a status of the radio read meters. Mr. Fatland explained they are currently being installed. Some meters may still need to read by hand; however, when project is completed the meters will be read by use of antennae's. A meter at the water plant will read the amount of water that leaves the plant vs readings from the customer's meters allowing the two numbers to be compared and to aid in determining any water loss. New meters will be more efficient and will aid in more quickly determining when a customer has a water leak.

Mr. Daniel asked about the \$909,138 unassigned fund balance. Mr. Fatland explained a balanced budget is required and that sometimes expenditures exceed revenue; when so, Council may request to use some of the general fund balance. Fund is to always maintain a minimum 30% balance. Funds could be used as project matching grant monies, etc.

~~ 9:30 AM – 5 Minute Break ~~

### **Downtown Master Plan – Clemson (Park) Plaza**

Mr. Freeman introduced Ms. Teresa Buckwalter, Destination by Design. City staff and the Council DTMP Committee have been working with this firm to finalize plans for the rebuild of Clemson (Park) Plaza. Committee feels they have reached a good concept plan and recommends Council approve the drafted project ordinance to allow construction to begin this spring.

Ms. Buckwalter provided a power-point presentation showing the various details of the proposed Clemson Plaza and the construction budget. Material selections for some of the design features, like the water feature, will be determined in the future at the construction phase. Also shown were some design concept renderings of the Austin and Williams properties, should the properties be considered in the future as an extension to the Clemson Plaza. Mr. Freeman explained today's requested action (project ordinance) is specific to Clemson Plaza only.

Council members thanked Mr. Freeman and Ms. Buckwalter for the presentation and added having the design conceptual drawings of the Austin and Williams property

could be used as a tool to get a better product in the end by sharing them with potential developers, Brevard Music Center, etc.

- ❖ Action Item – Mr. Morrow stated he would prefer underground utilities in downtown redevelopment as overhead power lines impact our downtown, historic neighborhoods, parks, etc. What is the power company’s long range plan? Electric grid is needed.

**Motion** - Mr. Landreth moved, seconded by Mr. Jones, Council approve the drafted project budget **Ordinance No. 2016-04** for the reconstruction of Clemson Plaza. Motion carried unanimously.

**ORDINANCE NO. 2016-04**

**AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR RECONSTRUCTION OF CLEMSON PLAZA**

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 Clemson Park reconstruction project.

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

Section 1. The Clemson Plaza Conceptual Master Plan is hereby approved, and Staff is hereby directed to proceed with implementation thereof.

Section 2. Revenue for the Clemson Park reconstruction project is budgeted as follows:

REVENUE	
83-3990-0000 Downtown Master Plan Fund Balance	<u>\$337,018</u>
Total Revenue	\$337,018

Section 3. Expenditures for the Clemson Plaza reconstruction project are budgeted as follows (Fund 83-6200-4500 Clemson Plaza & Other Downtown):

EXPENDITURES	
Construction	\$ 274,469.35
Engineering, Bidding, Construction Oversight	\$ 46,500.00
Contingency	<u>\$ 16,048.65</u>
Total Expenditures	\$ 337,018.00

Section 4. This Ordinance shall remain in effect until the Clemson Plaza reconstruction project is completed.

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

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

Approved and adopted this the 28<sup>th</sup> day of January, 2016.

## **Downtown Master Plan Committee Update**

Mr. Freeman provided an update on the status of the DTMP and shared “Brevard Streetscape” slides prepared by Cole-Jenest & Stone that included the project scope, timeline, recommendations and next steps. (On file-Agenda Packet)

At 10:14 a.m. Mayor Harris joined the meeting in progress and began presiding over the meeting.

Caldwell and Broad Streets - Mr. Freeman explained that in theory both the Caldwell Street and Broad Street projects could be under construction at the same time and therefore discussion is taking place between the City, Cole-Jenest & Stone and NC DOT to see what, if any, coordination of the two projects can take place. Ultimately the decision on whether the projects, or portions, can be coordinated to be done at the same time is the decision of NC DOT.

Mr. Freeman stated frequently questions of, “Why are we doing this Caldwell Street widening now?” are surfacing. We need to remind the public that the Caldwell Street widening is not to solve a problem that we are experiencing today, but rather it is intended to meet future traffic needs based upon regional population and growth projections.

Parking Study – Mr. Daniel asked if the Parking Study is the same as presented a while ago to the Planning Board by Planner Aaron Bland. Mr. Freeman replied, “Yes”, and added the study shows the total number of parking spaces is sufficient; however, the location of some parking spaces are not convenient. Mr. Jones added that part of the difficulty or concern is the fact that approximately seventy percent (70%) of the parking spaces provided in the downtown are privately owned.

Council DTMP Committee – Future Endeavors – Mr. Freeman reported the Committee has several smaller scale projects they would like to tackle, such as Downtown Urban Forest, Downtown Planters, Downtown Alleys, Caldwell Street Revegetation, Caldwell/Probart Property, Downtown Redevelopment grant opportunities, to name a few.

- ❖ Action Item - Mayor Harris suggested Council consider in the coming budget to establish a line item to fund/support replanting to beautify the downtown. Ms. Hollingsworth suggested it would be good opportunity for public/private to work together for revegetation. Mr. Morrow added he is distressed that we have not been able to replace the trees on Main Street and that perhaps the Garden Clubs and Master Gardeners would be willing to participate in this or other planting efforts.

Ms. Goldsmith explained to replace trees on Main Street would require pulling the stumps out with care as there are underground utilities. If considering doing so, she suggested in the long run it would be best to go in and cut the brick apron, take out trees, and refurbish the utilities at the same time. Mr. Morrow added doing so may also be an opportunity to add outlets and provide a larger electrical service for special events.

- ❖ Action Item - Mr. Jones asked staff to take this matter to the Committee asking that they look at the possibilities and costs involved to consider these ideas.

## **Public Safety (Police & Fire) Committee Update**

Mr. Jones, Council Public Safety Committee Chair, stated the Committee has met once and that they like the committee format. The Police portion of the report will be presented tomorrow by Chief Harris. Mr. Jones called upon Chief Budzinski to present the Fire Department portion of the report.

### Brevard Fire Department

Chief Budzinski presented the report on file. Transylvania County has secured the services of Public Safety Solutions, Inc., (PSSI) out of Maryland to perform a county-wide Emergency Services Agency Evaluation and Emergency Services Master Plan Study, which he believes will be beneficial to both the County and City. Study will help evaluate the number of fire departments needed, staffing and equipment needs, finances, chain of how funds are spent, etc.

Brevard Fire Department (BFD) provides service to the City (Sylvan Valley District) as well as offers mutual aid to the County Fire Departments and cover Pisgah National Forest. BFD district has one fire station; three are needed. Because the distance from the fire station to structures located within our area of our responsibility, areas like Sylvan Valley Habitat near Glen Cannon, is greater than six miles, they have an insurance rating of 10. Ratings are based upon the distance from the station to the structure. The higher the rating, the higher the insurance.

Due to staffing difficulties, for the past several months Brevard Rescue Squad has had difficulty responding to calls on their first dispatch; therefore, BFD is then dispatched to respond. BFD is the only fire department in the Transylvania County certified for heavy rescue.

Chief Budzinski described equipment (rescue truck, air packs/compressor, masks, etc.) and staffing needs. Requested Council's consideration to provide evening staffing at the fire station to reduce stress on our firefighters and their families and would greatly impact BFD's ability to more quickly respond to an evening emergency call.

- ❖ Action Item - Council members discussed Brevard providing fire service coverage to Pisgah National Forest and asked the Manager to check into opportunities for the City to receive some funding by either the US Forest Service, or, by the County who receives some funds from the US Forest Service.

Mr. Jones and Council members thanked Chief Budzinski for the report and for the fine work he and the BFD staff does.

## **Board of Adjustment Member Appointments**

Mayor Harris explained at Council's January 19<sup>th</sup> meeting Mr. Paul Welch and Mr. Kevin Jones were appointed to the Board of Adjustment; however, it was not made clear if they were appointed to serve as alternate or regular members. Also, it was his intention to include recommending Mr. Mike Young be re-appointed for another term but overlooked doing so.

**Motion** - Mr. Morrow moved, seconded by Ms. Hollingsworth, Council re-appoint Mr. Mike Young to serve as a regular member (term expires 11/2018), move Mr. Tad

Fogel who is currently serving as an alternate to now serve as a regular member (term expires 11/2016), and, Mr. Paul Welch and Mr. Kevin Jones are both to serve as alternates (terms expire 11/2018). Motion carried unanimously.

~~ Lunch Break from 11:30 a.m. to 12:30 p.m. ~~

The following joined Council for lunch and to participate in the afternoon portion of the meeting. City Staff: WWTP ORC Emory Owen, WP ORC Dennis Richardson, and Public Works Director David Lutz. Others: WT Plant Consultant Ray McCall, Brown Associates Harlow Brown, PE, and Jeffrey Brown, PE.

## **Public Works & Utilities Committee Updates**

### Inflow & Infiltration (I&I) Project

Mr. Morrow, Council Public Works & Utilities Committee Chair, stated the Committee has met several times and, like Mr. Jones stated earlier, he too likes the committee format. Mr. Morrow called upon Mr. Lutz to present the report.

Mr. Lutz introduced Mr. Wayne Mills, CDM Smith. Mr. Mills presented the first portion of the report "Outline, Background, Problem Statement, Alternatives Evaluation, and Recommended Improvements", Mr. Jeffrey Brown, Brown Consultants, presented the second portion "Gravity Sewer Projects", followed by Mr. Michael Sloop, CDM Smith, who presented "Neely Road Pump Station and Equalization Improvements Project: Background, Funding, Schedule, Design, Permitting, Construction Cost and Next Steps". (On file-Agenda Packet.)

### Presentation / Discussion Comments:

1. Mr. Lutz stated the Flow Study has provided him with information that helps identify problem areas that need to be fixed. Some of the higher elevation areas where SSO discharges were taking place have been improved reducing the discharge occurrences.
2. Mr. Lutz explained rather than starting at one point on the City's sewer line system and replacing throughout; identified problem areas are repaired/replaced. Unlike materials used years ago, present day use of PVC pipe materials with gaskets pretty much prevent infiltration.
3. City's 6" sewer upgrade project is approximately 75% completed; Kings Creek Phase II scheduled to begin work in March or April 2016, and, bidding on the Kings Creek Phase III project is scheduled for March 2016.
4. Ms. Hollingsworth stated several of the City's utility lines are not mapped and asked if they are now being mapped. Mr. Jeffrey Brown replied that as City utility lines are discovered and/or are replaced, both they (Brown Consultants) and CDM Smith are documenting and mapping.
5. Neely Road Pump Station - Majority of City flow goes through the Neely Road pump station. Plan to install 20" lines that will go into the equalization tank.
  - a. Neely Road Pump Station - Funding: June 2014 Letter of Intent to Fund \$12,597,900 at 2.21%; October 2015 received offer and acceptance of a State loan \$13,660,000 at 1.84%. Mr. Sloop explained the reduced interest rate is due to the hard work and effort of Mr. Fatland.
  - b. Plan to install 20" PVC lines. Mr. Sloop explained Mr. Lutz had asked him if 20" lines rather than 18" lines should be considered. When looking into this question, they found it is actually less expensive to put in the 20"

because of the dollar savings due to cost of pumps to handle the amount of water pressure.

- c. French Broad River Open Cut Crossing – After exploring different options, decision is to do an open cut crossing of the French Broad River. Usually takes two to three weeks (weather permitting), and, requires a specialized contractor to perform the work.
- d. Equalization Tank – 130' diameter; 38 feet tall, open top with walkway around it. Will require to fill in some wetland areas; working with Corp of Engineers on this. Tank will be constructed to be strong enough to add, if desired in the future, a roof, flooring and equipment.

Mayor and Council thanked Mr. Mills, Mr. Brown, Mr. Sloop and Mr. Lutz for their presentations and information provided.

~~ At 2:20 p.m. Mayor Harris called for a ten minute break. ~~

### Waste Water Treatment Plant Status Report

Mr. Harlow Brown explained the City has a Settlement Agreement to get the WWTP compliant that is in force and will expire this coming Sunday. Happy to report that the plant was complaint with the NPDES permit for November, December and will be complaint in January. Thus, the Settlement Agreement will be discharged this month by the State upon their receiving from the City the reduced penalty fee of \$4,840.

### Presentation/Discussion Comments:

1. Future of the WWTP – When looking at the growth rate projections, plant will reach 80% capacity in 2025. Mr. Brown believes the City can get a good 30 more years at this plant.
2. Mr. Brown's report included the four following recommendations:
  - a. Annually evaluate all components of the WWTP and budget up-grades appropriately.
  - b. Add RBC influent and effluent aeration basins.
  - c. The current RBC's are configured for 3-stage treatment, while the original design was for a 4-stage treatment. Two RBC's were eliminated between design and construction. These need to be added back to achieve the original designed 4-stage treatment process.
  - d. Re-locate the chlorine contact chamber and add a tertiary "Polishing" basin to filter out any remaining TSS and settable BOD.
3. Mr. Owen explained the information represented in the bar graph titled "2015 BOD-TSS Concentration Trend", and described the process done by WWTP staff, with the assistance of the Mr. Lutz and Public Works staff, to discover and address blockage areas at the plant that were preventing water from going through the pipes resulting in a bad smell that was a problem for the neighboring property owners. Once they got the pipes cleared it addressed the smell issues.
4. RBC's – City purchased 8 used RBC's to replace the RBC's that have been in service at our plant for 30 years.
5. Chlorine Compact Chamber – Discovered when plant was constructed the chlorine compact chamber was not installed at the correct elevation resulting in water standing in the clarifiers. Mr. Brown did the engineering and Carolina Specialties did the work to remedy the situation.
6. Many consider RBC's to be older technology; however, they are still being manufactured as many plants continue to use them. Brevard's plant uses square

shaft RBC's that are no longer being manufactured; however, the used square shaft RBC's recently purchased should last the City for many years.

~~ At 3:40 p.m. Mayor Harris called for a fifteen minute break. ~~

### Water Treatment Plant Rehabilitation Update

Mr. Richardson thanked Mr. McCall for preparing the power-point, Ms. McCraw and Ms. Kerry Lindsay for their printing the report, and extended his appreciation to Committee Chair Morrow and Vice-Chair Jones for their and City staff working together on the Committee which has accomplished much. With the assistance of the Manager, the Committee has been instrumental in addressing areas of the plant that have needed attention for years. He then presented the power point slides to illustrate many of the improvements. Included were several slides showing before and after photos. (On file-Agenda Packet)

### Presentation/Discussion Comments:

1. Chemical Transfer Lines – Contractor estimated \$22,000 to make needed repairs. PW Director Lutz and City staff members Wayne Simms, Brett Taylor and Tommy Williamson performed the work for about \$3,000. They did a great job and at a considerable savings to the City.
2. Analog Panels – Mr. McCall recommends the City replace the existing outdated analog panels with current computer technology.
3. Brief Plant History – Mr. Morrow shared in 1975 the City decision to build the water plant was based upon a water study, and, the question was put to the voters and a 2-million bond referendum was passed to build the water plant. Believe ARC, the State, and Clean Water Act provided some funding too. City policy makers at the time were determined to do the project, stayed the course, and the plant was built. Today, we too are staying the course by following the commitment to use Cathey's Creek as our water source.
4. Mr. Landreth suggested Council members read a recent article published by the UNC SOG that analyzes the Flint Michigan problem from a policy perspective and talks about regionalization and partnership by adjoining municipalities that led to Flint having a system that they could not afford to maintain.

Mayor and Council thanked Mr. Owen, Mr. Brown, Mr. McCall and Mr. Richardson for their presentations and information provided.

**Motion** - At 4:25 p.m. Mayor Harris explained retreat day-one agenda items have been completed and he called for a motion to recess day-one of the retreat and to reconvene tomorrow morning at 8:00 a.m. for breakfast and 8:30 a.m. to begin day-two of the retreat. So moved, seconded and approved.

### January 29, 2016 - Annual City Council Retreat- Day Two

The City Council of the City of Brevard reconvened for day-two of their annual Council Retreat on Friday, January 29, 2016, starting at 8:00 a.m. with breakfast with the meeting starting at 8:30 a.m. in the Rogow Room at Transylvania County Library with Mayor Jimmy Harris presiding.

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

**Staff Present** – City Manager and Finance Director Jim Fatland, City Clerk Desiree Perry, Assistant to the City Manager LeAnn McCraw, Special Project Director Josh Freeman, Planning Director Daniel Cobb, Planner Aaron Bland, Police Chief Phil Harris, Fire Chief Craig Budzinski, Human Resources Director Derrick Swing, Parks and Property Management Director Lynn Goldsmith, Water Plant ORC Dennis Richardson and Deputy City Clerk Jill Murray.

**Press** - Kevin Fuller, Transylvania Times

**Others Present** - Retreat Facilitators Land of Sky Executive Director Justin Hembree and Deputy Executive Director Danna Stansbury; Former City Council Member Rodney Locks, Michael Goforth, PE, and Dr. Marty Ingram

**A. Welcome and Call to Order** - Mayor Harris called the meeting to order, welcomed all present, and explained this is a continuation of yesterday's meeting. He thanked staff for the hard work in preparation for the retreat and for the updates on City projects, sharing it is helpful for him and Council members to have the information provided to better equip them to respond to citizen questions.

**B. Certification of Quorum** – City Clerk certified a quorum present.

Mr. Fatland shared he is pleased with this year's retreat format as it is allowing more dialog between staff and Council members. He then called upon Mr. Jones, Council Public Safety Committee Chair, to introduce Fire Chief Craig Budzinski and Police Chief Phil Harris.

### **Public Safety (Police and Fire) Committee Update**

Chief Budzinski shared at yesterday's meeting Council asked to see a map showing the boundary of the BFD responsibility, he then presented a large map showing the boundary areas of their responsibility. Areas includes (shown in blue) corporate limits, (green) 5-mile district rated 5, (yellow) 6-mile district including parts of Glen Cannon, Williamson Creek and N Country Club rated 9E, and (brown) areas are the top of Glen Cannon and Sylvan Habitat rated 10. The remaining area upon the map was Pisgah National Forest. Total of 106 square miles from one station located in the center of town.

Two additional fire stations are needed. One on Ecusta Road at Davidson River Village where 2.9 million dollars to build a fire station is included within the DRV Development Agreement. A second one is needed in the US #276/Wilson Road area to provide coverage to Williamson Creek and Glen Cannon.

#### Presentation/Discussion Comments:

1. BFD has the greater coverage within Pisgah National Forest; however, two other County fire departments, Balsam Grove and North Transylvania provide service.
2. Around \$190,000 revenue is provided to Transylvania County from the Federal Government for fire services. No funds have been provided to BFD.

- ❖ Action Item – Requested the Manager to look further into this as it appears the Federal Governments intent is for the revenue to go to those who are providing public services within the Forest.

### Brevard Police Department

Police Chief Harris thanked the Fire Department for their service adding he has the deepest respect for them and believes we receive more service than is paid for.

Chief Harris's report included presenting a power point and included: Outline; Police Mission; Climate – Less Trust in Police; Conflicting Message to Police; Expectation; Crime Rates; Current Updates - Body Cameras and Community Connections Meetings; and Future Funding Needs (On file-Agenda Packet)

#### Presentation/Discussion Comments:

1. Less trust in police is based upon one's personal history with police, others history with police and the national narrative, and, the "narrow view" that if one is bad, all are bad. This is the environment we are living in right now. There is a struggle right now on ethics – a large part of our population is strong in ethics, and, a large part of our population is not strong on ethics.
2. Unlike in years past, today a police officers' training is to include terrorism as they are now a key part of our nation's terrorism response.
3. Body Cameras – Body Cams. Based upon recent studies, Police Departments are encouraged to use body camera equipment. When the body cam is on people calm down and it allows for better interaction.
4. Federal Government strongly encourages local police to use body cams; however, they do not fund or provide body cams. Cost is about \$800 each. In addition to the cost of this equipment, there is the added cost of maintaining the storage of data from the body cams.
5. BPD has purchased, with help from a grant from the Governor's Crime Commission, sixteen (16) body cams. Having completed their training, officers began wearing the body cams on January 1<sup>st</sup>.
6. Sgt. Ronnie Bickford was asked to come forward to show and demonstrate how the body cam is used and he described the BPD protocol.
7. In addition to the cost of the cameras, there is the added high cost of storage of the data. Fortunately, Brevard's IT has found another way to store the body cam data that has saved the City thousands and thousands of dollars.
8. Crime Rate – Data available from 2003 to present shows 2015 has the lowest crime rate since 2003.
9. Community Connections – Mr. Jones shared he has attended several and has been impressed with the number of citizens who have come out to attend and he encouraged more Council members and staff to attend. Next meeting is February 2<sup>nd</sup> at 5:45 PM in City Council Chambers.
10. Future Funding Needs – Radio system upgrade from analog to digital, and, Range/Training complex to replace range at the WWTP.
11. The WWTP Equalization Tank is scheduled to be constructed at the BPD's current firing range and training area. Department will need another firing range/training area. Checking into the possibility of relocating on the same property; however, portions of the land are identified as wetland and therefore may not be able to do so.
12. May have additional needs with respect to animal control as the BPD receives a sizeable number of calls related to animal control.
  - ❖ Ms. Hollingsworth shared how she likes seeing officers walking or cycling within the community as she believes it makes for good community relations and provides opportunity for interaction. Saw a greater police presence in the past than she does in the present.

Mayor and Council members thanked Chief Budzinski, Chief Harris and Sgt. Bickford for their presentations and information.

~~ At 9:45 a.m. Mayor Harris called for a five minute break. ~~

### **Parks, Trails & Recreation Committee Update**

Mayor Harris called upon Mr. Daniel, Council Parks, Trails & Recreation Committee Chair, and Ms. Hollingsworth, Committee Vice-Chair to provide the report. Mr. Daniel and Ms. Hollingsworth shared the committee has met several times and a lot of work has been accomplished in a short period of time. They welcomed and introduced Committee member Dr. Marty Ingram and called upon Mr. Freeman to make the presentation.

Mr. Freeman explained the Committee started with a list of eighty projects and has trimmed them down to forty. Some projects are relatively expensive, while other smaller projects would require less funds and less time to accomplish. To aid in illustrating many of the proposals, he provided a 24-page 11x17 handout with mapping to Council members titled, "Brevard Area Trails – Existing & Proposed Bicycle & Pedestrian Infrastructure". (On file-Agenda Packet)

#### Presentation/Discussion Comments:

1. Neighborhood Connectivity Map – Shows several neighborhoods have no connectivity to the City's pedestrian network.
2. Pedestrian Safety Map – Several streets do not have sidewalks. Focus of recommendations was not to put sidewalks on every street, but, to connect to allow pedestrians to connect to a sidewalk or greenways.
3. Spread sheet with listing of 39 projects comes to a total price of 9.7 million. However, looking at the individual costs of the projects are relatively inexpensive with many being small connections that would tie neighborhoods together.
4. Mr. Michael Goforth, PE, has been working with staff and the Committee to provide cost estimates, ROW acquisition, floodway, NCDOT requirements, and utility services, in addition to topography.
5. A few examples connector examples described were: A pedestrian bridge across the Davidson River; moving south improvements that would create a pathway to the front doors of the Recreation Department, Schools, Temple Church Road community, TR Hospital and the TVS/Pisgah Forest Post Office neighborhoods; moving east Laurel Village connectors would open up the eastern side of Brevard to allow connectivity to the Farmers Market, Brevard Elementary School and the High School, etc., by using Owen Streets, Grandview, Morningside and onto Gallimore – keeping pedestrians/bicyclists off some of the main roads.
6. Brevard Middle School – Cleanup of the Fanning property is needed.
7. Mr. Morrow shared Brevard's connection to the river is very important. Last year the French Broad River Stewards submitted an application that, if granted, would have made provision to construct a pathway connecting to the Gallimore Road pathway to a fishing pier at the French Broad River. (Area near the Boys and Girls Club.) Would have been a great educational opportunity for students at Brevard Elementary School, and, would bring attention to the river.

- ❖ Action Item – Requested Planning Staff to share river connection information previously mentioned by Mr. Morrow with the Council Parks, Trails & Recreation Committee.

- ❖ Action Item – Suggested not “ranking” priorities so that as opportunities come available we can proceed based upon the needs of the community and opportunities, which are not always predictable.
- ❖ Action Item - Brevard Middle School – West Loop will require changes to trail to be done. Consider reconfiguring the bike trail at Middle School area to travel Burrell Avenue and go around and drop down onto Railroad. Doing so would connect Middle School and public housing neighborhoods to the trail system.

Mr. Locks expressed appreciation for Dr. Ingram’s comments and the Committee work of recommending small connectors that would connect Pisgah Forest Elementary to Brevard Elementary School, as well as to the County Recreation Department, Blue Ridge Community College, etc.

Chair Daniel concluded by sharing the Committee feels some items are more critical than others. Safety, connectivity and quality of life are really important to the health of the City. Committee recommendations will come to Council in order of priorities, today Council has been provided with a brief review of the various projects that are being considered.

Mayor and Council thanked Mr. Freeman and Dr. Ingram for the presentation and information provided.

### **Council Brainstorming**

Mayor Harris offered the bike/hike path would not be here were it not for it once being “dreamed out loud” about as that was the beginning of getting it considered and upon the radar. He encouraged Council members to have a five year plan, a ten year vision and a twenty year dream, and asked them to share items that are upon their list.

#### **Mayor Jimmy Harris**

1. Kiosks on bike/hike trails.
2. River Walks’
3. Skateboard Park - perhaps at Tannery property.
4. Cover Franklin Park pool to provide year round swimming.
5. City Web site to have a community calendar of events. Considering coordinating with Brevard College, HOB, TDA. At one time there was talk about creating a position.
6. Mast arm statues. Example - like the white squirrels at Main and Broad.
7. More picnic shelters. Like the one constructed at Franklin Park.
8. Public water fountains at City Hall and some along the bike/hike path.

#### **Council Member Maurice Jones**

1. Work towards getting more community buy-in and involvement.
2. Quarterly Community Focus forum upon the City’s website. Select a neighborhood in the City and see whatever police/fire/staff interaction has had with that portion of our community, or, focus on what is going on in that community. Example: Could have focus on Rosenwald, Deer Lake, College Walk, etc.
3. Schools. More interaction with the schools; opportunity to teach children/students about their government, how the City works, etc. Currently somewhat limited to 11<sup>th</sup> Grade Vision – would like to see it expanded. Important to participate more with children starting at an early age – and continue through high school.

#### **Council Member Charlie Landreth**

1. Like the work that is coming out form all of the Council committees as Council members, staff and citizens are providing valuable input as they work together.

#### **Council Member Mac Morrow**

1. River. Very important. (Described earlier in Retreat.)

2. TC Courthouse function (Option 3) – Continue collective effort to keep the courthouse civic function in the downtown.
3. Vehicle Taxes. City paid \$4,000 from July/December for vehicle taxes – what do we get for that? (Requested City Manager to look into.)
4. Sculpture Project. Sculptures at public buildings that honor our heritage.
5. De-cluttering of signs. Still have old signs that need to be taken down; duplicate signage.
6. Electrical Grid of downtown needed.
7. Nigh Sky Initiative – concern with mercury lights.
8. Fire Department – Evaluate and mechanism to pay. (Coverage of National Forest)
9. Settlement Agreement
10. Utility Extension Policy
11. Municipal Bridge replacement by NCDOT – Why is City taxpayers paying 25% of the design? Would rather dollars go towards sidewalks.

**Council Member Gary Daniel**

1. Railroad Avenue neighborhood (three block area). Like to see the area considered for rezoning that would allow what is trying to happen to happen.
2. Corridor coming into the City. Work to insure (like in the Form Base Codes) corridors are developed nicely as they lead one into the downtown.
3. Bike Friendly City. Be more intentional in working towards Brevard being designated as a bike friendly city.
4. Parking Deck. Would like for staff to look into what the options are on the issue; determine what the parking needs are, what are our options, and feasible courses of action.
5. Website. Does the City need a technical position for one to manage the City’s website, City’s brand/vision, etc.? Don’t know the answer, just asking the question. Website is becoming more and more a part of everyone’s life.

**Council Member Ann Hollingsworth**

1. County Courthouse. Would like for Council to be more in the loop with what is going on; receive updates from the Manager on what’s going on before the general public knows. (Recent adopted Resolution that includes City representation on site selection should help.)
2. Powell Bill. Concerns with condition of many City streets and that the Powell Bill monies alone are not sufficient to perform needed repairs. What resources, other than Powell Bill, do we have to put towards repairs and maintenance of City streets? What is the City’s plan to address our City streets? Wants the City to be proactive and no reactive.

**Wrap Up**

Mr. Fatland explained several of the Committee recommendations will be considered during the coming budget meetings. Given the opportunity as Finance Director to “pop the hood” so to speak on the Probart Street project allowed us to see how to fund things, to leverage pay as we go, and matchings funds for grants, etc. If Council and citizens desire to see the Downtown Master Plan be accomplished quicker and enjoy it now, floating a bond to do it could be considered by Council. Might be something for the Committee to look at.

Mr. Fatland asked if Council liked the retreat format and if they would like to have a similar format for the upcoming budget workshop meetings. Council affirmed they like the format and desire same for the budget workshops.

Mr. Fatland explained the Planning Department was not included upon the Retreat Agenda, however, he has asked Mr. Cobb to come and share with Council department current projects and updates.

Mr. Cobb described a variety of projects the Planning Department is working on. The complete listing is on file with the Agenda packet materials.

- ❖ Parking Lot / Action Item – Mayor Harris asked that Council look into feasibility of addressing what to do with abandoned/blighted buildings as they are a safety issue. Is there a way or trigger to make property be cleaned up, converted to greenway, etc.?

Public Participation

Mr. Locks shared he would like to add to the Mayor’s list that along with water fountains along the trail is the need for benches and places to sit as 15 miles is too much to walk without benches; (b) Now that we have all these improvements to the City’s water and sewer facilities, let citizens know how much their monthly water bills cost will be; (c) Ask County Commissioners who are about to spend many dollars on a County Courthouse to help more with the School System, teacher aids, salaries, and help with supplies for students; (d) The City’s part of helping with the school system are infrastructure possibilities; and, (e) While Council doesn’t help get jobs, do advertise what the City is doing to help get jobs.

**Adjourn**

Mayor Harris and Council members expressed their appreciation to Mr. Fatland and staff for their work and preparation that made for a good and productive retreat.

There being no further business, Mr. Landreth moved, seconded by Ms. Hollingsworth, the meeting be adjourned. Motion carried and the meeting adjourned at 12:09 p.m.

\_\_\_\_\_  
Jimmy Harris  
Mayor

\_\_\_\_\_  
Desiree D. Perry  
City Clerk

Minutes Approved: \_\_\_\_\_

## Brevard City Council Retreat January 28-29, 2016

### Thursday, January 28

#### Parking Lot

- How will FBAFA (fund balance available for appropriation) be used/invested (budget process)
  - Natural resource protection/water quality - Brevard has a story to tell
  - Clemson Plaza and other downtown improvements - underground utilities?
- Caldwell vegetation funding \$\$
- Lights on trees lining downtown streets
  - Federal forest land - what is fire coverage cost per year? Possible reimbursement?
- County's use of federal payment in lieu of taxes
- Emergency Services - economies of scale (if designing a new system from the bottom, how would we do it?)
- Public Works WWTP Committee - Develop stronger relationships with MSD

### Friday, January 29

#### Parking Lot

- Fire services revisited - County is reimbursed, not city; possible newspaper/media coverage
- McLean Rd/Keir Mfg sidewalk issue - Map 8 Parks, Trails, and Recreation Committee
  - Fanning Property - bike/ped/clean up possibilities
  - Connection to River
  - Energy Dept program? Incentives available to change out street lamp bulbs to take burden off current grid?
  - Abandoned building options

## **Friday, January 29**

### **Dreaming Out Loud and other issues**

- Info kiosks
- River walk (can be educational - collaboration with other county departments)
- Skateboard park at Tannery property
- Year round pool
- Community calendar on website - maybe a new position?
- Statuettes that promote Brevard brand
- More picnic shelters
- More drinking fountains - maybe on bike/hike trail and at City Hall
- Quarterly committee focus on website
- Promote more interaction with middle school kids - focus on citizenship
- Option 3 - courthouse
- 1.5% tax - Manager Fatland is looking into it
- Native sons/daughters sculpture
- De-cluttering of directional and way-finding signs
- Night sky initiatives
- Settlement agreements - pass on?
- Utility extension policy
- Railroad Ave community - rezoning?
- Is the corridor turning into the city? How do we ensure visitors get to the downtown area? New signage? Code change?
- More formalized attempt to become designated as a bike friendly city
- Parking deck and/or options for more parking downtown? Request of Manager Fatland to look into this issue.
- Does the city need a tech position to manage the brand?
- Council needs to be more in the loop of what's happening with the Courthouse. Last month Council passed a resolution regarding this issue and that should help.
- What monies are available (other than Powell Bill \$) to address city roads. It is important to be proactive.

#### **Public Input – Rodney Locks**

- Add benches, along with fountains, for citizens to rest
- How can we help the school system?
- Courthouse is important but education is also important - we need a skilled citizenry and can raise them now

# Certificates / Awards / Recognition



# City of Brevard

## Certificate of Appreciation

*Presented to*

**Dr. Allen V. Delzell**

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*In recognition of six years of service to the  
City of Brevard as a member of the  
Brevard Board of Adjustment  
November 2009 – November 2015*

*Presented this 15th day of February, 2016.*

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**Jimmy Harris**  
Mayor

**ATTEST:**

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Desiree D. Perry, CMC, NCCMC  
City Clerk

# Public Hearing(s)

## STAFF REPORT

City Council, February 15, 2016 Meeting

*Note: PH was originally scheduled for January 19, 2016, meeting; however applicant asked, and Council agreed, to hold the public hearing at their February 15, 2016, meeting.*

**Title:**           **Public Hearing - Application for Public Convenience and Necessity for a Taxi Business by Mr. Jim Hyatt, Transylvania Taxi.**  
Council will consider an Application to allow a new taxi business to operate in the City of Brevard.

Date:               ~~January 6, 2015~~ February 3, 2016

Prepared by: Desiree Perry, City Clerk

Approved by: Jim Fatland, City Manager/Finance Director

**Background:** Brevard Code of Ordinances, Chapter 78 Vehicles For Hire, Section 78-61 states, "No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a certificate of public convenience and necessity from the city council."

Section 78-62 requires an application shall be submitted, verified under oath, and shall contain the following information:

1. The name and address of the applicant.
2. Financial status of the applicant, including all unpaid judgments against the applicant and the nature of transactions or acts giving rise to such judgment.
3. The experience of the applicant in the transportation of passengers.
4. Any facts which the applicant believes tend to prove that public convenience or necessity requires the granting of a certificate.
5. The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
6. The identification to designate the vehicles of the applicant.
7. Such further information as the city council may require.

Section 78-63 Provides upon receipt of an application, as soon as reasonably possible, to fix a time and place for a public hearing. Notice of the hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given the general public by publishing notice of such hearing in a newspaper having general circulation within the city. Any interested person may file with the city council a memorandum in support of or in opposition to the issuance of a certificate.

- Public Hearing is scheduled for Tuesday, January 19, 2016 at 7:00 PM. Legal ad giving Notice of the Public Hearing published in the Transylvania Times on January 4<sup>th</sup> and 11<sup>th</sup>, 2016
- Letter of Notice to applicant was mailed to Mr. Hyatt on December 22, 2015.

- Letter of Notice to Brevard City Cab, holder of a Brevard Certificate of Public Convenience and Necessity, was mailed on December 22, 2015.

**Section 78-64 – Issuance**

- a. If the city council finds that further taxicab service in the city is required by the public convenience and necessity and the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this article and the rule promulgated by the council, and that the applicant has filed proof of financial responsibility as required by state law\*, the council shall direct the city clerk to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate, and the date of issuance. Otherwise, the application shall be denied.
- b. In making these findings, the council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public needs, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.

\*State Law Reference – Financial responsibility of taxicab operators, G.S. 20-280

- In November, the City Clerk provided to the applicant a copy of Brevard City Code Chapter 78, a copy of G.S. 20-280, along with an Application for Public Convenience and Necessity.
- On December 1, 2015, Mr. Hyatt submitted his Application. (Attached)

**Taxi Driver License** – Mr. Hyatt applied for a Brevard Taxi License to allow him to be a taxi driver for his proposed taxi business; however, his application was denied by the Brevard Police Chief.

**Fiscal Impact:** If approved, the applicant will pay an annual license fee as set forth in the City Budget Schedule of Taxes, Fees and Charges for each vehicle authorized under a certificate of public convenience and necessity.

**Staff Recommendation:** Council may offer a Motion to (a) table, (b) deny, or, (c) grant the request and drafted Resolution, depending upon Council’s findings based upon the information provided by the applicant required in Section 78-62 and the issuance findings in Section 78-64.



CITY OF BREVARD  
Application for Public Convenience and Necessity  
Office of City Clerk  
95 West Main Street  
Brevard, NC 28712  
Phone: (828) 885-5614 Fax: (828) 883-2853

received  
12-1-2015

Date: December 1, 2015

**BUSINESS INFORMATION**

Business Name: Transylvania Taxi  
Business Address: \_\_\_\_\_ Mailing Address (if different than physical address) \_\_\_\_\_  
Street: 4321 Island Ford Road Address: \_\_\_\_\_  
City: Brevard City: \_\_\_\_\_  
State: NC Zip: 28712 State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: (828) 506 - 4289

**APPLICANT/OWNER/OFFICER**

Name: Jim Hyatt  
Mailing Address: \_\_\_\_\_  
Street: 4321 Island Ford Road  
City: Brevard Telephone: 828 - 506-4289  
State: NC Zip: 2812 E-Mail: \_\_\_\_\_

**CHAPTER 78, CITY OF BREVARD CODE OF ORDINANCES**

Per Section 78-62 of the Brevard Code of Ordinances, please answer the following questions to the best of your ability:

- Financial status of the applicant, including all unpaid judgements against the applicant and the nature of transactions or acts giving rise to such judgement.  
No Judgements.  
Insurance, Trent + Assoc. attached
- Experience of the applicant in the transportation of passengers:  
Two years as a school bus driver.  
One year as tractor trailer driver. No passengers but great training in safety procedures.
- Any facts which the applicant believes tend to prove that public convenience or necessity requires the granting of a certificate:  
The growing population of this County can support a new cab company. Plus I will operate to later hours than the one company in this County which will better benefit the late night tourists in town.
- The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals:  
One vehicle.  
Home will serve as depot/terminal; 4321 Island Ford Rd.

5. The identification to designate the vehicle of the applicant:

2003 Ford Taurus

**ACKNOWLEDGEMENT** - The below Oath or Affirmation is to be signed before a Notary.

I, Jim Hyatt, solemnly swear or affirm that the information in this Application is true, complete and correct to the best of my knowledge and belief.

*Jim Hyatt*  
Signature

Jim Hyatt  
Printed Name

Owner  
Title/Position

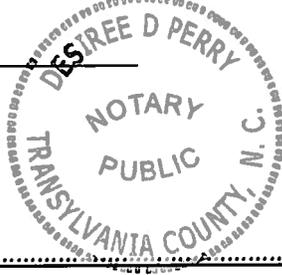
December 1, 2015  
Date

Transylvania County, North Carolina

I certify that Jim Hyatt personally appeared before me this day and acknowledged to me that he or she signed the foregoing Application and certified to me under oath or by affirmation as to the truth of the matters stated in the record.

Date: 12-1-2015

(Seal)



*Desiree D. Perry*  
Signature of Notary

Desiree D. Perry, Notary Public

Notary's printed or typed name  
My commission expires: 8-05-2017

**City Clerk Office Only**

Date Received: 12-1-2015 Received By: *Desiree D. Perry*  
Paid 12-3-2015 15<sup>th</sup> Receipt # 333646

Date of City Council Public Hearing: January 19, 2016

City Council Decision: [ ] Granted [ ] Denied Date of Decision: \_\_\_\_\_

1 Vehicle, 1 Driver (applicant)



VANESS T. HYATT

DOB 11-18-58

HISTORY + PHYSICAL EXAM DONE -  
QUALIFIED TO DRIVE.

  
11/13/15  
12-1-15

**AUTO POLICY CHANGE REQUEST**

POLICY NUMBER: 61M921053  
POLICY HOLDER: JAMES HYATT

DATE PREPARED: 12/18/15  
CHANGE EFF DATE: 12/18/15  
POLICY EFF DATE: 11/28/15  
POLICY EXP DATE: 05/28/16

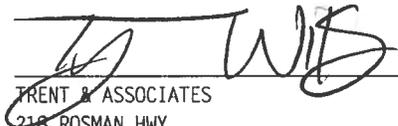
THE UNDERSIGNED COMPANY AGREES TO EXTEND THE FOLLOWING COVERAGES AS RESPECTS THE DESCRIBED AUTOMOBILE(S) COMMENCING ON THE CHANGE EFFECTIVE DATE INDICATED, PENDING THE ISSUANCE OF A NEW DECLARATION PAGE OR THE EARLIER TERMINATION OF THESE COVERAGE(S) BY THE COMPANY OR THE POLICYHOLDER. THIS EXTENSION OF INSURANCE SHALL BE IN ACCORDANCE WITH THE TERMS OF THE COMPANY'S AUTO INSURANCE POLICIES AND MANUAL OF RATES AND CLASSIFICATIONS APPLICABLE IN THE STATE ON THE CHANGE EFFECTIVE DATE OF THIS CHANGE REQUEST. THIS COVERAGE MAY BE CANCELLED BY THE COMPANY BY MAILING WRITTEN NOTICE TO THE POLICYHOLDER STATING WHEN IN ACCORDANCE WITH ANY STATUTES OR POLICY TERMS SUCH CANCELLATION SHALL BE EFFECTIVE.

**NATIONWIDE PROPERTY & CASUALTY CO.**

VEHICLE #1  
2003 FORD TAURUS S  
1FAPP55S53G101100

Customized Amount	1000
Bodily Injury	30/60
Property Damage	50000
Comprehensive	100
Collision	250
Medical Payments	CNW
Loss Of Use	BROAD
Towing and Labor (Roadside Assistance)	BASIC
Sound/Picture/Data	CNW
Policy Coverage	
Uninsured Motorist--Bodily Injury	30/60
Uninsured Motorist--Property Damage	50000
Underinsured Motorist--Bodily Injury	CNW
Accident Minor Forgiveness	CNW
Rental Car Coverage	CNW

JAMES HYATT  
4321 ISLAND FORD RD  
BREVARD, NC 28712

  
 \_\_\_\_\_  
 TRENT & ASSOCIATES 31742  
 218 ROSMAN HWY  
 BREVARD, NC 28712  
 PHONE (828) 884-2440

12/18/15  
DATE

CHECKS AND DRAFTS ARE RECEIVED SUBJECT TO COLLECTION ONLY.

**RESOLUTION NO. 2016-\_\_\_\_\_**

**A RESOLUTION APPROVING A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
FOR THE OPERATION OF TAXICABS**

WHEREAS, the City of Brevard has received an application for a Certificate of Public Convenience and Necessity for the operation of taxicabs within the City; and,

WHEREAS, Chapter 78 of the Brevard City Code prescribes that upon the receipt of an application for a Certificate of Public Convenience and Necessity the City shall fix a time and place for a public hearing. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given the general public by publishing a notice of such hearing in a newspaper having general circulation within the City; and,

WHEREAS, City Council hereby acknowledges receipt by the City Clerk of an application from Mr. Jim Hyatt, 4321 Island Ford Road, Brevard, North Carolina, for a Certificate of Public Convenience and Necessity to operate "Transylvania Taxi" taxicab service within the City; and

WHEREAS, pursuant to the provisions of the City Code a public hearing date was set for Tuesday, January 19, 2016, at 7:00 PM, or as soon thereafter as possible, to receive public comment on same. Notice of the hearing was published in the newspaper on Monday, January 4<sup>th</sup> and January 11<sup>th</sup>, 2016; and, a letter giving notice of the public hearing date was mailed on December 22, 2015, to the applicant, Mr. Jim Hyatt, and to Ms. Pamela McCall, Brevard City Cab LLC, holder of a Brevard Certificate of Public Convenience and necessity; and

WHEREAS, a public hearing upon said application was conducted on Tuesday, January 19, 2016, whereby interested parties were afforded the opportunity for public comment upon the application; and,

WHEREAS, after considering the results of the public hearing the City Council finds that the proposed taxicab service in the City is required by the public convenience and necessity and the applicant is fit, willing and able to perform such public transportation and is willing to conform to the provisions of the City Code and the rules promulgated by the City Council, and that the applicant has filed proof of financial responsibility as required by state law; and,

WHEREAS, in making the above findings, the City Council has taken into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public needs, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant; and,

WHEREAS, it is the desire of the City Council of the City of Brevard to approve the Certificate of Public Convenience and Necessity as requested.

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

Section 1. That the City Clerk of Brevard is hereby authorized and directed to issue a Certificate of Public Convenience and Necessity to Mr. Jim Hyatt for the operation of "Transylvania Taxi" within the City of Brevard. The Certificate shall state the name and address of the applicant, the number of vehicles authorized, and the date of issuance of the Certificate; all in accordance with Chapter 78 of the Brevard City Code.

Section 2. The applicant for the Certificate of Public Convenience and Necessity described in Section 1 of this Resolution shall make application and pay for all licenses and fees as prescribed by Brevard City Code as a condition of the issuance of the Certificate, and

Resolution No. 2016-\_\_\_\_  
Date of Adoption  
Page 2 of 2

must otherwise comply with all regulatory requirements for the operation of taxicabs within the City of Brevard and the State of North Carolina.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Jimmy Harris  
Mayor

ATTEST:

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Desiree D. Perry, CMC, NCCMC  
City Clerk



# Public Participation

# Special Presentation(s)

**STAFF REPORT**

City Council, Monday February 15, 2016

**League of American Bicyclists Bicycle Friendly Communities Program Overview**

Staff will present information about the League of American Bicyclists Bicycle Friendly Communities rating program. No Council action is required.

Speaker: Aaron Bland, Planner & Assistant Zoning Administrator

From: Daniel Cobb, Planning Director

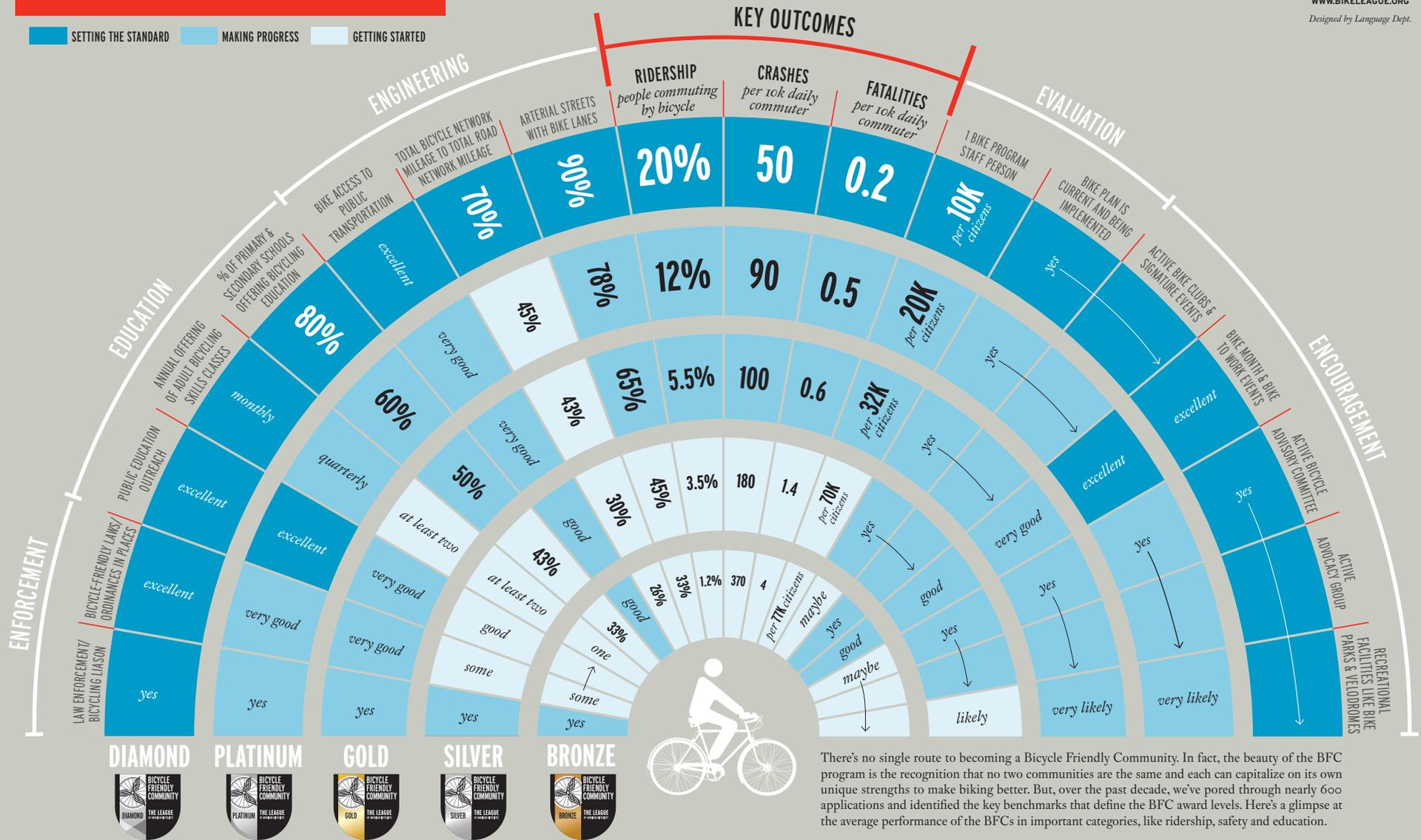
Prepared By: Aaron Bland, Planner & Assistant Zoning Administrator

Approved By: Jim Fatland, City Manager

**Executive Summary:** At Council's annual retreat, the idea of working towards Brevard being designated as a bike friendly city was brought up as an item for further discussion. This presentation will introduce Council to the Bicycle Friendly Communities rating program and its rating methodology.

# THE BUILDING BLOCKS OF A BICYCLE FRIENDLY COMMUNITY

produced by  
**THE LEAGUE**  
 OF AMERICAN BICYCLISTS  
 WWW.BIKELEAGUE.ORG  
 Designed by Language Dept.



# Consent and Information

## **STAFF REPORT**

City Council, February 15, 2016

### **Public Works Monthly Staff Report**

Council will receive the attached staff report for work performed during December, 2015. This information is submitted as information only and with no action requested.

Speaker:

From: David Lutz, Public Works Director  
Prepared by: Letha Cox, Administrative Services Manager  
Approved by: Jim Fatland, City Manager

### **Background**

N/A

### **Staff Recommendation**

N/A

### **Fiscal Impact**

N/A



The City of  
**Brevard**  
North Carolina

**Public Works Department  
Staff Report  
December, 2015**

**TO: Mayor Harris and City Council Members**  
**FROM: Public Works Department**  
**APPROVED: Jim Fatland, City Manager**

*Projects, services provided, and community assistance included a variety of work performed by the department during the month of December; and reflects departmental implementation of the City's vision as a "safe, friendly, family oriented city with small town charm, outdoor recreation, arts, and culture that bring investment opportunities, environmental consciousness and economic diversity."*

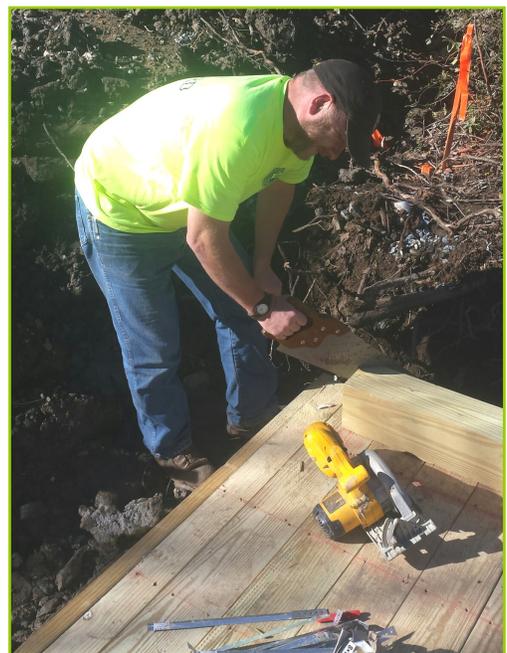
**Strategy: Foster Economic Development**

Foster economic diversity while enhancing the quality of life in an environmentally friendly way by creating an environment that promotes and encourages businesses, and business owners, attracted to and utilizing our natural assets of woods and water and our cultural / historical assets of music, arts, and outdoor recreation.

1. We foster economic development by protecting our natural assets of woods and water that uniquely define Brevard.
  - Sewer Collections System inflow and infiltration elimination work included the following locations during December:
    - 10' of 8" clay pipe was replaced with PVC pipe under a storm drain on Burrell Mountain Road to correct a discovered inflow site.
    - Manhole #LO-166 on Deerlake Road was sealed to correct an inflow site.

- Asphalt was cut and locates were made for a proposed sewer line replacement on W. French Broad Street where inflow was discovered.
  - Smoke tested an 8" sewer main along a section of W. French Broad Street to verify condition and location of an inflow site.
2. We foster economic development by ensuring our infrastructure is constantly maintained and replaced to serve existing and future business.
- Street infrastructure improvements during December included:
    - An access bridge was built to connect Allison Road to the pedestrian pathway near Transylvania Regional Hospital.
      - Streets personnel built the bridge and neared completion at December's end.
      - The creek bank was graded and restored with surge stone, grass seed and straw.

**Allison Road  
Bike Path  
Bridge  
Installation**



- Designated a parking space on W. Main Street in front of Benjamin Moore Paint Store as a loading and unloading space with yellow paint.
- Cleaned off catch basins and drains during and after periods of heavy rain during the month.
- Several streets including Rosenwald Lane, Thomas Street, and James Street were cleared of storm debris.



Thomas Street storm debris removal.

- A storm drain pipe on Cashiers Valley Road was jetted and cleaned to clear debris built up and causing a blockage.
- A Park View Drive storm drain pipe was video inspected to verify the condition of the pipe for a customer.
- A sink hole at the intersection of Old Highway 64 and Chestnut Street beside a manhole was inspected. No issues were found and the hole was filled cold patch mix.
- Pisgah Drive and N. Laurel Lane ditches were cleaned out to improve storm water flow. Several drive way culvert blockages were cleared during heavy rains during the month.

- **Utility cuts and potholes were patched or leveled on Carolina Avenue, Country Club Road, E. French Broad Street, Hampton Road, Hilt Street, Morningside Drive, N. Caldwell Street, and Probart Street.**
  - **Large holes on Deacon Lane were filled with stone.**
  - **Turnpike Road was backfilled with dirt along edges of asphalt reference new resurfacing.**
  - **Replaced 1 *street name* sign post on E. Jordan Street at the intersection of S. Gaston Street.**
- 
- **The Sanitation Division collected garbage, commercial recycling, brush and bagged yard waste during December.**
    - **Four (4) commercial businesses began participating in the recycle program. Recycle containers were provided to:**
      - **Carolina Pediatric Therapy / 1 Large Cart**
      - **Crystal Market Mining / 1 Large Cart**
      - **Ty Hendrix Investments / 3 Small Bins**
      - **Transylvania County Hospice Home Care / 1 Large Cart**

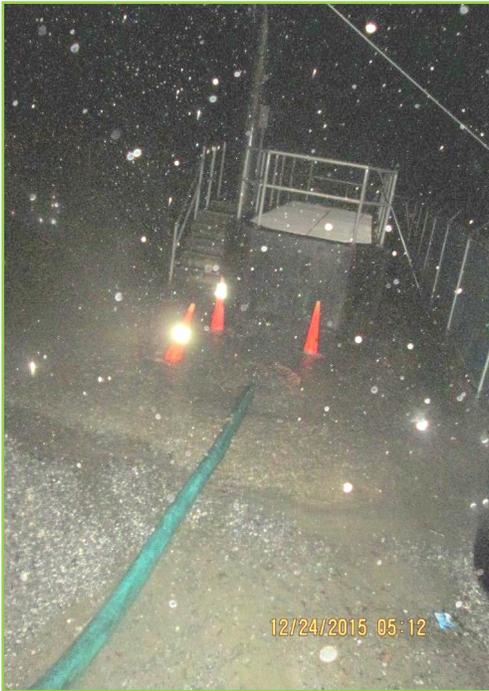
#### **December Sanitation Activities**

- **16 Special trash pickups**
- **2 Single item special trash pickup**
- **4 Small electronic items collected**
- **1 Large televisions collected**
- **2 Small televisions collected**
- **2 Residential recycle bins delivered**
- **15 Residential recycle carts delivered**
- **3 Commercial recycle bins delivered**
- **3 Commercial recycle carts delivered**

- Collection of leaves continued and will end in early January.
  - Obtained mulch pile temperatures as required by NCDENR for yard waste storage.
  - Emptied flower bins at Gillespie-Evergreen Cemetery.
  - A gate on a cardboard storage bin at Hawg Wild BBQ was repaired.
- Collections System infrastructure maintenance consisted of the following noted items during December:
    - Extended periods of heavy rain and a force main pipe rupture resulted in nine (9) sewer discharge events during December.
      - The Tennessee Valley Authority reported a total of 10.68” of precipitation was received in Brevard during December.
      - Required reports, press releases, public notices and site remediation were submitted or preformed for each event.

Event #	Date	Location	Gallons Discharged	Attributed To	Pump & Haul Gallons
SSO-305	12-01-15	Neely Road	371,640	2.64” Rain	152,000
SSO-306	12-02-15	Gallimore Road		2.64” Rain	
SSO-307	12-24-15	Gallimore Road	273,912	3.93” Rain	
SSO-308	12-24-15	Neely Road	579,500	3.93” Rain	*
SSO-309	12-25-15	Neely Road	208,240	4.84” Rain	*
SSO-310	12-25-15	Neely Road	101,840	4.84” Rain	232,500*
SSO-311	12-28-15	Neely Road	239,400	1.63” Rain	84,600
SSO-312	12-28-15	Gallimore Road	99,228	1.63” Rain	
SSO-313	12-29-15	Neely Road	404,700	Force Main	118,100

\*Pump & haul gallons continued from December 24th through December 25th and totaled 82 loads or 232,500 gallons. This included loads hauled by city personnel and Mike’s Septic Service.



**Sewage is pumped out of manhole at the Neely Road lift station into pump truck; then hauled to the Waste Treatment facility for disposal during discharge events.**



**Crews excavated to ruptured force main pipe location; then cut, removed and replaced section of 14" ductile iron pipe on Old Highway 64.**

- One location at 484 Old Highway 64 was inspected for damage during the force main repair. Mud and debris had flowed into the garage and crawl space at the residence and 1st Restoration Services were contracted to remedy the situation.
- Video inspection of sewer mains and service lines were performed on a total of 1,245' to determine condition, verify location or depth, or in search of suspected inflow and infiltration sites.
- System personnel responded to five (5) reported sewer line blockages during the month; three (3) of which were actual blockages and were cleared on E. Laurel Court, White Oak Lane, and Whitmire Street.
- An additional blockage was cleared at the Waste Treatment Facility. Personnel jetted and cleaned 50' of 4" service line at the facility.
- Sewer mains were cleaned in the areas of Fisher Road and Mclean Road.
- A sewer line was inspected behind a Laurel Village apartment reference a noise complaint. A cleanout cap was loosened to release air pressure and eliminated the issue.
- Collections system lift station maintenance included routine cleaning and equipment inspection at each location. Repairs were made as needed:
  - Cleaned bar screens at the Neely Road Lift Station.
  - Inspected equipment and grounds at Neely Road and Gallimore Road lift stations prior to heavy rain forecast.
- The Water Distribution maintenance and repair of the water system infrastructure included the following items during December:
  - There were eight (8) inspections for reported water leaks during December; five (5) of which were actual water leaks and were repaired on Country Club Road, Fox Cross Drive, Hillview Circle, Park Avenue and Whitmire Street.
  - An abandoned 3/4" water service line was removed from service on Whitmire Street where a structure was torn down. Another service connection was relocated from an 8" main line to a 2" water service line.
  - Performed monthly water post hydrant flushing on Cardinal Drive.
  - Excavated a water post hydrant on Reservoir for proposed replacement.
  - A fire hydrant damaged by a vehicle accident was inspected and marked for replacement at the intersection of Morgan Street and S. Caldwell Street.

- A water meter was installed on a fire hydrant at Brevard College to determine flow data.
- Began painting interior of the Burrell Mountain Pump Station building.

**3. We encourage investment when we appear well-run and well planned.**

- **Public Works Facility and Operations Center maintenance included the following items during December:**
  - Pushed up stored dirt and brush piles on the lower yard.
  - Assembled office furniture and relocated other office items.
  - Installed a replacement printer and set up fax line in one office.
  - Routine housekeeping activities.

**Strategy: Enhance Quality of Life**

Encourage and enhance our family friendly and small town charm by bringing people of all ages together through physical connections within our community and to our natural assets of woods and water and personal connections to each other and to our cultural / historic assets of music, arts, and outdoor recreation.

- We encourage and enhance our family friendly and small town charm by bringing people together through physical connections within our community.

- Eighteen (18) utility locates for water and sewer lines in proposed excavation sites or other requirements were marked with flags or marking paint for other utility companies, building contractors or citizens.
- Also located existing utility lines on Probart Street between Railroad Avenue and Rosenwald Lane reference a proposed sidewalk installation project.

**Utility Locates**

- Brown Consultants (1)
- Charlie Landreth (1)
- Comporium (9)
- Dillard Excavating (3)
- Duke Energy (1)
- Holmes Land Surveyors (1)
- PSNC Gas (1)
- Ryan Lowell (1)

- The director attended meetings regarding various Public Works issues, a few of which included:
  - 6" Sewer Upgrade Project Monthly Meeting.
  - Denise Wade reference a water meter location.
  - Kings Creek Phase II Sewer Project Bid Opening.
  - Mark Burrows reference Tinsley Road utilities.
  - Public Works Committee Meeting.
  - Staff Meeting.

**2. We encourage and embrace our family friendly and small town charm by bringing people together through personal connection with each other.**

- Streets and sidewalks were cleaned downtown in preparation of Twilight Tour and the Christmas Parade. The Sanitation Division provided recycle bins, garbage dumpster and truck for use during the event. After the event items were removed and streets were cleaned.

- Community events were promoted by the following groups with Streets Division personnel erecting banners for:

- Center For Women Reindeer Run 5K Race
- Transylvania Handcrafters Craft Show and Sale
- Transylvania Hospice Tree of Remembrance

- Assisted Brevard Fire Department with removing an inflatable item from roof of the building.
- Taylor Hall demolition at Brevard College was assisted with personnel cutting and capping an old 6" fire line loose from the building. An additional 6" sewer service line was plugged.

- Brevard College was assisted with the Streets Division washing down a street covered with mud from the construction site with the flusher truck.



Brevard College street flushing.

**3. A safe community is one where residents know the city provides reliable and consistent service.**

- December employee activities and opportunities during included:
  - CSI Software Overtime Calculations Meeting.

- Cintas Uniform Company sizing meeting was scheduled for employees uniform replacement.
- Employee's Annual Christmas Luncheon.



**Employee's Christmas Luncheon—Brevard College Cafeteria**



**Shawn Miller receives eco award for herding elk toe mollusk in the French Broad River.**

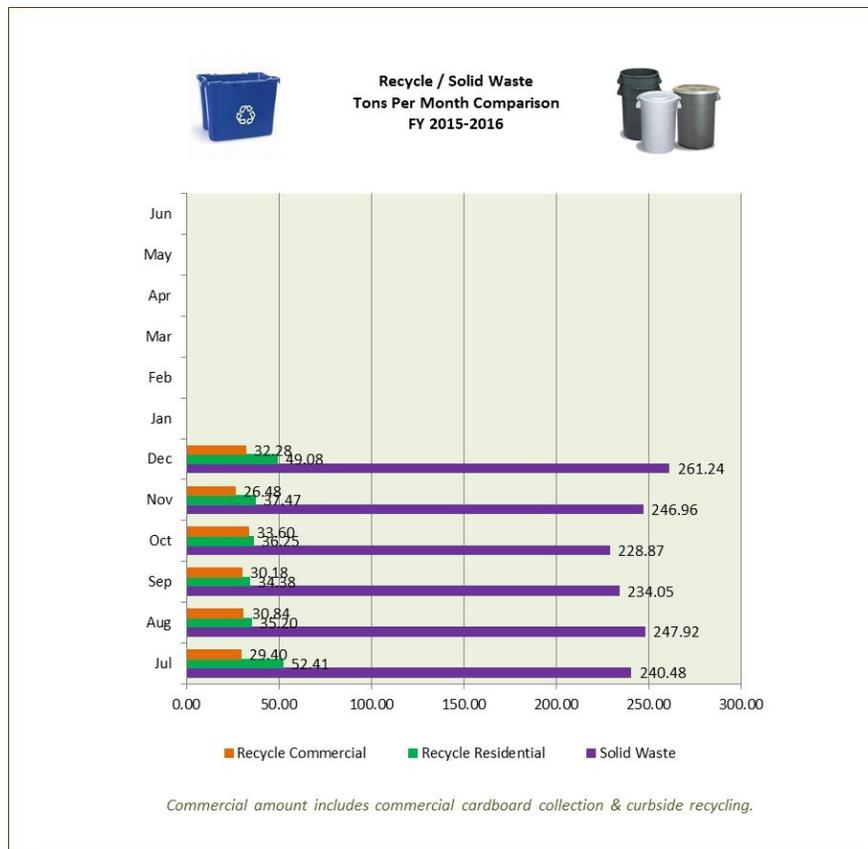
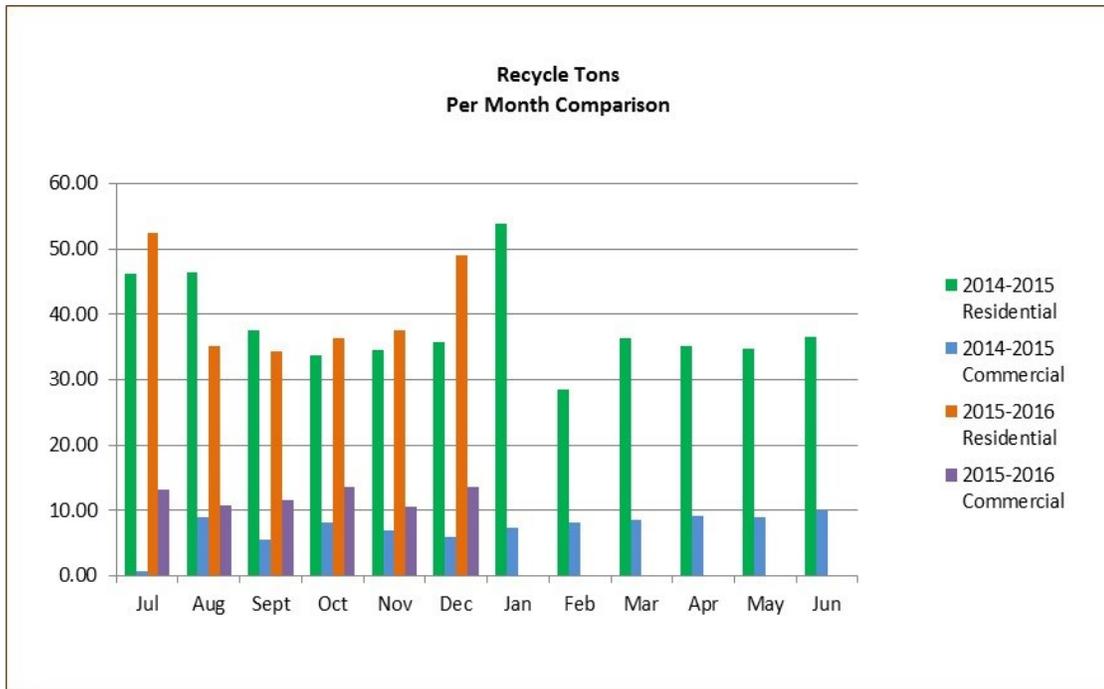
**APPENDIX I: December Departmental Statistics**

Service statistics are provided as indicators for Public Works performance and budgetary trends.

Item	Previous Month (November)	Current Month (December)	Year To Date (July - December)	Previous FY Year Total 2014-15
Commercial Cardboard	15.92	18.77	109.46	192.21
Electronics	0	4	14.00	69
Recycle Bin Delivery Residential	2	2	22.00	61
Recycle Bin Delivery Commercial	0	3	5.00	29
Recycle Cart Delivery Residential	13	15	92.00	257
Recycle Cart Delivery Commercial	5	3	25.00	157
Commercial Recycling	10.56	13.51	62.51	100.10
Residential Recycling	37.47	49.08	209.59	459.35
Solid Waste Collection	246.96	261.24	1,459.52	2,820.80
Special Collections	21	16	84.00	142
Special Collection - Single Item	2	2	12.00	20
Television - Large (\$10)	7	1	23.00	37
Television - Small (\$5)	2	2	9.00	6
Barricade / Event Item Delivery	4	2	13.00	21
Street Banners	4	5	48.00	57
Potholes	9	5	36.00	95
Sidewalk Footage (Length)	0.00	0.00	231.00	422.90
Utility Cuts	1	4	40.00	75
Fleet Service - City	131	124	746.00	1,498
Fleet Service - County	68	55	397.00	908
I&I Video Inspection (Length)	530	1,245	14,321.00	24,107
Sewer Blockages	6	6	26.00	79
Sewer Tap New Commercial	0	0	3.00	4
Sewer Tap New Residential	1	0	5.00	8
Sewer Taps Repaired	0	0	14.00	27
Utility Locates	22	18	118.00	189
Water Leaks	5	8	67.00	175
Water Meter Boxes	1	5	25.00	60
Water Meters New	0	0	5.00	11
Water Meters Other	5	5	57.00	131
Water Tap New Commercial	0	0	6.00	6
Water Tap New Residential	1	0	6.00	10
Water Taps Repaired	5	1	24.00	6

**APPENDIX II: December Sanitation Statistics**

Sanitation statistics are provided as indicators for solid waste and recycling performance.



**APPENDIX III: December Sanitation Statistics**

Sanitation statistics are provided as indicators for city commercial cardboard collection performance.

- Revenue includes customer fees collected plus sale of cardboard to American Recycling of Candler, NC.
- Expense includes collection of commercial cardboard labor, fuel and vehicle maintenance during the month.

Revenue	\$7,046.99
Expense	\$4,487.88
Net Profit or Loss	\$2,559.12

**APPENDIX IV: December Fuel Use Statistics**

Fuel Use Statistics are provided as indicators for vehicle and equipment fleet fuel use by the city and county vehicle fleet.

- December fuel use increased by 5.5% over the previous month of November by 737.1 gallons; and increased by .01% in expenses.
- Current Unleaded Fuel Price: **\$1.315**
- Current Diesel Fuel Price: **\$1.108**

Entity Comparison	Current Month Gallons	Previous Month Gallons	Monthly Gallons Difference	Current Month Expense	Previous Month Expense	Monthly Expense Difference	% of Gallons Difference	% of \$ Difference
City Vehicles	5,531.70	5,284.80	246.90	\$7,374.46	\$7,543.38	-\$168.92	4.7	-2.2
County Vehicles	8,645.10	8,171.90	473.20	\$11,619.02	\$11,455.11	\$163.91	5.8	1.4
Narcotics Task Force	17.00	0.00	17.00	\$23.70	\$0.00	\$23.70	#DIV/0!	#DIV/0!
<b>Totals</b>	<b>14,193.80</b>	<b>13,456.70</b>	<b>737.10</b>	<b>\$19,017.18</b>	<b>\$18,998.49</b>	<b>\$18.69</b>	<b>5.5</b>	<b>0.1</b>

**CONSENT AGENDA – Item K. 1b. Finance Department January 2016 Monthly Report**

The Finance Report will be emailed to Council members under separate cover on Friday, February 12<sup>th</sup>, and a hard copy will be provided at the meeting.

## The Brevard Police Department

### Quarterly Report for October 1<sup>st</sup> thru December 31, 2015

#### Special events and Community contacts:

- Conducted traffic control and security at numerous community events including: Homecoming Parade, Halloween Festival, Halloween traffic control, Christmas Parade/Twilight Festival, Oscar Blues White Squirrel Classic Cycling Bike Ride, and numerous funerals and other events.
- Crime Prevention assessments were conducted at several businesses, including St. Timothy United Methodist Church and Davidson River Presbyterian Church
- Chief Harris joined the North Carolina Child Fatality Task Force as an appointee by the Senate
- Brevard Police was represented at the Schenck Job Corp Community Relations Council
- The Chief Police Phil Harris and Transylvania County Sheriff David Mahoney met twice with citizens to discuss police procedures, problem solving, and ways to improve community connections.
- Conducted several tours of the Police Department including Government Day for the Vision program.

#### Training:

Members of the department spent 444 hours in training.

- Training in Police Law Institute
- Intoxilyzer and operator school
- Basic Narcotics
- Data Driven Approaches to Crime and Traffic
- In-Service Updates
- ICS Training
- Public Safety User's Conference

#### Crimes and Arrests:

- Solved two- year old B&E from American Legion with an arrest.
- Oscar Blues and Marco's Restaurant B&E with Larcenies solved with arrest of the same suspect and stolen property recovered.
- Sexual assault solved with an arrest.
- Solved Mayberry's Restaurant and owner's home B&E with larceny of firearm with an arrest and stolen property recovered.
- Credit Card Fraud solved with an arrest.
- Larceny of Motorcycle solved with suspect arrested.
- Larceny of Motor Vehicle solved.
- Larceny of Golf Cart from Transylvania Hospital recovered.
- Arrest made on child neglect case.
- High School ethnic intimidation with three suspects arrested for Hate Crimes.
- Arrest and guilty plea on two armed robberies with prison sentence.
- Received plea from suspect with prison sentence for vehicle B&E's.

**Uniform Crime Report:**

DATES	MURDER	RAPE	ROBBERY	AGG. ASSAULT	BURGLARY	LARCENY	MV THEFT	ARSON	TOTAL
Oct – Dec '14		1	1	2	6	40	1		51
Oct – Dec '15		1	1	2	14	47	2		67
% CHANGE					+133%	+17.5%	+100%		+31.3%

YEAR	POP.	MURDER	RAPE	ROBBERY	AGG. ASSAULT	VIOLENT CRIME TOTAL	BURGLARY	LARCENY	MV THEFT	ARSON	UCR TOTAL	CRIME PER 1000 POPULATION
2003	6,812	0	0	4	12	16	91	175	7	0	289	42
2004	6,800	0	6	3	18	27	65	195	10	2	297	43
2005	6,761	0	1	2	14	17	65	165	9	3	256	38
2006	6,776	0	3	3	27	33	58	177	7	2	275	41
2007	6,634	1	4	3	25	33	65	211	9	1	310	47
2008	6,674	0	2	6	17	25	75	209	5	0	313	47
2009	6,708	1	3	1	20	25	65	136	7	2	233	35
2010	6,722	0	4	3	14	21	52	149	6	0	228	34
2011	7,705	0	4	4	22	30	71	147	3	0	251	33
2012	7,626	0	2	7	11	20	33	221	5	0	279	37
2013	7,536	0	1	0	9	10	63	210	10	1	293	39
2014	7,636	0	1	2	8	11	41	179	7	2	238	31
	7,773	0	3	3	8	14	35	163	7	2	221	28



The City of  
*Brevard*  
North Carolina

**AGENDA ITEM**

**DATE:** February 15, 2016  
**TO:** Mayor and City Council Members  
**SUBJECT:** Amended Contract for Audit for Year Ended June 30, 2015

**APPROVED BY:** Jim Fatland, CPFO, City Manager

**BACKGROUND:** The State of North Carolina requires an annual audit be performed for the financial statements and disclosures. The audit contract must be approved by the Local Government Commission, City of Brevard and the Auditor Gould Killian CPA Group, P.A.. The City Council approved the audit contract for the year ended June 30, 2015 at its regularly scheduled meeting held on September 21, 2015 in the amount of \$29,900.

Dan Mullinix, CPA, partner with Gould Killian CPA Group presented the audited financial statements to the Finance and Human Resources Committee on December 8, 2015. Mr. Mullinix also reported that the audit engagement required more time for compliance testing and reporting this year as a result of several Federal and State Revolving Loans and Grants for the Water and Sewer Fund. The additional work reflected an increase of \$7,500 increasing the audit contract from \$29,900 to \$37,400.

**FINANCE COMMITTEE RECOMMENDATION:** Approve amended contract for audit services in the amount of \$37,400 to Gould Killian CPA Group, P.A. for year ended June 30, 2015.

**FISCAL IMPACT:** Total audit fee budgeted in Finance Department professional services line item.

LGC-205 (Rev. 2014)

CONTRACT TO AUDIT ACCOUNTS

Of City of Brevard
Governmental Unit and Discretely Presented Component Unit (DPCU) if applicable

On this 5th day of February, 2015

Auditor: Gould Killian CPA Group, P.A. Auditor Mailing Address: 100 Coxe Avenue, Asheville, N.C. 28801 Hereinafter referred to as The Auditor

and City Council (Governing Board (s)) of City of Brevard

: hereinafter referred to as the Governmental Unit (s), agree as follows:
Governmental Unit (s)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning July 1, 2014, and ending June 30, 2015. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCU's, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with Government Auditing Standards if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).

County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Circular A-133 for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.

3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in Government Auditing Standards, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in Government Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment..

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: October 31, 2015. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the Secretary of the LGC for approval.

**Contract to Audit Accounts (cont.)**

City of Brevard

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent to: [lgc.invoice@nctreasurer.com](mailto:lgc.invoice@nctreasurer.com). Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the following fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts:

**Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] AFIR Preparation - \$400**

**Audit \$34,000**

**Preparation of the annual financial statements \$3,000**

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. **The 75% cap for interim invoice approval for this audit contract is \$ 28,050** **\*\* NA if no interim billing**

10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.
11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include but not be limited to the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed prior to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements are used in the preparation of official statements for debt offerings (the Auditors' opinion is not included) by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the

## City of Brevard

### Contract to Audit Accounts (cont.)

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless, another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

The LGC's process for submitting contracts, audit reports and Invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, signed and dated by all parties and pre-audited if the change includes a change in audit fee. This document and a written explanation of the change must be submitted by email in PDF format to the Secretary of the LGC for approval. The portal address to upload your amended contract and letter of explanation documents is <http://nctreasurer.slgfd.leapfile.net> No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item #17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #23 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.
17. Special provisions should be limited. Please list any special provisions in an attachment.
18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of April, 2014. These instructions are subject to change. Please check the NC Treasurer's web site at [www.nctreasurer.com](http://www.nctreasurer.com) for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. Municipal & County Contracts: The Auditor acknowledges that any private employer transacting business in this State who employs 25 or more employees in this State must, when hiring an employee to work in the United States, use E Verify to verify the work authorization of the employee in accordance with N.C.G.S. §64 26(a). The Auditor acknowledges further that any such private employer and its subcontractors must comply with all of the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (North Carolina's E-verify law), and that such private employer has a duty under the law to ensure compliance by its subcontractors. The Auditor further acknowledges that this contract is of the type governed by S.L. 2013-418, which makes it unlawful for a local government to enter into certain types of contracts unless the contractor and its subcontractors comply with North Carolina's E-verify law, and that failure to comply with such law could render this contract void. The Auditor hereby covenants, warrants and represents for itself and its subcontractors that with respect to this contract the Auditor and its subcontractors shall comply with the provisions of North Carolina's E-verify law and that failure to comply with such law shall be deemed a breach of this contract and may render this contract void.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

**Contract to Audit Accounts (cont.)**

**City of Brevard**

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

*Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.*

**Audit Firm Signature:**

Gould Killian CPA Group, P.A.

Name of Audit Firm

By G. Edward Towson, II, CPA

Authorized Audit firm representative name: Type or print



Signature of authorized audit firm representative

etowson@gk-cpa.com

Email Address of Audit Firm:

Date

**Governmental Unit Signatures:**

By Jimmy Harris, Mayor

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By N/A

DPCU Chairperson: Type or print name and title

Signature of Chairperson of DPCU if applicable

Date

**Unit Signatures (continued):**

By N/A

Chair of Audit Committee - Type or print name

Signature of Audit Committee Chairperson \*\*

Date

\*\* If Governmental Unit has no audit committee, this section should be marked "N/A."

**PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)**

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By Jim Fatland, Finance Director

Governmental Unit Finance Officer: Type or print name

Finance Officer Signature

jim.fatland@cityofbrevard.com

Email Address of Finance Officer

Date

(Pre-audit Certificate **must be dated.**)

Date Governing Body Approved Audit Contract - G.S. 159-34(a)

Board Approval Date - Primary Government

N/A

Board Approval Date - DPCU



The City of  
*Brevard*  
North Carolina

**AGENDA ITEM**

**DATE:** February 15, 2016  
**TO:** Mayor and City Council Members  
**SUBJECT:** Contract for Audit Services

**APPROVED BY:** Jim Fatland, CPFO, City Manager

**BACKGROUND:** The State of North Carolina requires an annual audit be performed for the financial statements and disclosures. The audit contract must be approved by the Local Government Commission, City of Brevard and the Auditor Gould Killian CPA Group, P.A..

**RECOMMENDATION:** Approve contract for audit services to Gould Killian CPA Group, P.A. for year ended June 30, 2016.

**FISCAL IMPACT:** Total audit fee is \$30,100 which is budgeted in Finance Department professional services line item.



**GOULD KILLIAN  
CPA GROUP, P.A.**  
CERTIFIED PUBLIC ACCOUNTANTS

Jeffrey A. Gould  
Charles E. Killian  
Harold C. Cole  
G. Edward Towson, II  
Harvey W. Jenkins  
Shon P. Norris

January 8, 2016

Honorable Mayor and Members of City Council  
City of Brevard  
95 West Main Street  
Brevard, NC 28712

We are pleased to confirm our understanding of the services we are to provide City of Brevard for the year ending June 30, 2016. We will audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of City of Brevard as of and for the year ending June 30, 2016. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Brevard's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Brevard's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Required schedules for Law Enforcement Officers' Special Separation Allowance
- 3) Required schedules for Other Post-Employment Benefits
- 4) Required schedules for the Local Government Employees' Retirement System
- 5) Firefighters' and Rescue Squad Workers' Pension

We have also been engaged to report on supplementary information other than RSI that accompanies City of Brevard's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- 1) Combining and individual fund financial statements, budgetary schedules, and other schedules
- 2) Schedule of expenditures of federal and state awards

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The OMB Circular A-133 report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to members of the city council of City of Brevard. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of

assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

#### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Brevard's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Brevard's major programs. The purpose of these procedures will be to express an opinion on City of Brevard's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

### **Other Services**

We will also assist in preparing the annual financial information report, and the financial statements, schedule of expenditures of federal awards, and related notes of City of Brevard in conformity with U.S. generally accepted accounting principles and OMB Circular A-133 based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

### **Management Responsibilities**

Management is responsible for (1) establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1)

management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review on prior to completion of final fieldwork.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (2) you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as

your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

#### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

We will provide copies of our reports to the City of Brevard; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Gould Killian CPA Group, P.A. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a federal or state agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Gould Killian CPA Group, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the regulatory authorities. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit in June 2016 and to issue our reports no later than October 31, 2016. Ed Towson is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross

fee, including expenses, will not exceed \$30,900. The covered services for this fee include the financial statement audit, preparation of the financial statements, completion of the AFIR, and Data Unit Input Sheet. It also includes a single audit for up to one federal and one state major program. Each additional major program required to be audited will cost an additional \$2,400. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Brevard and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



G. Edward Towson, II  
Certified Public Accountant

RESPONSE:

This letter correctly sets forth the understanding of City of Brevard.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

LGC-205 (Rev. 2016)

**CONTRACT TO AUDIT ACCOUNTS**

Of City of Brevard  
Primary Governmental Unit

Discretely Presented Component Unit (DPCU) if applicable

On this 8th day of January, 2016,

Auditor: Gould Killian CPA Group, PA Auditor Mailing Address: 100 Coxe Avenue  
Asheville, NC 28801

Hereinafter referred to as The Auditor

and City Council (Governing Board(s)) of City of Brevard  
(Primary Government)

and \_\_\_\_\_ : hereinafter referred to as the Governmental Unit(s), agree as follows:  
(Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning July 1, 2015, and ending June 30, 2016. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).

County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Circular A-133 for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.

3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government*

**Contract to Audit Accounts (cont.)** City of BrevardGovernmental UnitDiscretely Presented Component Units (DPCU) if applicable

*Auditing Standards.* The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: October 31, 2016. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent via upload through the current portal address: <http://nctreasurer.slgfd.leapfile.net> Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: **Fees listed on signature pages.**)
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.

**Contract to Audit Accounts (cont.)** City of BrevardGovernmental UnitDiscretely Presented Component Units (DPCU) if applicable

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed **prior** to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, agreed-upon procedures report, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

The LGC's process for submitting contracts, audit reports and invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract needs to be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract, and then must be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload your amended contract is <http://nctreasurer.slgfd.leapfile.net>. No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item #17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of

**Contract to Audit Accounts (cont.)** City of BrevardGovernmental UnitDiscretely Presented Component Units (DPCU) if applicable

this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #22 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.

17. Special provisions should be limited. Please list any special provisions in an attachment.
- see engagement letter
18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of October 2015. These instructions are subject to change. Please check the NC Treasurer's web site at [www.nctreasurer.com](http://www.nctreasurer.com) for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. **The audit should not be started before the contract is approved.**
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. **E-Verify.** Auditor **shall comply** with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor **shall require** such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

***SIGNATURE PAGES FOLLOW***

Contract to Audit Accounts (cont.) City of Brevard  
Governmental Unit

Discretely Presented Component Units (DPCU) if applicable

City of Brevard - FEES

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] AFIR Preparation - \$800

Audit Fixed: \$27,100; Variable \$2,400 per major program (see engagement letter)

Preparation of the annual financial Statements \$3,000

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ 23,175

**\*\* NA if there is to be no interim billing**

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

Gould Killian CPA Group, PA

Name of Audit Firm

By G. Edward Towson, II, CPA

Authorized Audit firm representative name: Type or print

[Signature] CPA

Signature of authorized audit firm representative

Date 1/14/14

etowson@gk-cpa.com

Email Address of Audit Firm

Governmental Unit Signatures:

City of Brevard

Name of Primary Government

By Jimmy Harris, Mayor

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By N/A

Chair of Audit Committee - Type or print name

Signature of Audit Committee Chairperson

Date N/A

**\*\* If Governmental Unit has no audit committee, mark this section "N/A"**

City of Brevard

**PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)**

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By Jim Fatland, City Mgr & Finance Director

**Primary Governmental Unit Finance Officer:**

Type or print name

Primary Government Finance Officer Signature

Date

*(Pre-audit Certificate must be dated.)*

jim.fatland@cityofbrevard.com

Email Address of Finance Officer

Date Primary Government Governing Body

Approved Audit Contract - G.S. 159-34(a )

**RESOLUTION NO. 2016-\_\_\_\_\_**

**A RESOLUTION AWARDED CONTRACT FOR THE  
AUDITING OF THE CITY'S FINANCIAL STATEMENTS AND ACCOUNTS  
FOR THE YEAR ENDING JUNE 30, 2016**

WHEREAS, the City of Brevard conducts an annual independent audit of its financial statements and accounts in accordance with the North Carolina Local Government Budget and Fiscal Control Act, as amended; and

WHEREAS, the City desires to award contract for the performance of the audit of its financial statements and accounts ending June 30, 2016, to the firm of Gould Killian CPA Group, P.A.;

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

Section 1. The firm of Gould Killian CPA Group, P.A. is hereby awarded contract for the performance of the City's annual audit of its financial statements and accounts for the fiscal year ending June 30, 2016, for the contract price of \$30,100. This audit shall be performed under the single audit basis.

Section 2. The Mayor and City Finance Director are hereby authorized and directed to execute the standard Local Government Commission contract with Gould Killian CPA Group, P.A. for said audit.

Section 3. After execution by the auditor and City, said contract for the City's audit shall be forwarded to the North Carolina Local Government Commission for its approval and execution as prescribed by law.

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

Adopted and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jimmy Harris  
Mayor

ATTEST:

\_\_\_\_\_  
Desiree D. Perry  
City Clerk



# United States Department of the Interior



NATIONAL PARK SERVICE  
Blue Ridge Parkway  
199 Hemphill Knob Road  
Asheville, North Carolina 28803

IN REPLY REFER

A82

JAN 21 2016

Honorable Jimmy Harris  
City of Brevard  
95 W. Main Street  
Brevard, North Carolina 28712

Dear Honorable Harris,

This year, on August 25<sup>th</sup>, 2016 the National Park Service will celebrate its centennial. The 100<sup>th</sup> anniversary heralds an opportunity for national parks across the country to connect and engage with local communities. At the Blue Ridge Parkway, we are excited to seize this opportunity to strengthen relationships with the many wonderful people and places that surround the Parkway. Throughout the centennial year the Parkway will join the other 408 national parks in highlighting the centennial through events and initiatives. I would like to invite you to participate in our signature centennial initiative, called 100 Hikes.

The goal of the National Park Service Centennial is to connect with and create the next generation of park visitors, supporters, and advocates. The 100 Hikes initiative will realize this goal, as well as instill a sense of enjoyment and ownership of public lands in young people. As a community leader, you can participate by leading a children's hike on public land near your community. We hope to log 100 hikes to represent the 100 years of the National Park Service. The first step is to connect with a children's organization that serves youth who may not have had the opportunity to visit a national park or experience the great outdoors. The hike can take place at any point during the 2016 calendar year, and could be on the Blue Ridge Parkway, at a state park, state or national forest, a municipal park, or a local greenway or trail. By participating, you will be an integral player in fostering an intergenerational connection to natural public spaces.

To assist you in organizing your children's hike, the National Park Service at the Blue Ridge Parkway has created a digital toolkit offering guidance on the logistics of scheduling a hike, information about the National Park Service Centennial, and resources for spreading the word on the important work you are doing. Please refer to the project outline enclosed with this letter for the site URL and additional information.

Thank you for your participation in celebrating the National Park Service Centennial at the Blue Ridge Parkway. Copies of this letter were sent to tourism and parks and recreation officials in your community. We would like to establish your commitment to this initiative by the end of February. Please don't hesitate to reach out to us with any questions you might have about the 100 Hikes initiative. You can reach our office by contacting Marielle DeJong, our Centennial Volunteer Ambassador. E: [marielle\\_dejong@nps.gov](mailto:marielle_dejong@nps.gov) or P: (828)-348-3402.

Sincerely,

Mark Woods  
Superintendent



# Blue Ridge Parkway



## 100 Hikes

Thanks for participating in 100 Hikes! A more detailed version of this starter guide can be found at the website below.

**Website URL: [100hikesblueridge.com](http://100hikesblueridge.com)**

### **Step 1: Learn**

Browse the website. Learn about the National Park Service Centennial, and the mission of the 100 Hikes initiative

### **Step 2: Communicate**

Contact a children's organization in your community that you are interested in partnering with.

### **Step 3: Schedule**

Identify a date and time that will work for both you and the children's organization.

### **Step 4: Explore Options**

Select a hike location. The hike can be along the Blue Ridge Parkway, in a national forest, at a state park or forest, or on a trail within your community.

### **Step 5: Plan**

Determine if you are interested in having a National Park Service presence. Please note NPS will need 6 weeks of leave time for scheduling.

### **Step 6: Register**

Once you've completed the form the National Park Service will contact you to confirm your hike and work out any additional details. You'll be mailed a hike packet with forms and exciting paraphernalia!

### **Step 7: Get the Word Out**

Let your community know about this hike before and after. We've prepared social media and press release resource pages, and we're happy to help more!

### **Step 8: Hike!**

### **Contact us**

**Marielle DeJong**

**E: [marielle\\_dejong@nps.gov](mailto:marielle_dejong@nps.gov)**

**P: (828)-348-3402**





## City of Brevard Advisory Boards & Committees Appreciation Dinner

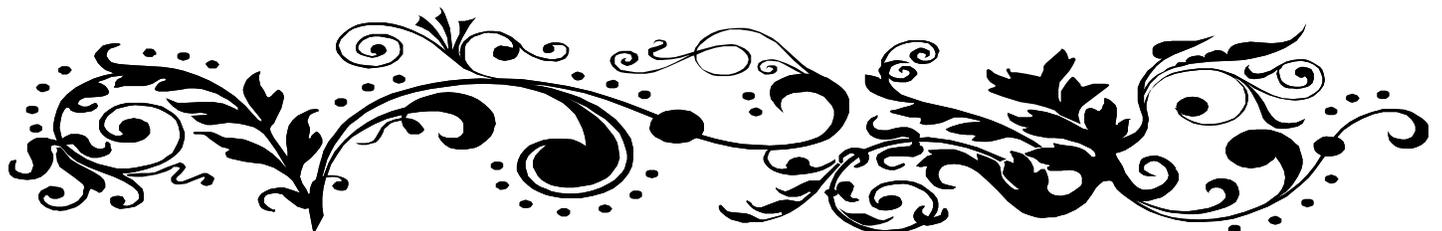
In appreciation of your service as a board member,  
Brevard City Council and staff invite you to  
the advisory board and committee member appreciation dinner.

Monday, March 7, 2016 at 6:00 pm  
Marco Trattori Restaurant  
204 West Main Street  
Brevard, NC

Please respond by Monday, February 29th with your “accept”  
and your meal choice; or with your “regret”.

Menu choices are printed on the back.

Desiree Perry, City Clerk  
885-5614 or [dperry@cityofbrevard.com](mailto:dperry@cityofbrevard.com)



**STAFF REMINDER**

City Council, February 15, 2016 Meeting

**Title:** FY2016-17 Budget – Public Input and Non-Profit Requests – March 21, 2016 Meeting

**Date:** February 8, 2016

**Prepared by:** Desiree Perry, City Clerk

**Background / Discussion:** Council introduced the Budget Public Input as part of the FY2010-11 Budget process and has consistently offered this opportunity at every subsequent March Council meeting. The goal is to include promoting citizen engagement and focusing non-profit efforts. Council should expect a series of requests, not to exceed five minutes, from both citizens and non-profits.

For those non-profits in a contractual relationship with the City, their requests should focus more specifically on the progress made on the performance measures included in the contract.

Staff will analyze all requests and offer recommendations to Council at the May 23<sup>rd</sup> budget work session.

**Staff Recommendation:** No action. Staff offers this as a reminder of the budget public and non-profit participation that will occur at Council's March 21, 2016, meeting.

# Unfinished Business

# New Business

**RESOLUTION NO. 2016-\_\_\_\_\_**

**A RESOLUTION APPROVING A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
FOR THE OPERATION OF TAXICABS**

WHEREAS, the City of Brevard has received an application for a Certificate of Public Convenience and Necessity for the operation of taxicabs within the City; and,

WHEREAS, Chapter 78 of the Brevard City Code prescribes that upon the receipt of an application for a Certificate of Public Convenience and Necessity the City shall fix a time and place for a public hearing. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given the general public by publishing a notice of such hearing in a newspaper having general circulation within the City; and,

WHEREAS, City Council hereby acknowledges receipt by the City Clerk of an application from Mr. Jim Hyatt, 4321 Island Ford Road, Brevard, North Carolina, for a Certificate of Public Convenience and Necessity to operate "Transylvania Taxi" taxicab service within the City; and

WHEREAS, pursuant to the provisions of the City Code a public hearing date was set for Tuesday, January 19, 2016, at 7:00 PM, or as soon thereafter as possible, to receive public comment on same. Notice of the hearing was published in the newspaper on Monday, January 4<sup>th</sup> and January 11<sup>th</sup>, 2016; and, a letter giving notice of the public hearing date was mailed on December 22, 2015, to the applicant, Mr. Jim Hyatt, and to Ms. Pamela McCall, Brevard City Cab LLC, holder of a Brevard Certificate of Public Convenience and necessity; and

WHEREAS, a public hearing upon said application was conducted on Tuesday, January 19, 2016, whereby interested parties were afforded the opportunity for public comment upon the application; and,

WHEREAS, after considering the results of the public hearing the City Council finds that the proposed taxicab service in the City is required by the public convenience and necessity and the applicant is fit, willing and able to perform such public transportation and is willing to conform to the provisions of the City Code and the rules promulgated by the City Council, and that the applicant has filed proof of financial responsibility as required by state law; and,

WHEREAS, in making the above findings, the City Council has taken into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public needs, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant; and,

WHEREAS, it is the desire of the City Council of the City of Brevard to approve the Certificate of Public Convenience and Necessity as requested.

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

Section 1. That the City Clerk of Brevard is hereby authorized and directed to issue a Certificate of Public Convenience and Necessity to Mr. Jim Hyatt for the operation of "Transylvania Taxi" within the City of Brevard. The Certificate shall state the name and address of the applicant, the number of vehicles authorized, and the date of issuance of the Certificate; all in accordance with Chapter 78 of the Brevard City Code.

Section 2. The applicant for the Certificate of Public Convenience and Necessity described in Section 1 of this Resolution shall make application and pay for all licenses and fees as prescribed by Brevard City Code as a condition of the issuance of the Certificate, and

Resolution No. 2016-\_\_\_\_  
Date of Adoption  
Page 2 of 2

must otherwise comply with all regulatory requirements for the operation of taxicabs within the City of Brevard and the State of North Carolina.

Section 3. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Jimmy Harris  
Mayor

ATTEST:

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Desiree D. Perry, CMC, NCCMC  
City Clerk

# Remarks / Future Agenda Considerations

# Closed Session(s)

North Carolina General Statute 143-318.11 Closed Sessions.

(a) Permitted Purposes. – It is the Policy of the State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required.